

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 378
Committee Substitute Favorable 3/19/25
PROPOSED SENATE COMMITTEE SUBSTITUTE H378-PCS30470-RQf-17

Short Title: Various Ed Law/Tax Acct/NIL Changes.

(Public)

Sponsors:

Referred to:

March 13, 2025

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION AND HIGHER EDUCATION
LAWS; TO INCREASE PROTECTIONS FOR FUNDS HELD IN EDUCATION
SAVINGS AND INVESTMENT ACCOUNTS AND ABLE ACCOUNTS FROM CLAIMS
OF CREDITORS AND OTHER JUDGMENTS; TO AUTHORIZE NAME, IMAGE, AND
LIKENESS AGENCY CONTRACTS; AND TO EXEMPT NAME, IMAGE, AND
LIKENESS CONTRACTS FROM PUBLIC RECORDS REQUIREMENTS.

The General Assembly of North Carolina enacts:

**PART I. TECHNOLOGY COST CONSIDERATIONS AND REPORTS ON BREAK/FIX
RATES**

SECTION 1.1.(a) Part 3A of Article 8 of Chapter 115C of the General Statutes is amended by adding the following new sections to read:

"§ 115C-102.10. Technology costs considerations.

The State Board of Education shall adopt rules requiring all public school units to evaluate the following when acquiring technology, computer hardware, and software:

- (1) The long-term cost of ownership, including costs of repairing the technology, computer hardware, or software.
- (2) Any flexibility for innovation during the life of the technology, computer hardware, or software.
- (3) Any anticipated resale or salvage value at the end of the target life cycle for the technology, computer hardware, or software based on the average resale or salvage value of similar technology, computer hardware, or software as a percentage of the initial cost of purchase.

"§ 115C-102.11. Break/fix rate reporting requirement.

(a) Definitions. – The following definitions apply in this section:

- (1) Break/fix rate. – The percentage obtained by dividing the number of school technology devices reported as malfunctioning or needing repair due to physical damage, hardware failure, or other breakage incidents prior to the stated life cycle period, not covered by insurance or a policy plan period, by the total number of school technology devices in operation during that period.
- (2) School technology device. – Any electronic or computerized equipment provided for educational purposes in a public school unit, including computers, tablets, interactive whiteboards, and similar devices or anything



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considered a digital device for purposes of the digital learning dashboard pursuant to G.S. 115C-102.9.

(b) Each governing body of a public school unit shall submit a report on the following information to the State Board of Education by August 15 annually:

(1) The break/fix rate of the school technology devices in the public school unit for the previous school year.

(2) The total number of school technology devices currently in operation in the public school unit.

(3) The total number of school technology devices in the public school unit requiring repair that (i) underwent repair or (ii) were no longer in service during the previous school year.

(4) The total amount of funds spent to repair or replace school technology devices during the previous school year.

(c) The State Board of Education shall report to the Joint Legislative Education Oversight Committee by November 15 annually on the break/fix rate of school technology devices across all public school units based on the reports submitted by the governing bodies in accordance with subsection (b) of this section. This report shall include a summary of the data reported by each governing body and recommendations to reduce break/fix rates in the future."

SECTION 1.1.(b) The first reports from governing bodies of public school units required by G.S. 115C-102.11(b), as enacted by this section, shall be submitted no later than August 15, 2026, based on data collected during the 2025-2026 school year. The first report from the State Board of Education required by G.S. 115C-102.11(c), as enacted by this section, shall be submitted no later than November 15, 2026.

SECTION 1.1.(c) G.S. 115C-12 is amended by adding a new subdivision to read:

"(50) To Require Evaluation of Technology Costs. – The State Board shall adopt rules governing public school units evaluating technology costs in accordance with G.S. 115C-102.10."

SECTION 1.1.(d) G.S. 115C-47 is amended by adding the following new subdivisions to read:

"(70) To Evaluate Technology Costs. – A local board of education shall adopt a policy requiring the evaluation of technology costs considerations adopted by the State Board of Education pursuant to G.S. 115C-102.10.

(71) To Report on Break/Fix Rate. – A local board of education shall report annually to the State Board of Education on the break/fix rate of school technology devices in accordance with G.S. 115C-102.11."

SECTION 1.1.(e) G.S. 115C-150.12C is amended by adding the following new subdivisions to read:

"(37) Evaluate technology costs. – The board of trustees shall adopt a policy requiring the evaluation of technology costs considerations adopted by the State Board of Education pursuant to G.S. 115C-102.10.

(38) Report on break/fix rate. – The board of trustees shall report annually to the State Board of Education on the break/fix rate of school technology devices used in the school in accordance with G.S. 115C-102.11."

SECTION 1.1.(f) Part 2 of Article 14A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-218.33. School technology.

(a) A charter school shall adopt a policy requiring the evaluation of technology costs considerations adopted by the State Board of Education pursuant to G.S. 115C-102.10.

(b) A charter school shall report annually to the State Board of Education on the break/fix rate of school technology devices used in the school in accordance with G.S. 115C-102.11."

1 **SECTION 1.1.(g)** G.S. 115C-238.66 is amended by adding the following new
2 subdivisions to read:

3 "(18a) The board of directors shall adopt a policy requiring the evaluation of
4 technology costs considerations adopted by the State Board of Education
5 pursuant to G.S. 115C-102.10.

6 (18b) The board of directors shall report annually to the State Board of Education
7 on the break/fix rate of technology used in the school in accordance with
8 G.S. 115C-102.11."

9 **SECTION 1.1.(h)** G.S. 116-239.8(b) is amended by adding the following new
10 subdivisions to read:

11 "(21a) Evaluate technology costs. – The chancellor shall adopt a policy requiring the
12 evaluation of technology costs considerations adopted by the State Board of
13 Education pursuant to G.S. 115C-102.10.

14 (21b) Report on break/fix rate. – The chancellor shall report annually to the State
15 Board of Education on the break/fix rate of technology used in the school in
16 accordance with G.S. 115C-102.11."

17 **SECTION 1.1.(i)** This section is effective when it becomes law and applies
18 beginning with the 2025-2026 academic year.

19 **SECTION 1.2.(a)** Article 1 of Chapter 115D of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 115D-9.40. Evaluation of technology costs.**

22 The State Board of Community Colleges shall adopt a policy that requires all community
23 colleges to evaluate the following when acquiring technology, computer hardware, and software:

- 24 (1) The long-term cost of ownership, including costs of repairing the technology,
25 computer hardware, or software.
26 (2) Any flexibility for innovation during the life of the technology, computer
27 hardware, or software.
28 (3) Any anticipated resale or salvage value at the end of the target life cycle for
29 the technology, computer hardware, or software based on the average resale
30 or salvage value of similar technology, computer hardware, or software as a
31 percentage of the initial cost of purchase."

32 **SECTION 1.2.(b)** This section is effective when it becomes law and applies
33 beginning with the 2025-2026 academic year.

34 **SECTION 1.3.(a)** G.S. 116-11 is amended by adding a new subdivision to read:

35 "(9c) The Board shall adopt a policy that requires all constituent institutions to
36 evaluate the following when acquiring technology, computer hardware, and
37 software:

- 38 a. The long-term cost of ownership, including costs of repairing the
39 technology, computer hardware, or software.
40 b. Any flexibility for innovation during the life of the technology,
41 computer hardware, or software.
42 c. Any anticipated resale or salvage value at the end of the target life
43 cycle for the technology, computer hardware, or software based on the
44 average resale or salvage value of similar technology, computer
45 hardware, or software as a percentage of the initial cost of purchase."

46 **SECTION 1.3.(b)** This section is effective when it becomes law and applies
47 beginning with the 2025-2026 academic year.

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49 **PART II. LEON'S LAW**

50 **SECTION 2.(a)** This section shall be known and may be cited as "Leon's Law."

1 **SECTION 2.(b)** Article 1 of Chapter 115D of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 115D-10.80. Education records of minor students.**

4 (a) The State Board of Community Colleges shall direct each community college to adopt
5 a policy that does all of the following:

6 (1) To the extent allowed under the Family Educational Rights and Privacy Act
7 (FERPA), 20 U.S.C. § 1232g, provides education records, as defined in 34
8 C.F.R. § 99.3, of minor students to that student's parent if all of the following
9 criteria are met:

10 a. The student is below the age of 18.

11 b. The student is a dependent, as defined in section 152 of the Internal
12 Revenue Code of 1986, of the parent.

13 c. The parent has not opted out of receiving the records.

14 (2) Requires minor students whose education records are subject to subdivision
15 (1) of this subsection to complete a form, prior to registration in any course at
16 the community college, acknowledging that the parents of the student have
17 access to the education records of the student.

18 (b) For the purposes of this section, "parent" is defined as the parent, guardian, or an
19 individual acting as a parent in the absence of a parent or guardian of a student."

20 **SECTION 2.(c)** This section is effective when it becomes law and applies beginning
21 with the 2025-2026 academic year.

22
23 **PART III. EXPAND ACADEMIC TRANSITION PATHWAYS FOR SOPHOMORE**
24 **HIGH SCHOOL STUDENTS**

25 **SECTION 3.(a)** G.S. 115D-20(4)a. reads as rewritten:

26 "a. Subject to the approval of the State Board of Community Colleges,
27 local community colleges may collaborate with public school units
28 and nonpublic schools to offer courses through the following
29 programs:

30 1. Repealed by Session Laws 2022-71, s. 3.2, effective July 8,
31 2022.

32 2. Academic transition pathways for qualified ~~junior and~~
33 ~~sophomore, junior, and~~ senior high school students that lead to
34 a career technical education certificate, diploma, or State or
35 industry-recognized credential and academic transition
36 pathways for qualified freshmen ~~and sophomore~~ high school
37 students that lead to a career technical education certificate or
38 diploma in (i) industrial and engineering technologies, (ii)
39 agriculture and natural resources, (iii) transportation
40 technology, (iv) construction, or (v) business technologies.

41 3. College transfer pathways requiring the successful completion
42 of 30 semester credit hours of transfer courses, including
43 English and mathematics, for the following students:

44 I. Qualified junior and senior high school students.

45 II. Qualified freshman and sophomore high school
46 students, if all of the following requirements are met:

47 A. The student is determined to be academically
48 gifted, have a demonstrated readiness for the
49 course material, and have the maturity to justify
50 admission to the community college by (i) the
51 community college president, (ii) the student's

high school principal or equivalent administrator, and (iii) the academically gifted coordinator, if one is employed by the high school or local school administrative unit.

B. The student participates in academic advising focused on the implications of being admitted to college early with representatives from the high school and the community college.

C. The student's parent or guardian has given consent for the student to participate."

SECTION 3.(b) This section is effective when it becomes law and applies beginning with the 2025-2026 school year.

PART IV. NONDISCRIMINATORY ADMISSIONS EVALUATIONS AND MILITARY DEFERMENT

SECTION 4.(a) Article 1 of Chapter 116 of the General Statutes is amended by adding a new Part to read:

"Part 8A. Military Admissions and Deferment.

"§ 116-44.9A. Definitions.

For purposes of this Part, the following definitions shall apply:

(1) Applicant. – An individual who has applied for admission to a constituent institution of The University of North Carolina.

(2) Armed Forces. – The United States Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, and North Carolina National Guard.

(3) Constituent institution of The University of North Carolina. – A constituent institution of higher education of The University of North Carolina, as defined in G.S. 116-2(4), excluding the constituent high school, the North Carolina School of Science and Mathematics.

(4) Reserve Armed Forces. – The reserve components of any of the Armed Forces.

(5) Uniformed service. – Any of the following:

a. Armed Forces.

b. Reserve Armed Forces.

c. The Merchant Marine.

"§ 116-44.9B. Nondiscriminatory evaluations of applications.

A constituent institution of The University of North Carolina shall not deny admission to any applicant solely on the basis of the applicant's indication that the applicant is serving in the uniformed service or that the applicant intends to serve in the uniformed service.

"§ 116-44.9C. Deferment.

(a) Deferment Requests. – The Board of Governors of The University of North Carolina shall adopt a policy requiring constituent institutions to provide for enrollment deferment for members of the uniformed services and spouses of members of the uniformed services if the deferment is requested at least 30 days prior to enrollment in a constituent institution.

(b) Deferment Periods. – Members and spouses of members of the reserve Armed Forces shall be granted deferments of at least two years after entry into the reserve Armed Forces. All other members and spouses of members of the uniformed services shall be granted deferments of at least five years after entry into the uniformed services."

SECTION 4.(b) This section is effective when it becomes law and applies beginning with the 2025-2026 academic year.

PART V. UNC SELF-LIQUIDATING CAPITAL PROJECTS

SECTION 5.(a) The purpose of this section is to authorize the financing of the capital improvement projects listed in this section for the respective institutions of The University of North Carolina with funds available to the institutions from gifts, grants, receipts, self-liquidating indebtedness, Medicare reimbursements for education costs, hospital receipts from patient care, or other funds, or any combination of these funds, but not including funds received for tuition or appropriated from the General Fund or State Capital and Infrastructure Fund of the State unless previously authorized by General Statute.

SECTION 5.(b) The capital improvement projects, and their respective costs, authorized by this section to be financed as provided in subsection (a) of this section, including by revenue bonds, by special obligation bonds as authorized in subsection (d) of this section, or by both, are as follows:

University of North Carolina at Chapel Hill

Electrical Distribution System/Substations & Switchgear Upgrade	\$14,581,920
Fetzer Hall Addition/Campus Recreation	\$90,000,000

University of North Carolina at Wilmington

Parking Deck III	\$12,000,000
Student Housing Village – Phase III	\$71,002,458

SECTION 5.(c) At the request of the Board of Governors of The University of North Carolina and upon determining that it is in the best interest of the State to do so, the Director of the Budget may authorize an increase or decrease in the cost of, or a change in the method of, funding the projects listed in this section. In determining whether to authorize a change in cost or funding, the Director of the Budget may consult with the Joint Legislative Commission on Governmental Operations.

SECTION 5.(d) Pursuant to G.S. 116D-26, the Board of Governors may issue, subject to the approval of the Director of the Budget, at one time or from time to time, special obligation bonds of the Board of Governors for the purpose of paying all or any part of the cost of acquiring, constructing, or providing for the projects listed in subsection (b) of this section. The maximum principal amount of bonds to be issued shall not exceed the specified amounts in subsection (b) of this section plus five percent (5%) of such amount to pay issuance expenses, fund reserve funds, pay capitalized interest, and pay other related additional costs plus any increase in the specific project costs authorized by the Director of the Budget pursuant to subsection (c) of this section. The amounts specified in subsection (b) of this section are not inclusive of other amounts that may have been authorized by an act of the General Assembly for the projects listed.

SECTION 5.(e) This section is effective when it becomes law.

PART VI. PROTECT CERTAIN TAX-ADVANTAGED ACCOUNTS

SECTION 6.(a) Article 16 of Chapter 1C of the General Statutes is amended by adding the following new section to read:

"§ 1C-1601.5. Certain tax-advantaged accounts exempt.

(a) For purposes of this section, the following definitions shall apply:

(1) Qualifying account. – Any of the following:

a. An education savings and investment plan account qualified under section 529 of the Internal Revenue Code.

b. An ABLE account qualified under section 529A of the Internal Revenue Code.

(2) Qualifying purpose. – Any of the following:

- a. For education savings and investment plan accounts, any purpose permitted under section 529 of the Internal Revenue Code.
- b. For ABLE accounts, any purpose permitted under section 529A of the Internal Revenue Code.
- (b) Notwithstanding any other provision of law, including G.S. 1C-1601(e), funds located in a qualifying account or withdrawn from the account and used for a qualifying purpose shall not be subject to liens, attachment, garnishment, levy, seizure, any involuntary sale or assignment by operation or execution of law, or the enforcement of any other judgment or claim to pay any debt or liability of any account owner, beneficiary, or contributor to an account.
- (c) Nothing in this section shall be construed to do any of the following:
- (1) Prohibit the distribution of funds from an ABLE account following the death of the account owner under G.S. 147-86.73(e) or section 529A of the Internal Revenue Code.
- (2) Limit the enforcement of judgments or claims on funds that meet any of the following criteria:
- a. Were not used for a qualifying purpose.
- b. Were deposited into a qualifying account as a result of fraud, intentional wrongdoing, or other violation of law."

SECTION 6.(b) G.S. 1C-1601(a)(10) is repealed.

SECTION 6.(c) This section becomes effective September 1, 2025, and applies to actions filed on or after that date.

PART VII. AUTHORIZATION FOR NAME, IMAGE, AND LIKENESS AGENCY CONTRACTS

SECTION 7.(a) Article 9 of Chapter 78C of the General Statutes reads as rewritten:
"Article 9.

"Uniform Athlete Agents Act.

"§ 78C-85. Title.

This Article may be cited as the "Uniform Athlete Agents Act".

"§ 78C-86. Definitions.

The following definitions apply in this Article:

- (1) Agency contract. – An agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete ~~a~~ either of the following:
 - a. A professional-sports-services contract or an endorsement contract.
 - b. An NIL contract.
- (2) Athlete agent. – An individual who enters into an agency contract with a student-athlete or, directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract. The term includes an individual who represents to the public that the individual is an athlete agent. The term does not include a spouse, parent, sibling, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.
- (3) Athletic director. – An individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.
- (4) Contact. – A communication, direct or indirect, between an athlete agent and a student-athlete to recruit or solicit the student-athlete to enter into an agency contract.

- (5) ~~Endorsement contract. — An agreement under which a student-athlete is employed or receives consideration to use on behalf of the other party any value that the student-athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance.~~
- (6) Intercollegiate sport. — A sport played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association for the promotion or regulation of collegiate athletics.
- (6a) Name, image, and likeness (NIL) agency contract. — An agreement in which a student-athlete authorizes a person to negotiate or solicit an NIL contract on behalf of the student-athlete.
- (6b) Name, image, and likeness (NIL) contract. — A contract between a student-athlete and any entity in which the student-athlete receives consideration in exchange for the license or use of the student-athlete's name, image, or likeness.
- (7) Person. — An individual, company, corporation, partnership, association, or any other legal or commercial entity.
- (7a) Professional-sports-services agency contract. — An agreement in which a student-athlete authorizes a person to negotiate or solicit a professional-sports-services contract on behalf of the student-athlete.
- (8) Professional-sports-services contract. — An agreement under which an individual is employed or agrees to render services as a player on a professional sports team, with a professional sports organization, or as a professional athlete.
- (9) Record. — Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (10) Registration. — A certificate issued by the Secretary of State evidencing that a person has satisfied the requirements of an athlete agent pursuant to this Article.
- (11) Student-athlete. — An individual who engages in, is eligible to engage in, or may be eligible in the future to engage in any intercollegiate sport. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student-athlete for purposes of that sport.

...

"§ 78C-88. Athlete agents; registration required; exceptions; void contracts.

(a) Except as otherwise provided in this section, an individual may not act as an athlete agent in this State without holding a certificate of registration under G.S. 78C-90 or G.S. 78C-92.

(b) Before being issued a certificate of registration, an individual may act as an athlete agent in this State for all purposes except signing an agency contract if: (i) a student-athlete or another person acting on behalf of the student-athlete initiates communication with the individual; and (ii) within seven days after an initial act as an athlete agent, the individual submits an application for registration as an athlete agent in this State.

(c) ~~A~~ Except as prohibited in G.S. 78C-98(c), a North Carolina licensed and resident attorney may act as an athlete agent in this State for all purposes without registering pursuant to this section if the attorney neither advertises directly for, nor solicits, any student-athlete by representing to any person that the attorney has special experience or qualifications with regard to representing student-athletes and represents no more than two student-athletes.

(d) An agency contract resulting from conduct in violation of this section is void, and the athlete agent shall return any consideration received under the contract.

...

"§ 78C-94. Required form of contract.

(a) An agency contract must be in a record, signed or otherwise authenticated by the parties.

(b) An agency contract must state or contain the following:

(1) The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent under the contract and any other consideration the athlete agent has received or will receive from any other source for entering into the contract or for providing the services.

(2) The name of any person not listed in the application for registration or renewal of registration who will be compensated because the student-athlete signed the agency contract.

(3) A description of any expenses that the student-athlete agrees to reimburse.

(4) A description of the services to be provided to the student-athlete.

(5) The duration of the contract.

(6) The date of execution.

(c) ~~An~~ A professional-sports-services agency contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT-ATHLETE

IF YOU SIGN THIS CONTRACT:

(1) **YOU SHALL LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;**

(2) **IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR;**

(3) **YOU WAIVE YOUR ATTORNEY-CLIENT PRIVILEGE WITH RESPECT TO THIS CONTRACT AND CERTAIN INFORMATION RELATED TO IT; AND**

(4) **YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT SHALL NOT REINSTATE YOUR ELIGIBILITY.**

(c1) An NIL agency contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT-ATHLETE

ENTERING INTO AN NIL CONTRACT THAT CONFLICTS WITH STATE LAW OR YOUR INSTITUTION'S POLICIES MAY HAVE NEGATIVE CONSEQUENCES, SUCH AS LOSS OF ATHLETIC ELIGIBILITY. YOU MAY CANCEL THIS NIL AGENCY CONTRACT WITHIN 14 DAYS AFTER SIGNING IT.

(d) An agency contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agency contract, the student-athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.

(e) The athlete agent shall give a record of the signed or otherwise authenticated agency contract to the student-athlete at the time of execution.

(f) The waiver of attorney-client privilege does not affect those privileges between client and attorney when the attorney is not an athlete agent.

"§ 78C-95. Notice to educational institution.

(a) Within 72 hours after entering into ~~an~~ a professional-sports-services agency contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the professional-sports-services agency contract to the athletic director of the educational institution

at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.

(b) Within 72 hours after entering into ~~an~~ a professional-sports-services agency contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete shall inform the athletic director of the educational institution at which the student-athlete is enrolled that he or she has entered into ~~an~~ a professional-sports-services agency contract.

...

"§ 78C-98. Prohibited conduct.

(a) An athlete agent, with the intent to induce a student-athlete to enter into an agency contract, shall not:

- (1) Give any materially false or misleading information or make a materially false promise or representation.
- (2) Furnish anything of value to a student-athlete before the student-athlete enters into the agency contract.
- (3) Furnish anything of value to any individual other than the student-athlete or another registered athlete agent.

(b) An athlete agent shall not intentionally:

- (1) Initiate contact with a student-athlete unless the athlete agent is registered under this Article.
- (2) Refuse or fail to retain or permit inspection of the records required to be retained by G.S. 78C-97.
- (3) Fail to register as required by G.S. 78C-88.
- (4) Provide materially false or misleading information in an application for registration or renewal of registration.
- (5) Predate or postdate an agency contract.
- (6) Fail to notify a student-athlete before the student-athlete signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication shall make the student-athlete ineligible to participate as a student-athlete in that sport.

(c) If an athlete agent is currently or was within the prior two years employed or in a contractual relationship with an educational institution, the following shall apply:

- (1) The athlete agent shall not enter into an NIL agency contract with a student-athlete who is enrolled in that educational institution.
- (2) An NIL agency contract is void if, following entry into an NIL agency contract, a student-athlete enrolls in that educational institution.

...."

SECTION 7.(b) This section is effective when it becomes law and applies to NIL agency contracts entered into on or after that date.

PART VIII. PUBLIC RECORDS EXEMPTION FOR CERTAIN NAME, IMAGE, AND LIKENESS CONTRACTS

SECTION 8.(a) G.S. 132-1.2 reads as rewritten:

"§ 132-1.2. Confidential information.

Nothing in this Chapter shall be construed to require or authorize a public agency or its subdivision to disclose any information that:

...

- (11) Reveals records related to a student-athlete's name, image, and likeness contract, as defined by G.S. 78C-86(6b)."

1 **SECTION 8.(b)** This section is effective when it becomes law and applies
2 retroactively to all records related to a student-athlete's name, image, and likeness contract ever
3 in the possession of the institution of higher education.
4

5 **PART IX. EFFECTIVE DATE**

6 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes
7 law.