

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 840

By: McCortney and Jett of the
Senate

3

and

4

Echols of the House

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An Act relating to collegiate athletics; amending 70
O.S. 2021, Sections 820.22, 820.23, 820.24, 820.25,
8 and 820.26, which relate to the Student Athlete Name,
Image and Likeness Rights Act; modifying definitions;
9 modifying limitation on certain compensation;
prohibiting postsecondary institution from providing
10 certain representation or compensation; prohibiting
collegiate athletic association from imposing certain
11 restrictions on postsecondary institutions;
construing provisions; removing limitation on certain
12 representation; establishing requirements for certain
agreements; requiring certain individual or entity to
13 ensure certain disclosures; requiring disclosure of
certain representation; modifying requirements for
14 certain contracts; prohibiting use of certain marks
for certain purposes; providing exception;
15 authorizing adoption of certain restrictions;
authorizing certain third-party agreements;
16 authorizing certain educational or training
requirements; modifying effective date of provisions;
17 prohibiting collegiate athletic association and
member institutions from taking certain actions
18 against student athlete or postsecondary
institutions; prohibiting liability for employees of
19 postsecondary institution for certain decisions or
actions; updating statutory language; providing for
20 codification; and declaring an emergency.

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AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
and insert:

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1 "An Act relating to collegiate athletics; amending 70
2 O.S. 2021, Sections 820.22, 820.23, 820.24, 820.25,
3 and 820.26, which relate to the Student Athlete
4 Name, Image and Likeness Rights Act; modifying
5 definitions; modifying limitation on certain
6 compensation; prohibiting postsecondary institution
7 from providing certain representation or
8 compensation; prohibiting collegiate athletic
9 association from imposing certain restrictions on
10 postsecondary institutions; construing provisions;
11 removing limitation on certain representation;
12 establishing requirements for certain agreements;
13 requiring certain individual or entity to ensure
14 certain disclosures; requiring disclosure of certain
15 representation; modifying requirements for certain
16 contracts; prohibiting use of certain marks for
17 certain purposes; providing exception; authorizing
18 adoption of certain restrictions; authorizing
19 certain third-party agreements; authorizing certain
20 educational or training requirements; modifying
21 effective date of provisions; prohibiting collegiate
22 athletic association and member institutions from
23 taking certain actions against student athlete or
24 postsecondary institutions; prohibiting liability
for employees of postsecondary institution for
certain decisions or actions; updating statutory
language; amending 70 O.S. 2021, Section 822.1,
which relates to definitions; modifying definition;
providing for codification; and declaring an
emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2021, Section 820.22, is
amended to read as follows:

Section 820.22 As used in the Student Athlete Name, Image and
Likeness Rights Act:

1. "Athletic grant-in-aid" shall have the meaning provided by
the applicable collegiate athletic association as aid related to the

1 student athlete's participation in an intercollegiate sport for a
2 postsecondary institution. ~~"Athletic grant-in-aid"~~ Athletic grant-
3 in-aid shall not include compensation for the use of the student-
4 athlete's name, image, or likeness rights or athletic reputation;

5 2. "Collegiate athletic association" means any athletic
6 association, conference, or other group or organization with
7 authority over intercollegiate sports including but not limited to
8 the National Collegiate Athletic Association;

9 3. "Postsecondary institution" means any state educational
10 institution or private educational institution as defined in Section
11 3102 of ~~Title 70 of the Oklahoma Statutes~~ this title;

12 4. "Professional representation" includes, but is not limited
13 to, representation ~~provided by an athlete agent holding a~~
14 ~~certificate of registration under the Revised Uniform Athlete Agents~~
15 ~~Act or an attorney duly admitted to practice law in this state~~ by
16 any individual or entity engaged by a student athlete for the
17 purpose of securing compensation or benefits for a student athlete's
18 name, image, or likeness activities. Any individual or entity
19 engaged for such purpose shall be a fiduciary for the represented
20 student athlete;

21 5. ~~"Sponsor" means an individual or organization that receives~~
22 ~~institutional recognition for its financial support or other~~
23 ~~contributions in support of a postsecondary institution or its~~
24 ~~departments or programs~~;

1 ~~6.~~ "Student athlete" shall have the same meaning as defined in
2 the Revised Uniform Athlete Agents Act; and

3 ~~7.~~ ~~"Team contract" means a contract between a postsecondary~~
4 ~~institution or a postsecondary institution's athletic department and~~
5 ~~a sponsor or a third party authorized to enter into a sponsorship~~
6 ~~agreement or agreements on behalf of a postsecondary institution~~

7 6. "Team activities" means student athlete participation in
8 countable athletically related activities and required athletic
9 activities as defined by the collegiate athletic association or as
10 otherwise defined by the postsecondary institution.

11 SECTION 2. AMENDATORY 70 O.S. 2021, Section 820.23, is
12 amended to read as follows:

13 Section 820.23 A. Except as otherwise provided in the Student
14 Athlete Name, Image and Likeness Rights Act, a student athlete may
15 earn compensation ~~commensurate with market value~~ for the use of the
16 name, image, or likeness of the student athlete while enrolled at a
17 postsecondary institution without penalty or resulting limitation on
18 participation. Compensation for the use of a student athlete's
19 name, image, or likeness shall not affect the student athlete's
20 eligibility for athletic grant-in-aid.

21 B. A student athlete shall not earn compensation in exchange
22 for his or her athletic performance or participation in
23 intercollegiate athletics or sports competition. Compensation shall
24

1 not be provided as an inducement for athletic performance or to
2 attend or enroll at a particular institution.

3 C. A postsecondary institution, ~~an entity whose purpose~~
4 ~~includes supporting or benefitting the postsecondary institution or~~
5 ~~its athletic programs~~ or an officer, director, l or employee of such
6 postsecondary institution ~~or entity~~ shall not provide professional
7 representation, or compensate or cause compensation to be directed
8 to a current or prospective student athlete for his or her name,
9 image, l or likeness. ~~A scholarship from a postsecondary institution~~
10 ~~in which a student athlete is enrolled that provides him or her with~~
11 ~~the cost of attendance, as defined by an applicable collegiate~~
12 ~~athletic association, at the institution shall not be considered~~
13 ~~compensation for purposes of this Act~~ unless otherwise permitted by
14 a collegiate athletics association and institutional policy.

15 D. A collegiate athletic association shall not, ~~and shall not~~
16 ~~authorize its member institutions to:~~

17 1. ~~Prevent a student athlete at a postsecondary institution~~
18 ~~from earning compensation from the use of his or her name, image or~~
19 ~~likeness;~~

20 2. ~~Prevent a postsecondary institution from participation in~~
21 ~~intercollegiate athletics because a student athlete in attendance~~
22 ~~has previously earned or intends to earn compensation for the use of~~
23 ~~his or her name, image or likeness;~~

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1 ~~3. Provide a prospective student athlete with compensation in~~
2 ~~relation to the use of his or her name, image or likeness;~~

3 ~~4. Penalize a student athlete or prevent a student athlete from~~
4 ~~full participation in an intercollegiate sport because he or she~~
5 ~~obtains professional representation in relation to a contract or~~
6 ~~other legal matter; or~~

7 ~~5. Allow compensation earned by a student athlete for the use~~
8 ~~of his or her name, image or likeness or athletic reputation to~~
9 ~~affect the amount, duration or renewal of or eligibility for any~~
10 ~~athletic grant-in-aid or other institutional scholarship; provided,~~
11 ~~however, compensation earned by a student athlete for the use of his~~
12 ~~or her name, image or likeness or athletic reputation may be used~~
13 ~~for the calculation of income for determining eligibility for need-~~
14 ~~based financial aid prohibit a postsecondary institution from~~
15 ~~identifying, facilitating, enabling, or supporting opportunities for~~
16 ~~a student athlete to earn compensation for the student athlete's~~
17 ~~name, image, or likeness activities.~~

18 E. The provisions of this section shall not be construed to
19 qualify a student athlete as an employee of a postsecondary
20 institution.

21 SECTION 3. AMENDATORY 70 O.S. 2021, Section 820.24, is
22 amended to read as follows:

23 Section 820.24 A. 1. A student athlete may obtain
24 professional representation ~~by an athlete agent or attorney~~ for the

1 purpose of securing compensation for the use of his or her name,
2 image, or likeness without penalty, resulting limitation on
3 participation or effect on the student-athlete's athletic grant-in-
4 aid eligibility.

5 2. Any professional representation agreement shall:

6 a. be in writing,

7 b. be executed by both parties,

8 c. clearly describe the obligations of the parties, and

9 d. outline fees for the professional representation.

10 3. An individual or entity engaged for professional

11 representation by a student athlete shall ensure the student athlete
12 discloses the professional relationship to the postsecondary
13 institution as required by this section.

14 ~~B. Professional representation provided by athlete agents shall~~
15 ~~be by persons licensed pursuant to the Revised Uniform Athlete~~
16 ~~Agents Act or superseding law. An athlete agent representing a~~
17 ~~student athlete shall comply with the federal Sports Agent~~
18 ~~Responsibility and Trust Act, Chapter 104, Section 7801 et seq. of~~
19 ~~Title 15 of the United States Code.~~

20 ~~C.~~ A student athlete who enters into a contract providing
21 compensation to the student athlete for use of his or her name,
22 image, or likeness or for professional representation shall disclose
23 the contract in a manner designated by the postsecondary
24 institution, but in any event within seventy-two (72) hours after

1 entering into the contract or before the next athletic event in
2 which the student athlete is eligible to participate, whichever
3 occurs first.

4 SECTION 4. AMENDATORY 70 O.S. 2021, Section 820.25, is
5 amended to read as follows:

6 Section 820.25 A. ~~A student athlete shall not enter into a~~
7 ~~contract that provides compensation to the student athlete for use~~
8 ~~of his or her name, image or likeness if a provision of the contract~~
9 ~~is in conflict with a provision of the postsecondary institution's~~
10 ~~team contract.~~

11 B. ~~A student athlete shall not enter into a contract with a~~
12 ~~third party that provides compensation to the student athlete use a~~
13 ~~postsecondary institution's marks for the purpose of securing~~
14 ~~compensation for use of his or her name, image, or likeness ~~or~~~~
15 ~~athletic reputation if:~~

16 1. ~~The contract requires the student athlete to display the~~
17 ~~third party's apparel or to otherwise advertise for the third party~~
18 ~~during team activities;~~

19 2. ~~Compliance with the third-party contract would conflict with~~
20 ~~a team contract; or~~

21 3. ~~The contract allows for the use or consents to the use of~~
22 ~~any institutional marks during the student athlete's third party~~
23 ~~contract activities.~~

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1 ~~C. A team contract of a postsecondary institution entered into,~~
2 ~~modified or renewed on or after the effective date of this Act shall~~
3 ~~not prevent a student athlete from using his or her name, image or~~
4 ~~likeness for a commercial purpose when the student athlete is not~~
5 ~~engaged in team activities unless authorized by the institution.~~

6 ~~D.~~ B. A student athlete shall not enter into a name, image, and
7 likeness agreement involving a commercial product or service that
8 conflicts with a written policy of the postsecondary institution
9 ~~which is in compliance with the bylaws and legislation of the~~
10 ~~applicable collegiate athletic association including, but not~~
11 ~~limited to, sports wagering or banned substances or that negatively~~
12 impacts or reflects adversely on the postsecondary institution or
13 its athletic programs including, but not limited to, generating
14 public disrepute, embarrassment, scandal, ridicule or otherwise
15 negatively impacting the reputation or the moral or ethical
16 standards of the postsecondary institution.

17 ~~E.~~ C. A contract for the use of a student athlete's name,
18 image, or likeness or a contract for professional representation
19 related to name, image, or likeness that is formed while the student
20 athlete is participating in an intercollegiate sport at a
21 postsecondary educational institution may not extend beyond the
22 student athlete's participation in the sport at the institution.

23 ~~F. Nothing in the Student Athlete Name, Image and Likeness~~
24 ~~Rights Act shall be construed to authorize a student athlete to~~

1 ~~assert any right or interest as a party to or intended beneficiary~~
2 ~~of team contracts or to create a right of one or more student~~
3 ~~athletes to participate in the negotiation, awarding or earnings of~~
4 ~~team contracts.~~

5 D. A postsecondary institution may adopt reasonable time,
6 place, and manner restrictions to prevent a student athlete's name,
7 image, or likeness activities from interfering with team activities,
8 the postsecondary institution's operations, or the use of the
9 institution's facilities. A postsecondary institution may receive
10 compensation for the use of its institutional marks or facilities in
11 conjunction with a student athlete's name, image, and likeness
12 activities.

13 E. A collegiate athletic association shall not prohibit a
14 postsecondary institution from establishing agreements with a third-
15 party entity to act on its behalf to identify, facilitate, enable,
16 or support student athlete name, image, and likeness activities.

17 F. An institution may require a student athlete to take courses
18 or receive education or training in contracts, financial literacy,
19 or any other subject the postsecondary institution deems necessary
20 to prepare a student athlete to engage in name, image, and likeness
21 activities.

22 SECTION 5. AMENDATORY 70 O.S. 2021, Section 820.26, is
23 amended to read as follows:

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1 Section 820.26 ~~Each postsecondary institution shall determine a~~
2 ~~date on or before July 1, 2023, upon which the~~ The provisions of the
3 Student Athlete Name, Image and Likeness Rights Act ~~will~~ shall be
4 ~~recognized by the postsecondary institution~~ effective immediately.

5 SECTION 6. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 820.27 of Title 70, unless there
7 is created a duplication in numbering, reads as follows:

8 A. A collegiate athletic association shall not authorize its
9 member institutions to:

10 1. Prevent a student athlete at a postsecondary institution
11 from earning compensation from the use of his or her name, image, or
12 likeness;

13 2. Provide a prospective student athlete with compensation in
14 relation to the use of his or her name, image, or likeness;

15 3. Penalize a student athlete or prevent a student athlete from
16 full participation in an intercollegiate sport because he or she
17 obtains professional representation or receives assistance with
18 services associated with name, image, or likeness activities
19 including with contracts or other legal matters from an individual,
20 entity, or a postsecondary institution; or

21 4. Allow compensation earned by a student athlete for the use
22 of his or her name, image, or likeness or athletic reputation to
23 affect the amount, duration, or renewal of or eligibility for any
24 athletic grant-in-aid or other institutional scholarship; provided,

1 however, compensation earned by a student athlete for the use of his
2 or her name, image, or likeness or athletic reputation may be used
3 for the calculation of income for determining eligibility for need-
4 based financial aid.

5 B. A collegiate athletic association shall not authorize its
6 member institutions to:

7 1. Prevent a postsecondary institution from participation in
8 intercollegiate athletics because a student athlete in attendance
9 has previously earned or intends to earn compensation for the use of
10 his or her name, image, or likeness;

11 2. Entertain a complaint, open an investigation, or take any
12 other adverse action against a postsecondary institution for
13 engaging in any activity protected in the Student Athlete Name,
14 Image and Likeness Rights Act or for involvement in student athlete
15 name, image, or likeness activities; or

16 3. Penalize a postsecondary institution from participation in
17 intercollegiate athletics because an individual or entity whose
18 purpose includes supporting or benefitting the postsecondary
19 institution or its athletic programs violates the collegiate
20 athletic association's rules or regulations with regard to student
21 athlete name, image, or likeness activities.

22 C. No postsecondary institution's employees, including
23 athletics coaching staff, shall be liable for any damages to a
24 student athlete's ability to earn compensation for the use of the

1 student athlete's name, image, or likeness resulting from decisions
2 and actions routinely taken in the course of intercollegiate
3 athletics.

4 SECTION 7. AMENDATORY 70 O.S. 2021, Section 822.1, is
5 amended to read as follows:

6 Section 822.1 As used in Sections ~~2~~ 822.2 and ~~3~~ 822.3 of this
7 ~~act~~ title:

8 1. "Immediate family" means a spouse, parent, legal guardian,
9 child, sibling, grandparent, domestic partner or any individual
10 whose close association with the student-athlete is the practical
11 equivalent of a family relationship;

12 2. "Person" means an individual, corporation, business trust,
13 estate, trust, partnership, limited liability company, association,
14 joint venture, firm or any other legal or commercial entity;

15 3. "Student-athlete" ~~means a student at any public or private~~
16 ~~institution of postsecondary education in this state or a student~~
17 ~~residing in this state who has applied, is eligible to apply, or may~~
18 ~~be eligible to apply in the future to a public or private~~
19 ~~institution of postsecondary education who engages in, is eligible~~
20 ~~to engage in, or may be eligible to engage in any intercollegiate~~
21 ~~sporting event, contest, exhibition or program~~ shall have the same
22 meaning as defined in the Revised Uniform Athlete Agents Act; and
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1 4. "Transaction" means any action or set of actions occurring
2 between two or more persons for the sale or exchange of any property
3 or services.

4 SECTION 8. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval."

8 Passed the House of Representatives the 3rd day of April, 2023.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2023.

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Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 840

By: McCortney and Jett of the
Senate

3 and

4 Echols of the House

5
6 An Act relating to collegiate athletics; amending 70
7 O.S. 2021, Sections 820.22, 820.23, 820.24, 820.25,
8 and 820.26, which relate to the Student Athlete Name,
9 Image and Likeness Rights Act; modifying definitions;
10 modifying limitation on certain compensation;
11 prohibiting postsecondary institution from providing
12 certain representation or compensation; prohibiting
13 collegiate athletic association from imposing certain
14 restrictions on postsecondary institutions;
15 construing provisions; removing limitation on certain
16 representation; establishing requirements for certain
17 agreements; requiring certain individual or entity to
18 ensure certain disclosures; requiring disclosure of
19 certain representation; modifying requirements for
20 certain contracts; prohibiting use of certain marks
21 for certain purposes; providing exception;
22 authorizing adoption of certain restrictions;
23 authorizing certain third-party agreements;
24 authorizing certain educational or training
requirements; modifying effective date of provisions;
prohibiting collegiate athletic association and
member institutions from taking certain actions
against student athlete or postsecondary
institutions; prohibiting liability for employees of
postsecondary institution for certain decisions or
actions; updating statutory language; providing for
codification; and declaring an emergency.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 9. AMENDATORY 70 O.S. 2021, Section 820.22, is
24 amended to read as follows:

1 Section 820.22. As used in the Student Athlete Name, Image and
2 Likeness Rights Act:

3 1. "Athletic grant-in-aid" shall have the meaning provided by
4 the applicable collegiate athletic association as aid related to the
5 student athlete's participation in an intercollegiate sport for a
6 postsecondary institution. ~~"Athletic grant-in-aid"~~ Athletic grant-
7 in-aid shall not include compensation for the use of the student-
8 athlete's name, image, or likeness rights or athletic reputation;

9 2. "Collegiate athletic association" means any athletic
10 association, conference, or other group or organization with
11 authority over intercollegiate sports including, but not limited to,
12 the National Collegiate Athletic Association;

13 3. "Postsecondary institution" means any state educational
14 institution or private educational institution as defined in Section
15 3102 of Title 70 of the Oklahoma Statutes;

16 4. "Professional representation" includes, but is not limited
17 to, representation ~~provided by an athlete agent holding a~~
18 ~~certificate of registration under the Revised Uniform Athlete Agents~~
19 ~~Act or an attorney duly admitted to practice law in this state~~ by
20 any individual or entity engaged by a student athlete for the
21 purpose of securing compensation or benefits for a student athlete's
22 name, image, or likeness activities. Any individual or entity
23 engaged for such purpose shall be a fiduciary for the represented
24 student athlete;

1 5. ~~"Sponsor" means an individual or organization that receives~~
2 ~~institutional recognition for its financial support or other~~
3 ~~contributions in support of a postsecondary institution or its~~
4 ~~departments or programs;~~

5 ~~6.~~ "Student athlete" shall have the same meaning as defined in
6 the Revised Uniform Athlete Agents Act; and

7 ~~7.~~ ~~"Team contract" means a contract between a postsecondary~~
8 ~~institution or a postsecondary institution's athletic department and~~
9 ~~a sponsor or a third party authorized to enter into a sponsorship~~
10 ~~agreement or agreements on behalf of a postsecondary institution~~

11 6. "Team activities" means student athlete participation in
12 countable athletically related activities and required athletic
13 activities as defined by the collegiate athletic association or as
14 otherwise defined by the postsecondary institution.

15 SECTION 10. AMENDATORY 70 O.S. 2021, Section 820.23, is
16 amended to read as follows:

17 Section 820.23. A. Except as otherwise provided in the Student
18 Athlete Name, Image and Likeness Rights Act, a student athlete may
19 earn compensation ~~commensurate with market value~~ for the use of the
20 name, image, or likeness of the student athlete while enrolled at a
21 postsecondary institution without penalty or resulting limitation on
22 participation. Compensation for the use of a student athlete's
23 name, image, or likeness shall not affect the student athlete's
24 eligibility for athletic grant-in-aid.

1 B. A student athlete shall not earn compensation in exchange
2 for his or her athletic performance or participation in
3 intercollegiate athletics or sports competition. Compensation shall
4 not be provided as an inducement for athletic performance or to
5 attend or enroll at a particular institution.

6 C. A postsecondary institution, ~~an entity whose purpose~~
7 ~~includes supporting or benefitting the postsecondary institution or~~
8 ~~its athletic programs~~ or an officer, director, or employee of such
9 postsecondary institution ~~or entity~~ shall not provide professional
10 representation, or compensate or cause compensation to be directed
11 to a current or prospective student athlete for his or her name,
12 image, or likeness. ~~A scholarship from a postsecondary institution~~
13 ~~in which a student athlete is enrolled that provides him or her with~~
14 ~~the cost of attendance, as defined by an applicable collegiate~~
15 ~~athletic association, at the institution shall not be considered~~
16 ~~compensation for purposes of this Act~~ unless otherwise permitted by
17 a collegiate athletics association and institutional policy.

18 D. A collegiate athletic association shall not, ~~and shall not~~
19 ~~authorize its member institutions to:~~

20 1. ~~Prevent a student athlete at a postsecondary institution~~
21 ~~from earning compensation from the use of his or her name, image or~~
22 ~~likeness;~~

23 2. ~~Prevent a postsecondary institution from participation in~~
24 ~~intercollegiate athletics because a student athlete in attendance~~

1 ~~has previously earned or intends to earn compensation for the use of~~
2 ~~his or her name, image or likeness;~~

3 ~~3. Provide a prospective student athlete with compensation in~~
4 ~~relation to the use of his or her name, image or likeness;~~

5 ~~4. Penalize a student athlete or prevent a student athlete from~~
6 ~~full participation in an intercollegiate sport because he or she~~
7 ~~obtains professional representation in relation to a contract or~~
8 ~~other legal matter; or~~

9 ~~5. Allow compensation earned by a student athlete for the use~~
10 ~~of his or her name, image or likeness or athletic reputation to~~
11 ~~affect the amount, duration or renewal of or eligibility for any~~
12 ~~athletic grant-in-aid or other institutional scholarship; provided,~~
13 ~~however, compensation earned by a student athlete for the use of his~~
14 ~~or her name, image or likeness or athletic reputation may be used~~
15 ~~for the calculation of income for determining eligibility for need-~~
16 ~~based financial aid prohibit a postsecondary institution from~~
17 ~~identifying, facilitating, enabling, or supporting opportunities for~~
18 ~~a student athlete to earn compensation for the student athlete's~~
19 ~~name, image, or likeness activities.~~

20 ~~E. The provisions of this section shall not be construed to~~
21 ~~qualify a student athlete as an employee of a postsecondary~~
22 ~~institution.~~

23 SECTION 11. AMENDATORY 70 O.S. 2021, Section 820.24, is
24 amended to read as follows:

1 Section 820.24. A. 1. A student athlete may obtain
2 professional representation ~~by an athlete agent or attorney~~ for the
3 purpose of securing compensation for the use of his or her name,
4 image, or likeness without penalty, resulting limitation on
5 participation or effect on the student-athlete's athletic grant-in-
6 aid eligibility.

7 2. Any professional representation agreement shall:

8 a. be in writing,

9 b. be executed by both parties,

10 c. clearly describe the obligations of the parties, and

11 d. outline fees for the professional representation.

12 3. An individual or entity engaged for professional
13 representation by a student athlete shall ensure the student athlete
14 discloses the professional relationship to the postsecondary
15 institution as required by this section.

16 ~~B. Professional representation provided by athlete agents shall~~
17 ~~be by persons licensed pursuant to the Revised Uniform Athlete~~
18 ~~Agents Act or superseding law. An athlete agent representing a~~
19 ~~student athlete shall comply with the federal Sports Agent~~
20 ~~Responsibility and Trust Act, Chapter 104, Section 7801 et seq. of~~
21 ~~Title 15 of the United States Code.~~

22 ~~C.~~ A student athlete who enters into a contract providing
23 compensation to the student athlete for use of his or her name,
24 image, or likeness or for professional representation shall disclose

1 the contract in a manner designated by the postsecondary
2 institution, but in any event within seventy-two (72) hours after
3 entering into the contract or before the next athletic event in
4 which the student athlete is eligible to participate, whichever
5 occurs first.

6 SECTION 12. AMENDATORY 70 O.S. 2021, Section 820.25, is
7 amended to read as follows:

8 Section 820.25. A. ~~A student athlete shall not enter into a~~
9 ~~contract that provides compensation to the student athlete for use~~
10 ~~of his or her name, image or likeness if a provision of the contract~~
11 ~~is in conflict with a provision of the postsecondary institution's~~
12 ~~team contract.~~

13 ~~B. A student athlete shall not enter into a contract with a~~
14 ~~third party that provides compensation to the student athlete use a~~
15 ~~postsecondary institution's marks for the purpose of securing~~
16 ~~compensation for use of his or her name, image, or likeness ~~or~~~~
17 ~~athletic reputation if:~~

18 ~~1. The contract requires the student athlete to display the~~
19 ~~third party's apparel or to otherwise advertise for the third-party~~
20 ~~during team activities;~~

21 ~~2. Compliance with the third-party contract would conflict with~~
22 ~~a team contract; or~~

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1 ~~3. The contract allows for the use or consents to the use of~~
2 ~~any institutional marks during the student athlete's third party~~
3 ~~contract activities.~~

4 ~~C. A team contract of a postsecondary institution entered into,~~
5 ~~modified or renewed on or after the effective date of this Act shall~~
6 ~~not prevent a student athlete from using his or her name, image or~~
7 ~~likeness for a commercial purpose when the student athlete is not~~
8 ~~engaged in team activities unless authorized by the institution.~~

9 ~~D. B.~~ A student athlete shall not enter into a name, image, and
10 likeness agreement involving a commercial product or service that
11 conflicts with a written policy of the postsecondary institution
12 ~~which is in compliance with the bylaws and legislation of the~~
13 ~~applicable collegiate athletic association including, but not~~
14 ~~limited to, sports wagering or banned substances or that negatively~~
15 impacts or reflects adversely on the postsecondary institution or
16 its athletic programs including, but not limited to, generating
17 public disrepute, embarrassment, scandal, ridicule or otherwise
18 negatively impacting the reputation or the moral or ethical
19 standards of the postsecondary institution.

20 ~~E. C.~~ A contract for the use of a student athlete's name,
21 image, or likeness or a contract for professional representation
22 related to name, image, or likeness that is formed while the student
23 athlete is participating in an intercollegiate sport at a
24

1 postsecondary educational institution may not extend beyond the
2 student athlete's participation in the sport at the institution.

3 ~~F. Nothing in the Student Athlete Name, Image and Likeness~~
4 ~~Rights Act shall be construed to authorize a student athlete to~~
5 ~~assert any right or interest as a party to or intended beneficiary~~
6 ~~of team contracts or to create a right of one or more student~~
7 ~~athletes to participate in the negotiation, awarding or earnings of~~
8 ~~team contracts.~~

9 D. A postsecondary institution may adopt reasonable time,
10 place, and manner restrictions to prevent a student athlete's name,
11 image, or likeness activities from interfering with team activities,
12 the postsecondary institution's operations, or the use of the
13 institution's facilities. A postsecondary institution may receive
14 compensation for the use of its institutional marks or facilities in
15 conjunction with a student athlete's name, image, and likeness
16 activities.

17 E. A collegiate athletic association shall not prohibit a
18 postsecondary institution from establishing agreements with a third-
19 party entity to act on its behalf to identify, facilitate, enable,
20 or support student athlete name, image, and likeness activities.

21 F. An institution may require a student athlete to take courses
22 or receive education or training in contracts, financial literacy,
23 or any other subject the postsecondary institution deems necessary

24

1 to prepare a student athlete to engage in name, image, and likeness
2 activities.

3 SECTION 13. AMENDATORY 70 O.S. 2021, Section 820.26, is
4 amended to read as follows:

5 Section 820.26. ~~Each postsecondary institution shall determine~~
6 ~~a date on or before July 1, 2023, upon which the~~ The provisions of
7 the Student Athlete Name, Image and Likeness Rights Act ~~will~~ shall
8 ~~be recognized by the postsecondary institution~~ effective
9 immediately.

10 SECTION 14. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 820.27 of Title 70, unless there
12 is created a duplication in numbering, reads as follows:

13 A. A collegiate athletic association shall not and shall not
14 authorize its member institutions to:

15 1. Prevent a student athlete at a postsecondary institution
16 from earning compensation from the use of his or her name, image, or
17 likeness;

18 2. Provide a prospective student athlete with compensation in
19 relation to the use of his or her name, image, or likeness;

20 3. Penalize a student athlete or prevent a student athlete from
21 full participation in an intercollegiate sport because he or she
22 obtains professional representation or receives assistance with
23 services associated with name, image, or likeness activities
24

1 including with contracts or other legal matters from an individual,
2 entity, or a postsecondary institution; or

3 4. Allow compensation earned by a student athlete for the use
4 of his or her name, image, or likeness or athletic reputation to
5 affect the amount, duration, or renewal of or eligibility for any
6 athletic grant-in-aid or other institutional scholarship; provided,
7 however, compensation earned by a student athlete for the use of his
8 or her name, image, or likeness or athletic reputation may be used
9 for the calculation of income for determining eligibility for need-
10 based financial aid.

11 B. A collegiate athletic association shall not and shall not
12 authorize its member institutions to:

13 1. Prevent a postsecondary institution from participation in
14 intercollegiate athletics because a student athlete in attendance
15 has previously earned or intends to earn compensation for the use of
16 his or her name, image, or likeness;

17 2. Entertain a complaint, open an investigation, or take any
18 other adverse action against a postsecondary institution for
19 engaging in any activity protected in the Student Athlete Name,
20 Image and Likeness Rights Act or for involvement in student athlete
21 name, image, or likeness activities; or

22 3. Penalize a postsecondary institution from participation in
23 intercollegiate athletics because an individual or entity whose
24 purpose includes supporting or benefitting the postsecondary

1 institution or its athletic programs violates the collegiate
2 athletic association's rules or regulations with regard to student
3 athlete name, image, or likeness activities.

4 C. No postsecondary institution's employees, including
5 athletics coaching staff, shall be liable for any damages to a
6 student athlete's ability to earn compensation for the use of the
7 student athlete's name, image, or likeness resulting from decisions
8 and actions routinely taken in the course of intercollegiate
9 athletics.

10 SECTION 15. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 Passed the Senate the 16th day of February, 2023.

15

16

Presiding Officer of the Senate

17

18 Passed the House of Representatives the ____ day of _____,
19 2023.

20

21

Presiding Officer of the House
of Representatives

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