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Ohio NIL Bill Makes Cents For Buckeyes

Legislation Would Allow College Athletes To Earn Compensation For Name, Image & Likeness

By WYATT CROSER
Buckeye Sports Bulletin Associate Editor

The state of Ohio may have not been the first on the scene when it came to a name, image and likeness bill. But on May 24, state Sen. Niraj Antani (R-Miamisburg) made sure that the state got on the scene at all.

Antani, joined by Ohio State athletic director Gene Smith at the university's Covelli Center, announced the introduction of a bill into the state's senate that would "legalize college athletes earning compensation from their name, image and likeness," according to a release.

Profiting off name, image and likeness would allow student-athletes to earn endorsement deals on anything from apparel to car dealerships to local pizza shops, all while maintaining their eligibility as a member of a collegiate team.

"As a graduate of The Ohio State University, I saw how hard student-athletes worked, both at their academics and their sport of choice," Antani said. "Since that time at Ohio State, I have strongly believed that students have an inherent right to their own name, image and likeness. I saw students, even who were on scholarship, struggle to get by, including some of the biggest names. It's important to remember that not every student-athlete is on a scholarship. It's also important to remember that no other student at our universities in Ohio have had these restrictions. It is only placed on student-athletes."

The bill was introduced immediately following the press conference with Antani and Smith, and if passed, it would go into effect on July 1.

Smith also spoke on his experiences helping to get this bill crafted and said he supports Antani's hopes to allow student-athletes to be able to profit off NIL.

"I'm so thankful that the senator worked with us on introducing this bill. We want to encourage all other legislators who support the bill and are hopeful that it will be implemented prior to July 1," Smith said. "I embrace the thought and the idea of our student-athletes having this opportunity, so I'm glad we're here today in the state of Ohio where this potential will happen with this legislation."

Antani was equally thankful for Smith's cooperation in helping make this legislation come to fruition. Along with Smith, Antani noted that he spoke with former Ohio State head coach and current Youngstown State president Jim Tressel, with whom he "had very large conceptual discussions" and who "was very helpful in framing this legislation."

But Antani said he and Smith had worked on the bill for 18



LORI SCHMIDT

TIMES ARE CHANGING – Ohio State athletic director Gene Smith spoke at a May 24 press conference throwing his support behind a state bill that would allow collegiate athletes to earn compensation from their name, image and likeness.

months and that having Ohio State be on the front line of supporting it is substantial for the bill moving forward.

"When I approached the university a year and a half ago about this, we began having discussions. Here we stand a year and a half later not just with Ohio State having been involved in the process but working together hand in hand in crafting this legislation to now a place where we are here, where they are in support of this bill," Antani said. "I think that is an extremely high mark to show how Gene and the entire university care about their student-athletes and their students, and I want to thank Gene and the entire university for working with me on this. We really did this together."

As mentioned, Ohio is not on the cutting edge when it comes to getting an NIL bill introduced. Nearly every state has introduced some sort of bill surrounding the topic, with many of them already passed and signed into law.

Specifically, NIL laws have been passed in Alabama, Georgia, Michigan and South Carolina (Clemson), where the Buckeyes' major rivals on the recruiting trail exist. If Ohio's bill were to pass, it would join Alabama and Georgia's laws in going into effect on July 1 of this year, while Michigan and South Carolina's are slated for July 1, 2022, and Dec. 31, 2022, respectively.

Antani is aware that Ohio is showing up late to this legislation, which made him even more determined to introduce the bill sooner rather than later.

"As of today, 16 states have legalized name, image and likeness ownership for student-athletes in our country," Antani said. "Five of those go into effect in July. Ten other states have bills currently introduced into their state houses that would legalize their name, image and likeness. We are, in fact, only one in 11 states in America who have taken no legislative step towards name, image and likeness ownership for student-athletes. That changes today."

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NIL Bill Would Help More Than Just Football Players

Continued From Page 1

"Important to note, Michigan has name, image and likeness for their student-athletes. I think the athletic director would agree with me, we cannot let Michigan win at anything."

There have been concerns about allowing students to earn compensation from NIL, with some saying it may lead to lessened team chemistry due to star players earning much larger incentives than members of the roster deeper in the depth chart.

But Antani made sure to emphasize that he believes this bill will help players across all sports and across all levels of stardom thanks to endorsements from a variety of different types of business and brands.

"I think we should note that not every student will get a Nike deal or a Coke deal. Many of these will get deals back home in their hometown, where they are significant, where they are proud of their student-athlete for making it at Ohio State, at the University of Cincinnati, at another major institution in Ohio," Antani said. "Their local automotive dealer may want them to appear in an advertisement. Their local bookstore may want them to do a book signing. Their local restaurant may want them to appear at an event, and as a student-athlete who has an apparent right to own their own name, image and likeness, they should be able to do that."

"Today is a big step forward for the rights of student-athletes in Ohio."

'Ohio State Basically Wrote This Bill'

Matt Brown, publisher of Extra Points, a newsletter covering off-the-field topics for college sports, has studied a variety of NIL bills from states and spoke to BSB on what he believes makes Ohio's version of the bill stand out.

As far as where it lands on the spectrum of how open or constraining the bill will be for student-athletes, Brown believes it lands somewhere around the halfway point.

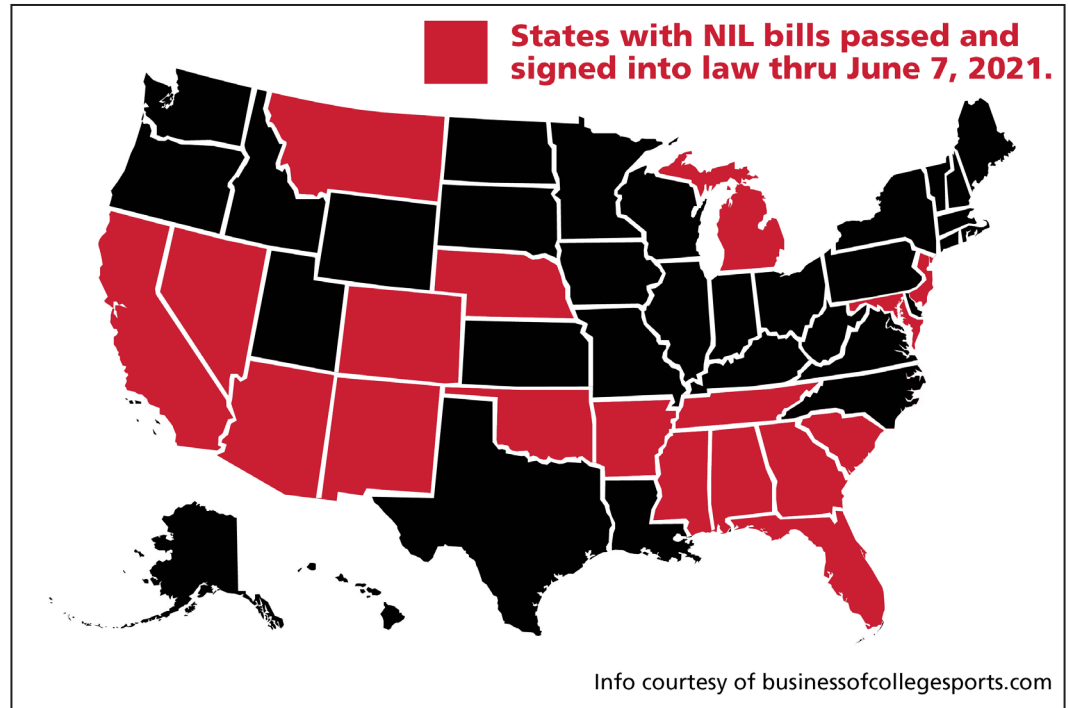
"It's similar to many of the other bills that I've seen, with a couple of exceptions," Brown said. "I think that's worth pointing out because if you're somebody that really wants Ohio to have a name, image and likeness bill to provide a recruiting advantage, I don't think this bill provides that. It's certainly not the most restrictive bill that I've seen; it's not the least restrictive; it's kind of around the middle."

"If you're someone who's invested in this and wants Ohio State to compete nationally and have the best chance to get every athlete, there's a potential for this to be a little restrictive."

Specifically, there are two areas of the bill's wording that stood out to Brown. The first is in Section 3376.06 Part D of the bill, where it states that student-athletes "shall disclose the proposed contract" with a university official "at least 15 days before the date the student intends to enter into the proposed contract."

"That's the most restrictive, most notice required anywhere. Most places don't require you to give any," Brown said. "I think Mississippi requires you to give a week. There might be one other one that has a week, 15 is the most. Now is that necessarily a deal breaker? Probably not, but it is some extra paperwork."

But the most major restriction in the Ohio bill, according to Brown, comes in Part C of the same section, where it states a



student-athlete cannot enter a contract "that requires the student to display a sponsor's product, or otherwise advertise for a sponsor, during official team activities or any other time if that requirement is in conflict with a provision of a contract to which a state institution of higher education or private college is a party."

"As I understand it, it says that an athlete can't enter a name, image and likeness sponsorship arrangement if it conflicts with any pre-existing university sponsorship deal. And not just during official team business, but at any time," Brown said. "Here's why this is a big deal, because the common example is apparel, but like, I've talked to apparel companies, you know how many Ohio State athletes are going to be able to get a shoe deal, like across all sports? One, maybe two. The individual marketplace deals for athletic apparel, it's a small market. But Ohio State has sponsorships with literally everybody. There's an official soda pop. There's an official insurance company. There's an official grocery store."

"Ohio State doesn't have to exercise their right to block an athlete in every one of these, but if we're looking at 40 different industries, even in a place like Columbus, that can really limit your marketplace. That can basically limit you to saying you can work with a company that already works with your school, you can work with a social media national deal, or you could do something that's like a camp. But everything else is going to conflict with Ohio State."

As for why these were included, Brown believes it likely came from Ohio State itself, which Antani had said worked "hand in hand" in the creation of the legislation.

"Here's the truth. I think Ohio State basically wrote this bill," Brown said. "This isn't me casting a shot at any particular Ohio lawmaker, but from somebody who's been watching this now for months and has followed these individual bills. These lawmakers are generally not proposing these things because they are defenders of the

cause of athlete free markets. They're doing it because they don't want their schools to be at a recruiting disadvantage."

"I think that somebody within Ohio State's legislative affairs team looked around, thought these were relatively boilerplate. They thought that they would protect Ohio State's interests, and nobody told them anything different."

Smith had discussed the possibility of the NCAA passing nationwide legislation on NIL, stating that he's hopeful it will happen at the Division I Council's meeting later in June. National legislation could also come through Congress, though that is something that Antani seemed to think was less likely when he said in his opening statement that he was "not confident in Congress' ability to get this done."

Brown thinks that there will eventually be a national NIL bill but that it won't be before Ohio's legislation is set to take effect, assuming it passes. The reasoning for that, at least for Congress, is simply that there are other important issues that are taking precedence over it.

"This is one of the only things where there's still actual bipartisan cooperation. Everybody in the Senate agrees that the NCAA sucks," Brown said. "And both Democrats and Republicans, not all of them, but enough of them want to cooperate and do this. But this is not in the top 10 most important issues facing the U.S. Senate right now, and they're struggling to find time to do it."

But Brown said he doesn't believe it will matter for Ohio State, as he said it would shock him if the legislation going through the state senate right now did not get passed and go into action on July 1.

Brown also agrees with Antani that the student-athletes who stand to be helped the most from this legislation are not the stars of the football team but instead the lesser-known athletes on a variety of smaller programs.

States With NIL Laws & Effective Dates

State	Effective Date
Alabama	July 1, 2021
Arizona	July 23, 2021
Arkansas	Jan. 1, 2022
California	Jan. 1, 2023
Colorado	Jan. 1, 2023
Florida	July 1, 2021
Georgia	July 1, 2021
Maryland	July 1, 2022
Michigan	Dec. 31, 2022
Mississippi	July 1, 2021
Montana	June 1, 2023
Nebraska	Immediately*
Nevada	Jan. 1, 2022
New Jersey	5th academic year after passage
New Mexico	July 1, 2021
Oklahoma	Immediately*
South Carolina	July 1, 2022
Tennessee	Jan. 1, 2022

* - No later than July 1, 2023

"The people that I think that are honest to God most likely to benefit from this, and would be most disadvantaged if this doesn't happen, would not be Ohio State's football team," Brown said. "It would be Ohio State's women's lacrosse program. It would be the baseball team. It would be Olympic athletes, because that is the pool that I think stands to benefit from this the most."

"You and I both know that in football recruiting football coaches are going to say literally anything even if it's divorced from reality. So if Ohio State has to wait seven more weeks to cash in on name, image and likeness compared to their peers, Ryan Day will spin up some bull and they're probably going to be OK. But for kids that don't have a gigantic NFL payday coming down the line and don't have this infrastructure supporting them, having to wait I think would be unfortunate."

OHIO STATE FOOTBALL

Sawyer Hungry For Success At Ohio State

By LORI SCHMIDT
Buckeye Sports Bulletin Staff Writer

Jack Sawyer's mother, Michelle, always knew her son was dedicated, but the proof she saw of that this past year was bananas-like actual bananas.

"I've never seen him eat those in his life, and he choked those down. And he ate spinach," she recalled.

The incoming Buckeye freshman, in addition to working out almost daily at KSM Sports and Fitness in Powell, was improving his diet as he was getting ready to enter Ohio State.

"We hooked up with a local (nutritionist) here, and he did a body composition thing and put together a nutrition plan and checked in with Jack every week," Michelle Sawyer said. "He would eat so much, if I was making chicken or steak or whatever, I would just make three extra pounds."

Sawyer didn't get on the "future pro" diet or anything else you may want to call

it just for fun. He did it to get a head start on bulking up his 6-5 frame, something that Ohio State planned to undertake as soon as he arrived as a freshman.

"I think he knew to play early, you can't weigh 225," said Nate Hillerich, his coach at Pickerington (Ohio) North High School.

Playing early was definitely the goal. Sawyer has always been big on first impressions.

For instance?

"When I got hired here, the coach that I replaced (Tom Phillips), he went to UC as director of player personnel," Hillerich shared. "The one thing he told me, he said, 'We have an eighth-grader here. He's the best player that I've seen come through here,' and at the time you had (former Michigan tight end) Jake Butt, who had just gotten drafted. (Pat) Elflein was in the NFL. And I'm like, that's pretty serious to say an eighth-grader is that good."



Jack Sawyer

Another example, familiar to most Ohio State fans, is Sawyer's performance in the OSU spring game, in which he tallied four tackles, three sacks and a forced fumble.

"Jack's real. Jack's legit," stated fellow defensive lineman Zach Harrison. "Jack's going to be a great player."

"Jack's got a great first step and great bend around the edge, and that's something you really can't teach."

Offensive lineman Thayer Munford confirmed that was what the team had been seeing in their other workouts, too.

"He's been doing it very consistently," Munford said. "He's been working. He has a motor. I'm just happy that he's on our team."

Sawyer's athleticism is no secret. He dominated the high school ranks with raw speed and power, the kind that only comes around once every few years at most in the recruiting pool.

"His athletic ability is just on a whole other level," relayed Hillerich. "When I checked with him during spring practice, he said they had him running with the linebackers to go get his times."

Of course, Sawyer has had time to improve even more since then, and at a May 21 morning weigh-in, he had worked his way up to 247 pounds (up from the 240 he was listed at on signing day in February) with his stated goal being 6-5, 260 by kickoff Sept. 2 when OSU hits the road to face Minnesota.

It is merely one of the ways the defensive lineman is seeking to maximize the 664 days between his final high school competition and, assuming he plays in the season opener, his first game with the Scarlet and Gray.

It certainly sounds like he will.

"He doesn't have to convince me," said Buckeyes defensive line coach Larry Johnson. "We're going to find a role for him. If he continues to work hard and do the things we're asking him to do, we'll find a place to play him."

Sawyer sat out his senior year, because it wasn't clear if OHSAA was going to stage a football season amid the COVID-19 pandemic, and there was a possibility that the Big Ten was going to allow freshmen to enter school early, play a spring season, and not lose a year of eligibility.

That means his last time out on the field was in a 36-17 loss at Olentangy Orange in a Division I, Region 3 first-round playoff game. He tore his MCL with about five minutes left in the half of the Nov. 8, 2019, contest while playing quarterback.

It's notable that Sawyer was hurt while leading the Panthers offense. It was a position he had only begun playing earlier that season, simply because the team needed it. Starting quarterback Dom Myers had busted up his knee. Hillerich, even though he knew Sawyer hadn't played there since rec league, thought the team could be successful running a wildcat offense with Sawyer handling the ball. Hillerich was right.

In his first start, despite having just one practice and one walk-through to prepare, Sawyer recorded 60 yards and a touchdown on 6-of-11 passing. He had an additional three scores and 134 rushing yards on 16 carries. The 38-17 victory, also against Olentangy Orange, was the Panthers' first of the season. They were 0-2 entering the contest.

"That's not good to be at Pickerington," Hillerich pointed out of the early record.

With Sawyer making an impact on both sides of the ball, the team made it to the playoffs, where Sawyer eventually suffered his injury.

The risk of that happening is why, when he had accepted the assignment, Sawyer needed Ryan Day's assurance about his place at Ohio State. He had committed to Ohio State's head man in February of that year, a full two years ahead of when he would officially sign with the Buckeyes. Michelle Sawyer said that her son would have likely committed even earlier, but she and her husband insisted Jack do due diligence and make the rounds in terms of recruiting visits.

He was a key cog in a recruiting class that Day was shoring up following the recent departure of Urban Meyer. In fact, Sawyer was one of the first recruits Day contacted after taking over, yet Day told Sawyer that he had to do whatever it took for the Panthers to win, even if it meant playing in a spot other than the one that had him as high as the No. 2 prospect in the country in the 247Sports composite rankings. Sawyer ended up No. 4.

Oh, and there was also one promise Sawyer needed from Hillerich himself.

"His thing was, I just want to still play defense. I'm not coming off the field on defense," said Hillerich. "He likes to impact the game, and he feels like there's no one who can block him. He wants to get to the quarterback."

He got to the quarterback 13½ times as a high school junior, totaling 19 tackles for loss and 37 stops overall.

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OHIO STATE FOOTBALL

Former Buckeyes Want Athletes To Make Few Bucks

By **LORI SCHMIDT**
Buckeye Sports Bulletin Staff Writer

When Rex Kern was starting at quarterback for the Ohio State Buckeyes, he led the team to a national title in his sophomore season in 1968 and won first-team All-America honors in 1969. Whatever records or accolades he owned, however, he did not own the right to profit off them.

"I was never able to do anything with my name and likeness through Ohio State unless I paid them," Kern observed.

Then he made another observation, noting that part of the school's alma mater refers to time and change.

Times are indeed changing. This May, with an endorsement from Ohio State athletics director Gene Smith, state Sen. Niraj Antani (R-Miamisburg) introduced a bill in the General Assembly to allow college athletes to be paid for their name, image and likeness, or NIL, rights.

"The issue here is that these are students," Antani told Buckeye Sports Bulletin. "They are not athlete-students. They are student-athletes. Each student, each person owns their name, image and likeness."

Kern is supportive of the next Buckeye signal caller being able to make some money from his talents.

"It's a whole new ballgame," he said. "I do have full confidence in Gene, in what Gene is proposing and what Gene thinks is fair."

"I feel like they've got to do something about it," agreed Dick Furry, who was

a senior on the 1959-60 OSU basketball team that won a national championship.

Again, Furry revealed ways time and change had visited college athletics since he played.

"I can't imagine that in those days, anything that we would have gotten (from NIL) would have been enough to make things that different," he said.

Some of the evidence he cited included the fact that his tuition was \$60 a quarter, while his academic scholarship was \$200 a quarter, already leaving him money for books and other essentials.

As for money from broadcast rights?

"The national championship game wasn't even supposed to be on TV in Columbus until, like, the day before," said Furry. "It wasn't on national television."

There just wasn't as much money flowing into or out of sports then. Now it's a very different story.

"There's a lot of people who just want to support Ohio State kids. There are a lot of really wealthy people that support Ohio State that just want to support the kids," said Kirk Barton.

The former Buckeye offensive tackle and first-team All-American in 2007 has the kind of hustle, drive and business sense that led him to help found the website Buckeye Scoop in 2020, so as a player he believes he might have cleaned up – even as an offensive lineman.

"I think I would have done really well,"

he said, arguing that one doesn't have to be the starting quarterback to successfully market oneself. "Like a Thayer Munford could do really well, because some companies want to be known for their dependability, and a guy like Thayer with the way he plays tackle is super dependable."

Then he gave another example pointing to former OSU punter Drue Chrisman, who is now with the Cincinnati Bengals. Chrisman famously created viral videos online which showed him doing tricks with water bottles, illustrating another way players could find endorsement deals.

"These kids, they're so slick with social media, with TikTok and Instagram, all these short-form media formats. It's like they have a highlight reel, an audition reel, showing how many impressions they can get," said Barton.

Personality, of course, is something you can find at any school and in any athlete, so Devin Jordan, who was a wide receiver for the Buckeyes in 2004 and 2005 and who is now an assistant coach at Akron, believes even his Zips players would benefit from having NIL rights.

"There's so many different avenues," he said. "You could use the fact that you do play college sports to really engage in your community and use that leverage to build whatever you want. I just know coaching Division III, coaching Division II, now in Division I, seeing the type of athletes I've come across in the past 13 years, they've had such great creativity and great marketability in many different ways."

Jordan appreciates that more than most. Various injuries kept the Massillon, Ohio, star receiver from ever having a shot at the NFL, meaning all the money he could have made as an athlete would have had to come during his college days.

Jordan and former Buckeye linebacker Joshua Perry (2012-2015) both discussed with Buckeye Sports Bulletin the opportunity that athletes will now have to become models, with Perry going a step further

and pointing out a great irony: Because structural sexism places so much more of an emphasis on the appearance of women, this could be an avenue to help bring at least slightly greater gender equality to sports.

Jen Flynn Oldenburg was a volleyball player at Ohio State from 1996-1999, and she was the first ever Big Ten player to be named all-conference at two different positions. Now, as the coach of the team, she has volleyball players who "want to be YouTubers," she said.

As for other ways her athletes could make money? There's already an interest in hiring those players to provide private instruction.

"We have a bunch of clubs in the area that would love to have Ohio State players give them lessons," Oldenburg remarked. "Now we have the opportunity to do that."

Perry, an analyst for the Big Ten Network, naturally thought of an additional way that athletes could raise funds.

"It's probably a really good idea to at least try to figure out what level of involvement you could get (with BTN) with some of the athletes who are high profile in the conference," Perry said.

However, even the staunchest advocates who believe the time has come for change to the NIL rules understand there will be challenges.

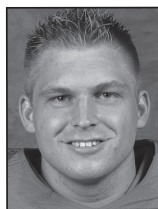
For Kern, the concern is team chemistry once the free market tells college athletes that some players are more valuable than others.

Furry worried that bigger schools might become even more powerful. Barton paraphrased boxer Marvin Hagler's axiom about the difficulty of getting up early for workouts when one is sleeping in silk pajamas. Perry talked about adding

yet more demands to athletes' time. Plus, he has considered the possibility that if boosters are allowed to pay players who attend their favorite school, it might become the practice to pay athletes to leave a certain school.

"Where it gets really complicated is that there are always going to be bad actors in the college football landscape," said Perry. "You could get into a situation where Akron now has a running back who is one of the best in America, and there could be a coach from a bigger school who would want to tamper with that player and potentially say, 'Hey, this is what your brand is like in Akron. Now imagine what it's like if you take it to X big city.' That's where I can see it going off the rails, the combination of name, image and likeness and the transfer portal."

However, Perry and the rest of the former Buckeyes BSB spoke to all reached the same conclusion: "There's going to be the unintended consequences to every situation, and I just don't think that anybody should let those unintended consequences stand in the way of trying to do the right thing by the athletes," said Perry.



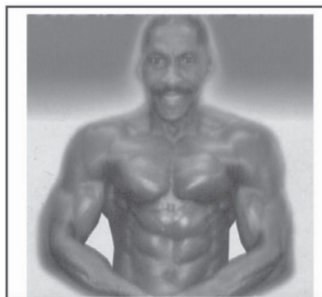
Kirk Barton



Jen Flynn Oldenburg



Joshua Perry



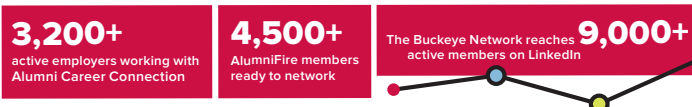
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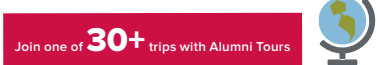
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