

### **164.6941 Definitions for KRS 164.6941 to 164.6951.**

As used in KRS 164.6941 to 164.6951, unless context otherwise requires:

- (1) "Affiliated corporation" means an entity created or designated by the governing board of an institution under KRS 164A.610 by adopted resolution;
- (2) "Agency contract" has the same meaning as in KRS 164.6903;
- (3) "Athlete agent" has the same meaning as in KRS 164.6903;
- (4) "Compensation" means anything of value, monetary or otherwise, including but not limited to cash, gifts, in-kind items of value, social media compensation, payments for licensing or use of publicity rights, payments for other intellectual or intangible property rights under federal or state law, and any other form of payment or remuneration, but shall exclude:
  - (a) Tuition, room, board, books, fees, and personal expenses that a postsecondary educational institution provides a student-athlete in accordance with the rules of the intercollegiate athletic association of which the institution is a member;
  - (b) Federal Pell Grants and other state and federal grants or scholarships unrelated to and not awarded because of a student-athlete's participation in intercollegiate athletics or sports competitions;
  - (c) Any other financial aid, benefits, or awards that an institution provides a student-athlete in accordance with the rules of the intercollegiate athletic association of which the institution is a member; or
  - (d) The payment of wages and benefits to a student-athlete by an institution for work actually performed, but not for athletic ability or participation in intercollegiate athletics, at a rate commensurate with the prevailing rate for similar work in the locality of the institution;
- (5) "Enrolled" has the same meaning as in KRS 164.6903;
- (6) "Image" means a picture or video of the student-athlete;
- (7) "Institutional agreement" means a written contract or agreement between a student-athlete and an institution or its affiliated corporations that gives compensation to the athlete, including but not limited to sharing revenue as permitted or as required by a legal settlement or applicable law. Such compensation may be in exchange for the use of the student athlete's name, image, or likeness, institutional brand promotion, or other rights;
- (8) "Intercollegiate athletic association" or "association" means any athletic association, athletic conference, or other similar organization which acts as an organizing, sanctioning, scheduling, or rule-making body of intercollegiate athletic events in which postsecondary educational institutions take part, or an officer, director, or employee of such entities;
- (9) "Intercollegiate athletics" has the same meaning as "intercollegiate sport" in KRS 164.6903;
- (10) "Likeness" means a physical, digital, or other depiction or representation of the student-athlete;
- (11) "Name" means the first, middle, or last name, or nickname of the student-athlete when used in a context that reasonably identifies the student-athlete with

- particularity, which may include a team number, symbol, logo, or brand;
- (12) "Name, image, and likeness agreement" or "NIL agreement" means a written contract or agreement between a student-athlete and a third party that gives compensation to the athlete in exchange for the use of the athlete's name, image, or likeness;
  - (13) "Official team activities" means activities a postsecondary educational institution requires a student-athlete to participate in as part of an institutional agreement or other written team contract that includes but is not limited to games, practices, exhibitions, scrimmages, trainings, meetings, team appearances, team photograph and video sessions, individual photograph and video sessions, media interviews and appearances, marketing activities, team travel, and institutional camps and clinics;
  - (14) "Postsecondary educational institution" or "institution" means a public or private Kentucky college, university, or community college that participates in intercollegiate athletics, or an officer, director, or employee of such institutions;
  - (15) "Prevailing range of compensation" means a range of compensation for a valid business purpose related to the promotion or endorsement of goods or services provided to the general public for profit, with compensation at rates and terms commensurate with compensation paid to similarly situated student-athletes who are not current or prospective student-athletes at the institution;
  - (16) "Prospective student-athlete" means a person who is not currently enrolled in a postsecondary educational institution but has been identified by that institution for possible recruitment and participation in intercollegiate athletics;
  - (17) "Recruit" or "recruitment" means to attempt to influence a person's choice of postsecondary educational institution;
  - (18) "Student-athlete" means a person who:
    - (a) Has entered into an institutional agreement or other contract to enroll and participate in intercollegiate athletics as an athlete at an institution; or
    - (b) Is enrolled and participates as an athlete in intercollegiate athletics at an institution; and
  - (19) "Third party" means a person or entity, other than an institution, affiliated corporation, or an association, that offers, solicits, or enters into an NIL agreement.

**Effective:** March 13, 2025

**History:** Amended 2025 Ky. Acts ch. 10, sec. 1, effective March 13, 2025. -- Created 2022 Ky. Acts ch. 12, sec. 1, effective March 9, 2022.

**Legislative Research Commission Note** (3/9/2022). 2022 Ky. Acts ch. 12, sec. 9, reads as follows: "The General Assembly hereby declares all name, image, and likeness agreements entered into pursuant to Executive Order 2021-418 to be valid for the duration of one year from this Act becoming law. Upon that date, any contracts entered into pursuant to the order shall become invalid but may be renewed by the student athlete pursuant to the provisions of this Act. Executive Order 2021-418 is hereby nullified and is of no further force or effect."

**Legislative Research Commission Note** (3/9/2022). Under the authority of KRS 7.136(1), the Reviser of Statutes has renumbered certain subsections in this statute during codification to arrange the terms in alphabetical order. The words in the text were not changed.