

State of North Carolina

ROY COOPER
GOVERNOR

March 8, 2024

EXECUTIVE ORDER NO. 306

RESCINDING EXECUTIVE ORDER NO. 223

WHEREAS, the State of North Carolina's postsecondary educational institutions have a longstanding tradition of competing in intercollegiate sports with great success; and

WHEREAS, on July 1, 2021, the National Collegiate Athletic Association ("NCAA") issued rules permitting, for the first time in its history, the compensation of student-athletes for their name, image, and likeness; and

WHEREAS, at least twenty-five (25) states passed laws and issued executive orders permitting the compensation of student-athletes for their name, image, and likeness rights in their states following the NCAA's rule change; and

WHEREAS, on July 2, 2021, the undersigned issued Exec. Order No. 223, 36 N.C. Reg. 152-154 (Aug. 2, 2021), establishing the general responsibilities of collegiate institutions in North Carolina when developing name, image, and likeness policies for their student-athletes; and

WHEREAS, Executive Order No. 223 was developed in consultation with North Carolina's colleges and universities to ensure that North Carolina's institutions would be able to compete most effectively against other teams across the country; and

WHEREAS, since the July 2021 NCAA rule change, and the issuance of Executive Order No. 223, many student-athletes across North Carolina institutions have been able to successfully monetize their name, image, and likeness rights; and

WHEREAS, the rules, policies, and law concerning name, image, and likeness rights are changing rapidly, as demonstrated by a recent decision of the United States District Court for the Eastern District of Tennessee in *Tennessee v. NCAA* on February 23, 2024, against the NCAA, enjoining it from enforcing certain of its rules governing name, image, and likeness rights with respect to student-athlete recruitment; and


WHEREAS, Executive Order No. 223 should now be rescinded to align with the recent court order, reflect the changing legal landscape for college athletes and name, image, and likeness rights, and continue to preserve the competitiveness of North Carolina post-secondary institutions in college athletics.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Rescinding Executive Order No. 223

Executive Order No. 223 is hereby rescinded in its entirety, effective immediately upon issuance of this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 8th day of March in the year of our Lord two thousand and twenty-four.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State

