

# **State Control in NIL Regulation: A Comparative Analysis of State NIL Statutes**

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## **Abstract**

*Name, Image, and Likeness (NIL) policies in American collegiate athletics are evolving, with important institutional, ethical, legal, and financial ramifications. By allowing student-athletes to make money from their personal brands, NIL policies have revolutionized college athletics. However, it comes with inequalities, inconsistent regulations, and ethical issues. To answer this question, I used NIL data collected by the National Conference of State Legislators. Four main themes emerge. First, legal conflicts between traditional NCAA athletics and state NIL statutes have led to unequal regulations. Second, competition for talented athletes drives policy diffusion between states, resulting in unequal chances. Third, while NIL increases the financial options of athletes, it also introduces financial instability based on the sport, institution, and market size. Fourth, institutional reactions differ greatly, wealthier programs offer more assistance, widening competitive disparities. Overall, the research shows that while NIL regulations boost athlete liberty and earning opportunities, it also creates issues with long-term results, oversight, and fairness. The review identifies shortcomings such as a lack of collaborative analysis, a shortage of longitudinal research, and a lack of emphasis on athletes' everyday lives. These results show the need for more comprehensive research to help create and guide efficient NIL policies.*

# **Literature Review**

## **Introduction**

The recognition of Name, Image, and Likeness (NIL) rights for college athletes marks a significant change in the collegiate athletics landscape. As a result of these policy changes, athlete earnings, institutional leadership, state laws, and ethical concerns now interact in complex ways. NIL has made it possible for student-athletes to make money off their own brands, which presents new possibilities as well as challenges for athletes, academic institutions, and legislators. In March 2026, President Trump launched the “Saving College Sports” campaign at a White House roundtable with athletic directors, officials, and college coaches. Two of the high profile coaches at the meeting included Urban Meyer and Nick Saban. NIL, transfer portal rules, and possible federal regulation to restructure college sports were the main topics of their discussion.

This literature review asks the question of: How do differences in state NIL policies affect athlete opportunities, institutional behavior, and financial outcomes in college athletics? This review will primarily focus on how differences among state policies create variations in endorsement opportunities, potential earnings, and institutional backing, rather than a broad overview of NIL.

The review is organized around four main themes. First, it examines the constitutional and legal concerns associated with NIL and explains how each state's differing NIL policies make it a challenge to follow the NCAA's traditional framework of amateurism. Second, it looks at how NIL policies spread across states and how competition affects the adoption of more or less restrictive policies. Third, it looks at the financial effects of NIL for athletes, emphasizing

risk factors, financial opportunities, and inequalities across states. Lastly, it examines stakeholder behaviors, institutional reactions, and ethical issues that occur among athletes when states have differing rules. Taken together, these studies explain what is currently known regarding state NIL differences, where the gaps still occur, and why additional research is necessary. Each section demonstrates how variations in state regulations create unequal opportunities among institutions and athletes.

## **Legal and Constitutional Issues of NIL**

Understanding the legal and constitutional concerns regarding NIL is essential to comprehending how differences in state policy structure college athletics. By allowing athletes to profit from their name, image and likeness under regulations that vary from state to state, state NIL policies shake up the existing NCAA amateurism model. Dearinger's 2025 study argues that state-level NIL policies put state experimentation and broader constitutional standards at odds. In addition, by looking at both state policy and case law, the study argues that NIL policies can create conflict between state attempts to regulate athletic earnings and federal constitutional worries. This is especially true when regulations differ greatly across each state. This investigation highlights the possibility of legal disputes and inconsistent enforcement across jurisdictions, even as states try to promote athletes. However, states do not all adopt the same legal guidelines. Certain states allow for more institutional involvement with less restrictions, while other states have stricter regulations. This leaves athletes subject to differing regulations depending on the state in which they compete.

An ethical viewpoint is also necessary because variations in state policy might influence which athletes are qualified for NIL deals and which athletes are not. Fortunato's theoretical approach evaluates possible ethical problems, such as conflicts of interest, excessive marketing, and unfair access to endorsements. For instance, athletes in prominent sports and large media markets typically have more lucrative NIL opportunities, and those benefits can increase when they compete in states with more athlete friendly NIL regulations. State differences intensify these variations because athletes in less restrictive states may obtain more institutional backing and easier access to sponsorships than athletes in more restrictive states. This raises questions in college athletics regarding economic fairness, competitive fairness, and regional fairness. When an athlete's earning potential is shaped by which state they compete in rather than only on skill, athletic ability, or popularity, NIL policy creates economic and geographic inequalities.

When combined, these studies highlight how crucial it is to comprehend NIL policy's ethical and legal constraints. They also reveal a significant gap in the literature. While scholars acknowledge the disputes between state and federal structures, there is still little that has been published about how these distinctions impact athletes and institutions in reality. For instance, based on where an athlete is competing, different state policies may result in opportunities that are not equal. Additional research should concentrate on the real-world effects of these legal discrepancies across states. Such research may look at how state systems differ in terms of long-term fairness, endorsement deals, and institutional involvement.

## **State Policy Diffusion and Competition**

Using a mixed-methods approach, Colvin and Jansa (2024) investigate the swift growth of NIL legislation and discover that other states often borrow NIL policies from one another to stay competitive. States differ greatly from one another as a result of this process, with some implementing less restrictive policies to draw athletes while others upholding more restrictive ones. In many cases, states are frequently driven by the desire to attract elite athletes and preserve recruiting advantages rather than emphasizing fairness. Due to this, opportunities for athletes vary by state, with less regulated states typically offering more financial and marketing benefits. This leads to a framework where states attempt to achieve an advantage by implementing favorable NIL policies, such as stronger institutional backing or more endorsement opportunities. Because of this, athletes in some states might have better financial and marketing possibilities than equally talented athletes playing in more regulated states.

Lovell and Mallinson expand on this viewpoint by analyzing regional and political differences in NIL adoption. They claim that states with traditionally successful athletic programs have a tendency to implement more beneficial NIL laws, which causes inequities for athletes in more restrictive states. This implies that state policy differences support current competitive opportunities, compared to trying to make equal opportunities across programs. According to these studies, competitive and economic factors have a significant impact on policy diffusion rather than only fairness or athletic well being. Supplementary sources like Frazzini and the NIL Network help show how state NIL policies continue to change. These sources further demonstrate how policy differences directly affect athlete opportunities. For instance,

states that permit institutional involvement give athletes more access to endorsements and backing, while more restricted states can restrict these options.

Despite strong evidence that states have a major influence on NIL policy, there are few studies that look at the long-term impact of these differences. More specifically, little research has been done on the long-term effects of state level differences on athlete behavior, institutional policies, and competitive balance. Long-term studies are necessary to determine if these differences continue and how they affect more general outcomes like recruiting trends and athlete success across different regions.

## **Economic Implications for Athletes**

The financial impact of NIL on college athletes is one of the most important areas of NIL research. Cocco and Moorman (2022) show that NIL opportunities are not equally distributed throughout collegiate sports. State law also has an impact on these disparities since athletes in less restrictive states have more access to institutional resources, endorsement opportunities, and marketing support. Football and men's basketball players, particularly at large programs and in top conferences, are more likely to receive favorable endorsement deals. In addition, these advantages can become even greater in less restrictive states. This demonstrates that while NIL expands financial disparities among athletes, it also increases earning opportunities for other athletes. These differences are influenced not only by the sport and its program size but also by state regulations and the regional markets.

Ehrlich, Sabin, and Ternes (2023) argue that NIL has pushed college athletes into a gig economy. The level of institutional support, which varies according to state policy, can shape an athlete's ability to successfully navigate this framework. In this framework, athletes perform as

independent contractors who must balance completing academic and athletic standards. They must also manage brand agreements, social media posts, taxes, and fluctuating incomes. This shows NIL does more than just provide athletes extra income, it also gives them additional money and professional obligations that many athletes aren't ready for.

According to O'Reily et al. (2023), market visibility, team performance, and institutional resources all influence access to NIL deals. Athletes at schools with better media publicity, donor backing, and athletic marketing typically have a greater chance of making money from NIL compared to athletes at mid-major or less recognizable institutions. From this perspective, an athlete's college, sport, local economy, and state regulations all have an impact on their NIL earnings in addition to their athletic ability.

When taken as a whole, these studies show that NIL has both produced unfairness and created opportunities. Due to these differences in sport popularity, institutional backing, and state regulation, some athletes can now earn large incomes while others have restricted access to these advantages. The long-term economic ramifications of NIL still require additional research, especially how these earnings help athletes maintain financial stability after graduation or primarily benefit a select few throughout their athletic careers.

## **Institutional Responses and Stakeholder Dynamics**

Institutional and stakeholder responses are another crucial component of NIL research. State regulations have a significant influence on these responses, which impact how much support institutions can offer athletes. Wiley and Cocco identify major differences in governance frameworks, compliance procedures, and support systems between institutions. Underfunded schools find it difficult to give equal access, while institutions with strong

marketing teams and compliance departments help athletes navigate NIL agreements better. State regulation is important because it has the power to either increase or decrease the support institutions can create for their athletes.

Lovell and Mallinson further argue that despite following state regulations and NCAA policies, institutions must strike a balance between public relations concerns, compliance expenses, and competitive pressures. The authors argue that athlete possibilities and results can be greatly influenced by institutional reactions. Media coverage also shows how institutions react differently to evolving NIL policies. For instance, certain institutions actively create NIL brand deals and platforms, while other institutions fall behind, widening the gap significantly between institutions.

While there is little study on ideal strategies for equality and effectiveness, these results emphasize the significance of institutions as facilitators. Future studies should track institutional actions over time while comparing athletes' success across institutions in differing competitive and regulated states.

## **Ethical Considerations and Gaps in Research**

Despite addressing institutional, legal, and economic issues, there are still significant flaws in the literature. Many of these flaws result from a failure to consider the impact of state law differences on fairness and equal treatment. Fairness, equality, and possible exploitation are among the ethical issues that are not given enough attention. In particular, athletes in states with restrictions have limited access to opportunities, which raises questions about regional disparity in college sports. The literature also gives less attention to the social and psychological

consequences of NIL, primarily concentrating on policy structure, legal challenges, and financial results.

In addition, the literature lacks detailed interdisciplinary integration. Economic modeling is typically left out of legal assessments, ethical issues are rarely included in economic research, and athlete viewpoints are generally ignored in institutional evaluations. The lack of longitudinal studies also creates a challenge to evaluate the long-term effects of NIL on athlete recruitment, institutional competition, and career outcomes. In order to better understand NIL and influence future policy, these shortcomings must be addressed.

## **Conclusion**

The research shows that variations in state NIL policies have a profound impact on institutional governance, player earnings, state policy, and legal structures in college athletics. Throughout the literature, the most significant themes are institutional responses, policy diffusion, legal conflict, economic inequality, and ethical worries. Overall, these studies indicate that NIL does not operate under one framework, rather, its impacts depend heavily on the state restrictions that athletes and institutions operate within. However, there are still many gaps, especially when it comes to interdisciplinary analysis, equal access, and long term results. To evaluate NIL more fully, additional research is needed on its legal, economic, and social perspectives across different state regulatory systems. Understanding these differences is important not only for scholars but also for legislators, institutions, and student-athletes, because state NIL policy has an influential role in forming college athletics.

## **Preliminary Analysis**

### **Methods and Analysis**

This study examines the variations in Name, Image, and Likeness (NIL) regulations across the United States as well as potential explanations. The primary goal is to learn why certain states have less restrictive NIL policies while others have more restrictive ones. In order to accomplish this, I compiled data from a variety of sources, such as the National Conference of State Legislators (NCSL), NIL Network, and a number of academic and news outlets that observe modifications to NIL policies. These resources offered insights on how each state implements its NIL policies and what kinds of freedoms or restrictions are granted.

All 50 states are included in the dataset, states in the United States serve as the study's unit of analysis. The degree of NIL policy freedom was used to classify each state. Least freedom, limited freedom, moderate freedom, more freedom, and most freedom are some of these classifications. I developed a set of specific guidelines based on how restrictive or relaxed each state's NIL laws are in order to categorize states according to their degree of NIL freedom. Athlete autonomy (whether or not athletes can negotiate their own deals), institutional involvement (extent to which schools can assist in forming deals), the use of collectives (outside parties can pay athletes), agent representation (whether athletes can hire agents), restrictions on endorsement deals (bans athletes from representing certain industries), and the use of NCAA "safe harbor" laws that protect athletes and institutions from penalties were among the key policy areas. States were categorized according to their overall measures of freedom based on these variables. States that have strict laws and high restrictions are classified as having the least freedom, while states with hardly any restrictions and potential perks are classified as having the

most freedom. Limited freedom, moderate freedom, and more freedom are the categories in the middle. These categories were assigned by how many regulations a state has, with the moderate category being evenly balanced, and the more freedom category having less restrictions but still a few perhaps. This made it possible for me to contrast states in a way that demonstrates distinct variations on restrictive or non-restrictive state policies. The independent variables include the regions of North, South, East, and West, proportion of Democrats in state legislatures, levels of education, and if states allow or prohibit agent and collective policies among college athletes.

I applied a simple quantitative approach. This involves using visual representations like bar graphs and stacked charts, comparing percentages, and evaluating averages. For instance, I examined the breakdown of NIL groups by region and the number of states that fit into each group. I also examined the levels of Democratic leadership and education in each NIL group. Even though this statistical model isn't very complex, it continues to be helpful in determining broad patterns and correlations among variables. In addition, connections between variables were examined using fundamental comparative statistical tests including crosstabulation. Although there was little formal significance testing, important trends in the data were found using mean comparisons and percentage differences.

Since NIL policy remains fairly new and its purpose is to find trends rather than show strict causation, this approach is effective for this kind of project. It is much easier to understand how politics and geography may affect NIL policies when states are compared and categorized. All in all, this method makes it possible to evaluate differences in NIL policy among the states in an orderly and transparent way.

I test multiple hypotheses generated by the literature reviewed. The hypotheses for this study are:

- 1.) Southern states tend to have more NIL freedoms while non-south states tend to have less.
- 2.) States with higher college education levels tend to have fewer NIL freedoms.
- 3.) States with Democratic representation are more likely to have more NIL restrictions.
- 4.) States with more restrictive NIL policies are more likely to prohibit agent and collective involvement.

### **Hypothesis One: Regional Influence**

Southern states tend to have more NIL freedoms while other states tend to have less. This hypothesis relies on the belief that college sports have become particularly popular in the South. Institutions in the South tend to be very competitive and significantly depend on attracting elite athletes. As a result, states could create less restrictive NIL regulations to benefit the institution. In contrast to regions like the West or North, Southern states should demonstrate greater levels of NIL freedom.

Figure 1.1

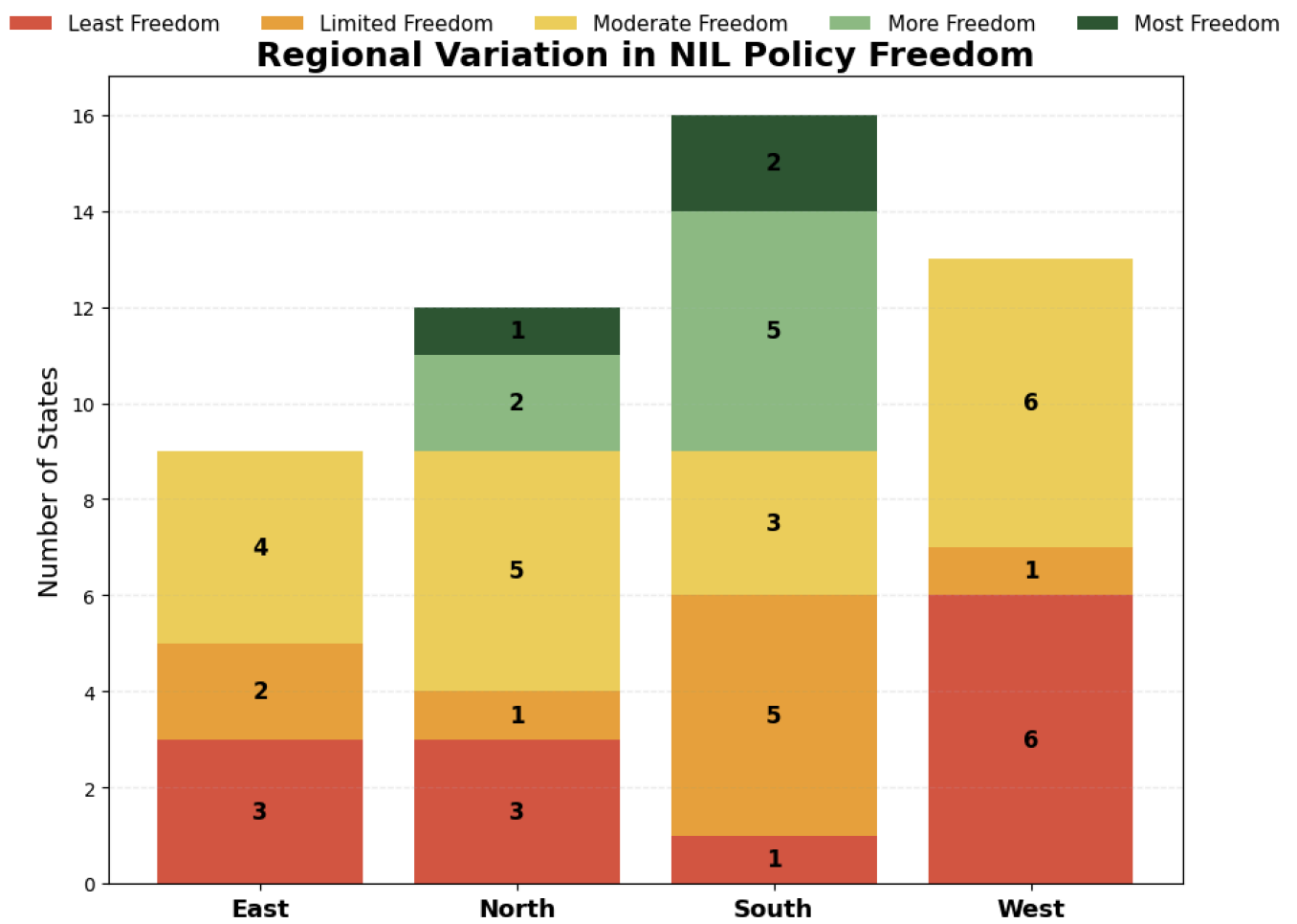


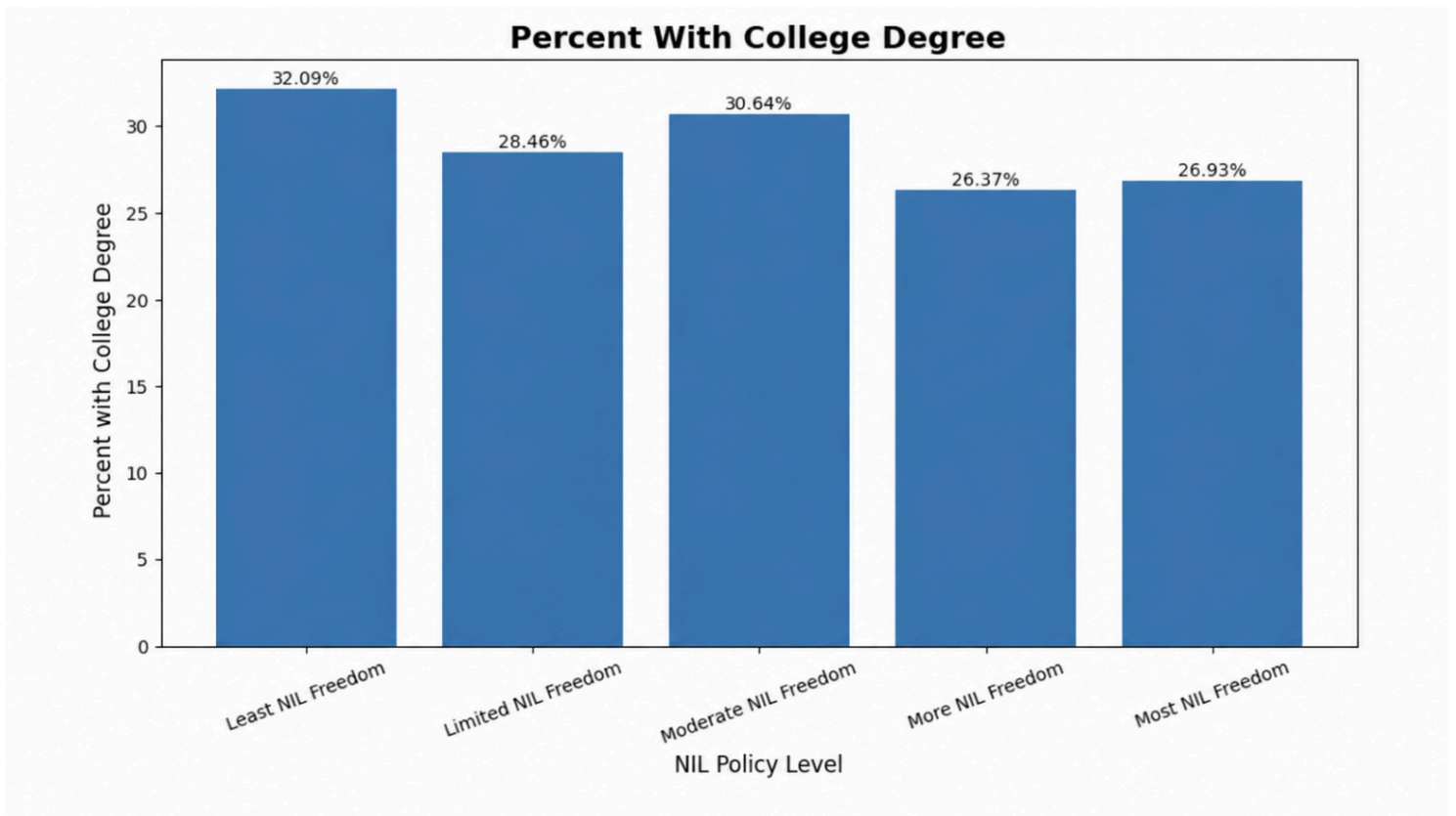
Figure 1.2

STATE	INSTITUTIONAL INVOLVEMENT	ATHLETE AUTONOMY	PROHIBITED CATEGORIES	AGENT & COLLECTIVE INVOLVEMENT	INDEX	REGION
Ohio	0	1	0	0	1	North
Michigan	0	1	0	0	1	North
Indiana	0	1	0	0	1	North
Nebraska	1	1	0	0	2	North
Wisconsin	0	2	1	0	3	North
Minnesota	0	2	1	0	3	North
North Dakota	0	2	1	0	3	North
South Dakota	0	2	1	0	3	North
Kansas	0	2	1	0	3	North
Iowa	1	2	1	0	4	North
Missouri	1	3	0	1	5	North
West Virginia	0	2	0	0	2	South
North Carolina	0	2	0	0	2	South
Georgia	1	1	0	0	2	South
Kentucky	1	1	0	0	2	South
Alabama	0	2	1	0	3	South
Arkansas	1	1	0	1	3	South
South Carolina	1	3	0	0	4	South
Florida	1	3	0	0	4	South
Louisiana	1	3	0	0	4	South
Tennessee	1	3	0	0	4	South
Mississippi	1	3	0	0	4	South
Oklahoma	1	3	0	1	5	South
Texas	1	3	0	1	5	South
Connecticut	0	1	0	0	1	East
New Jersey	0	1	0	0	1	East
Pennsylvania	0	1	0	0	1	East
Maine	0	1	1	0	2	East
New York	0	1	0	1	2	East
Delaware	0	2	0	0	2	East
New Hampshire	0	2	1	0	3	East
Vermont	0	2	1	0	3	East
Massachusetts	0	2	1	0	3	East
Rhode Island	0	2	1	0	3	East
Colorado	0	1	0	0	1	West
Utah	0	1	0	0	1	West
Nevada	0	1	0	0	1	West
California	0	1	0	0	1	West
Oregon	0	1	0	0	1	West
Washington	0	1	0	0	1	West
Arizona	0	1	1	0	2	West
Montana	0	1	1	0	3	West
Idaho	0	2	1	0	3	West
Wyoming	0	2	1	0	3	West
Hawaii	0	2	1	0	3	West
New Mexico	0	3	0	0	3	West
Alaska	1	2	0	0	3	West

## Hypothesis Two: Education Level

States with higher college education levels tend to have fewer NIL freedoms. This hypothesis is based on the idea that states with higher levels of education might prioritize structure and regulation more. Fairness, long-term effects, and keeping stability in college sports are possibly more important to these states. Therefore, rather than granting total freedom, they might implement more restrictive NIL policies.

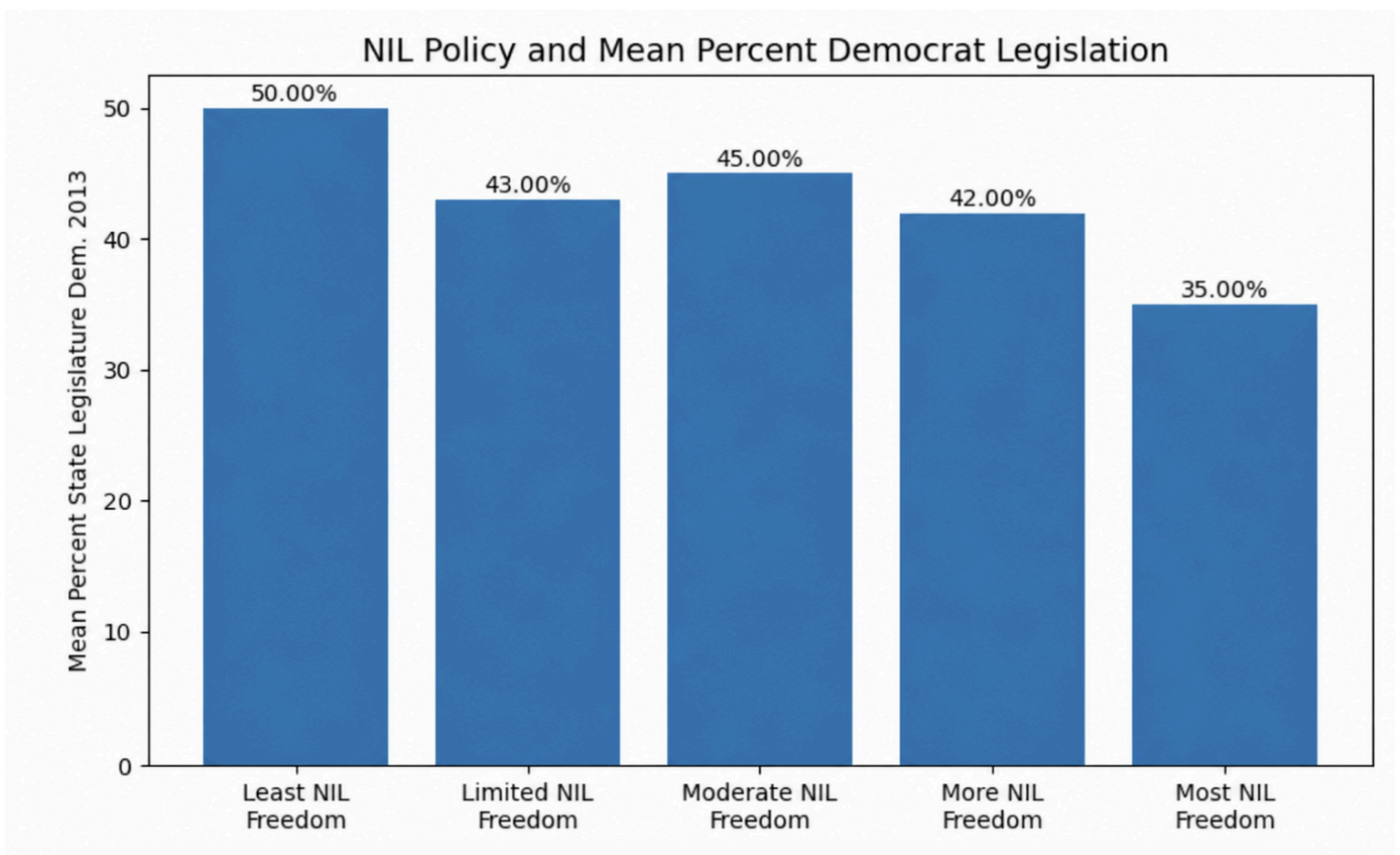
Figure 1.3



### Hypothesis Three: Political Composition

States with Democratic representation are more likely to have more NIL restrictions. This hypothesis relies on broad patterns of political behavior. Republican led states typically support less regulation, while Democratic led states often have more concern about equal opportunity and the priority of education instead of sports. This leads typically to higher regulations in these states. Knowing this, it would be believed that states with greater Democratic representation will have more restrictive NIL policies.

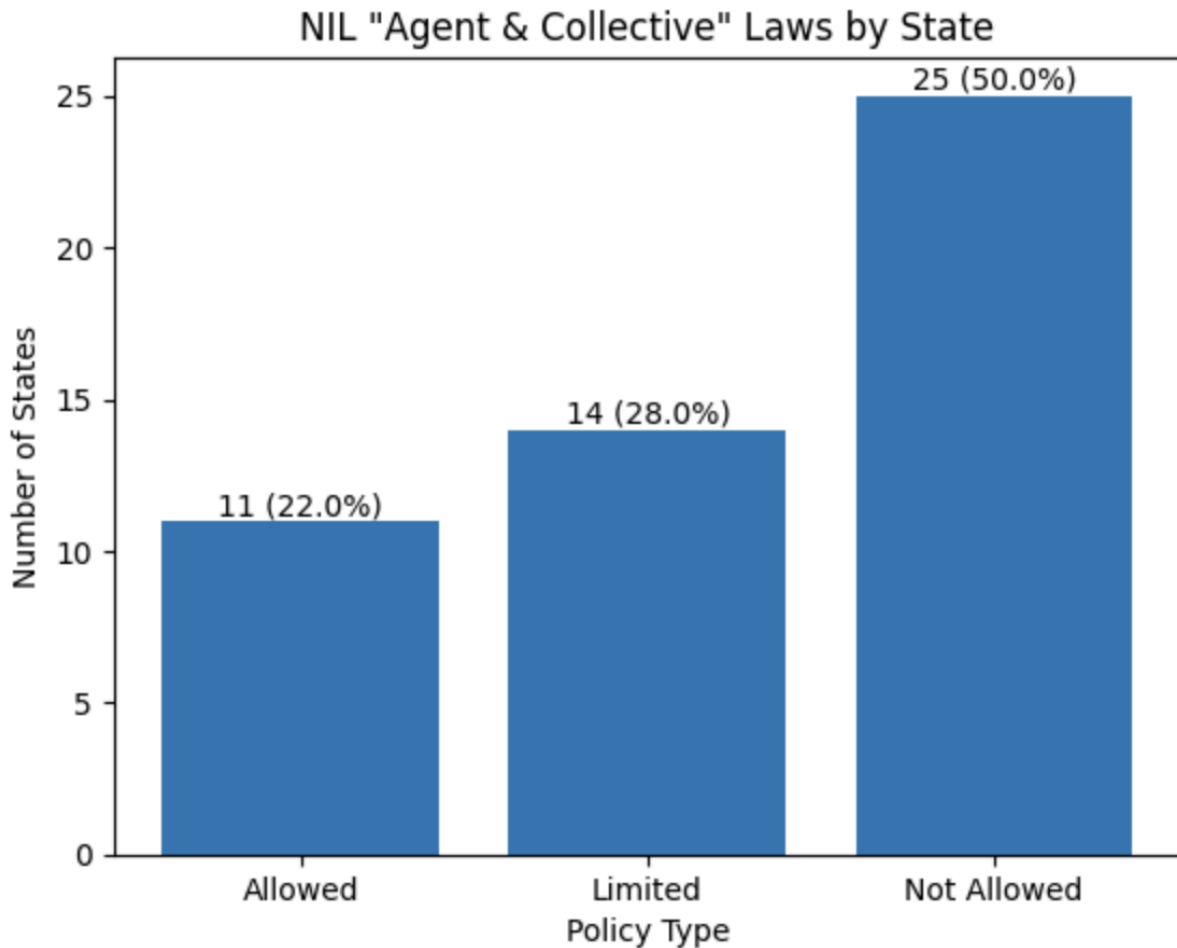
Figure 1.4



## Hypothesis Four: Agent and Collective Regulation

States are more likely to prohibit NIL agent and collective involvement rather than regulating it. This hypothesis is predicated on the belief that NIL policies are still evolving and not entirely understood. As a result, instead of attempting to develop detailed policies, states may decide to take easier actions, such as prohibiting particular conduct. If true, more states should outright ban agents and collectives instead of permitting them under formal regulations.

Figure 1.5



While the data shows that many states currently prohibit agent and collective involvement, this pattern can be explained through diffusion theory. As states compete for athletes and recruiting advantages, economic and competitive pressures will likely push more states to shift from prohibition toward allowing and regulating these activities over time. This directly aligns with the literature review, which demonstrates that states change their NIL policies in response to competitive pressures rather than just fairness. This pattern is supported by Colvin and Jansa’s research, which shows that states frequently follow other state policies in order to stay competitive. In addition, research shows that less restrictive policies typically give athletes more opportunities, supporting the idea that states slowly stop prohibiting agents and collectives in order to stay ahead in competition.

Figure 1.6



## Results

Findings from the research reveal a number of specific trends in the distribution of NIL policies across all 50 states. These trends help in the explanation of what factors appear to be less significant and which factors have the biggest impact on NIL regulations.

First, there is an obvious trend when examining regional differences. As shown in Figure 1.1, states in the South typically have more NIL freedom than those in other areas. Western states on the other hand have more restrictive policies. Considering a wide range of policy levels, the North and East stand in the middle. This implies that the framework of the NIL policy is influenced by geography. The Southern region, having a stronger emphasis on college sports, might help explain why those states are willing to allow NIL policies more freedom.

Second, the relationship between NIL policy and educational levels is less clear. As shown in Figure 1.3, the average college education rate is almost 32% in states with higher NIL restrictions and almost 27% in states with less restrictive policies. Although this may indicate a small correlation, the differences are minimal overall. This makes it challenging to conclude that NIL policy decisions are significantly influenced by educational levels.

Third, states with more restrictions on NIL typically have higher levels of Democratic representation, according to data on political composition. As illustrated in Figure 1.4, states with more NIL restrictions have an average Democratic representation close to 50%, while states with minimal restrictions only have about 35% democratic representation. The states that are categorized within the middle range lie in the middle of the pack. While the differences are not

very great, this indicates a general tendency toward more restricted NIL policies in more democratic states.

Lastly, the data reveals that many states decide to restrict or entirely ban agent and collective involvement. As shown in Figure 1.5, out of all the states, 25 states prohibit any form of collective or agent activity. Furthermore, 14 other states have limited restrictions, which permit some involvement but with limitations. Agents and collectives are only allowed in 11 states. This gives credibility to the claim that many states remain hesitant about NIL and would rather restrict these activities than completely regulate them.

## **Conclusion**

The data shows that some of the hypotheses are supported by the data, while others are not. Education seems to have the weakest correlation with NIL policy, while regional variations and agent/collective policies show the strongest results.

Hypothesis one is well supported by the data. NIL freedom is certainly higher in Southern states than in other areas. This supports the idea that policy decisions are influenced by competition in college sports. Southern states presumably wish to give their institutions a recruiting advantage, which results in fewer NIL restrictions.

Hypothesis two has little evidence to support its claim. While states with greater levels of education tend to have more restrictive policies, the variations are too minor to be significant. This implies that the NIL policy is not significantly influenced by levels of education.

Hypothesis three is given some support. States with greater Democratic representation typically have more restrictive NIL policies. Political ideology is probably just one of the many factors, as the connection is not very strong.

Hypothesis four can be strongly supported by the data. It is shown in the data that states are more inclined to ban them than regulate agent and collective involvement. This demonstrates that many states are adopting a cautious stance and reflects confusion regarding NIL policies.

Ultimately, these findings imply that politics and competitiveness have a greater impact on NIL policy than do social elements like educational levels. Instead of focusing on more general demographic factors, states seem to be making strategic choices depending on how NIL policies would affect their athletic programs. The fact that NIL policy is still developing is another crucial aspect. There is ongoing disagreement over how these policies should be constructed, as demonstrated by the number of states that prohibit or restrict specific components of NIL. States are likely to continue changing their policy as more information becomes available and the implications of NIL become more understood. In conclusion, this analysis emphasizes how inconsistent NIL regulation is throughout the United States. While some states have stricter regulations, other states provide athletes with tremendous support. College athletics may suffer long-term consequences as a result of this unfair playing field. Research in the future should keep studying these developments and explore how they affect athletes, institutions, and national competition.

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