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Tennessee Sues NCAA Challenging Its NIL-Recruiting Ban

AG Skrmetti argues NCAA's NIL-recruiting ban violates federal antitrust law, thwarts the free market, and harms student-athletes.

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NASHVILLE- On Wednesday, Tennessee Attorney General Jonathan Skrmetti, along with Virginia, sued the National Collegiate Athletic Association (NCAA) for violating federal antitrust laws with its anticompetitive restrictions on the ability of current and future student-athletes to benefit from their name, image, and likeness (NIL). These anticompetitive restrictions violate the Sherman Act, harm current and future student-athletes as well as the State, and should be enjoined.

“Student-athletes are entitled to rules that are clear and rules that are fair,” said Attorney General Skrmetti. “College sports wouldn’t exist without college athletes, and those students shouldn’t be left behind while everybody else involved prospers. The NCAA’s restraints on prospective students’ ability to meaningfully negotiate NIL deals violate federal antitrust law. Only Congress has the power to impose such limits.”

After the Supreme Court ruled that the NCAA violated antitrust law by imposing unreasonable restraints on the compensation college athletes may receive, Tennessee and other states enacted laws to foster a thriving NIL market for the benefit of student-athletes. Contrary to those state laws, the NCAA has adopted a shifting and opaque series of rules and guidelines that thwart the ability of student-athletes to get fair compensation for their NIL.

Currently, the NCAA prohibits prospective student-athletes from discussing potential NIL opportunities with schools and collectives prior to enrolling. Prospective student-athletes are:

- prevented from negotiating with collectives,
- unable to review NIL offers prior to making enrollment decisions,

- and cannot adequately consider the full scope of NIL-related services a school might offer upon enrollment.

Student-athletes generate massive revenues for the NCAA, its members, and other constituents in the college sports industry—none of whom would dare accept such anticompetitive restrictions on their ability to negotiate their own rights. Student-athletes shouldn't be left behind while everyone else profits from their achievements.

The lawsuit can be read [here](#).

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