

1 ENGROSSED SENATE
2 BILL NO. 1786

By: Thompson (Kristen) of the
Senate

3 and

4 Kannady and Deck of the
5 House

6
7 An Act relating to the Student Athlete Name, Image
8 and Likeness Rights Act; amending 70 O.S. 2021,
9 Sections 820.23, as amended by Section 2, Chapter
10 315, O.S.L. 2023, 820.25, as amended by Section 4,
11 Chapter 315, O.S.L. 2023, and Section 6, Chapter 315,
12 O.S.L. 2023 (70 O.S. Supp. 2023, Sections 820.23,
13 820.25, and 820.27), which relate to compensation,
14 limitations on contracts, and restrictions on
15 collegiate athletic associations; removing
16 prohibition for certain compensation; authorizing
17 certain representation or compensation; providing
18 exception to certain contractual requirement;
19 modifying prohibitions for certain associations or
20 institutions; extending liability protections to
21 certain officers; amending 70 O.S. 2021, Section
22 822.2, which relates to prohibited transactions;
23 clarifying definition of certain association; adding
24 exception to applicability of certain provisions;
updating statutory language; and declaring an
emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 820.23, as
amended by Section 2, Chapter 315, O.S.L. 2023 (70 O.S. Supp. 2023,
Section 820.23), is amended to read as follows:

Section 820.23. A. Except as otherwise provided in the Student
Athlete Name, Image and Likeness Rights Act, a student athlete may

1 earn compensation for the use of the name, image, or likeness of the
2 student athlete while enrolled at a postsecondary institution
3 without penalty or resulting limitation on participation.

4 Compensation for the use of a student athlete's name, image, or
5 likeness shall not affect the student athlete's eligibility for
6 athletic grant-in-aid.

7 ~~B. A student athlete shall not earn compensation in exchange~~
8 ~~for his or her athletic performance or participation in~~
9 ~~intercollegiate athletics or sports competition. Compensation shall~~
10 ~~not be provided as an inducement for athletic performance or to~~
11 ~~attend or enroll at a particular institution.~~

12 ~~C. A postsecondary institution or an officer, director, or~~
13 ~~employee of such~~ a third party authorized to act on behalf of the
14 postsecondary institution ~~shall not~~ may provide professional
15 representation ~~or~~ and compensate or cause compensation to be
16 directed to a current or prospective student athlete for his or her
17 name, image, or likeness ~~unless otherwise~~ if permitted by a
18 collegiate athletics association, of which the postsecondary
19 institution is a member, and institutional policy.

20 ~~D. C.~~ C. A collegiate athletic association shall not prohibit a
21 postsecondary institution or a third party authorized to act on
22 behalf of a postsecondary institution from identifying,
23 facilitating, enabling, or supporting opportunities for a student
24

1 athlete to earn compensation for the student athlete's name, image,
2 or likeness activities.

3 ~~E.~~ D. The provisions of this section shall not be construed to
4 qualify a student athlete as an employee of a postsecondary
5 institution.

6 SECTION 2. AMENDATORY 70 O.S. 2021, Section 820.25, as
7 amended by Section 4, Chapter 315, O.S.L. 2023 (70 O.S. Supp. 2023,
8 Section 820.25), is amended to read as follows:

9 Section 820.25. A. A student athlete shall not use a
10 postsecondary institution's marks for the purpose of securing
11 compensation for use of his or her name, image, or likeness unless
12 authorized by the postsecondary institution.

13 B. A student athlete shall not enter into a name, image, and
14 likeness agreement involving a commercial product or service that
15 conflicts with a written policy of the postsecondary institution or
16 that negatively impacts or reflects adversely on the postsecondary
17 institution or its athletic programs including, but not limited to,
18 generating public disrepute, embarrassment, scandal, ridicule or
19 otherwise negatively impacting the reputation or the moral or
20 ethical standards of the postsecondary institution.

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

1 ~~educational~~ institution may not extend beyond the student athlete's
2 participation in the sport at the institution unless the contract is
3 between the student athlete and the postsecondary institution or a
4 third party authorized to act on behalf of the postsecondary
5 institution.

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

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

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

1 SECTION 3. AMENDATORY Section 6, Chapter 315, O.S.L.
2 2023 (70 O.S. Supp. 2023, Section 820.27), is amended to read as
3 follows:

4 Section 820.27. A. A collegiate athletic association shall not
5 and shall not authorize its member institutions to:

6 1. Prevent a student athlete at a postsecondary institution
7 from earning compensation ~~from~~ for the use of his or her name,
8 image, or likeness;

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

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

17 ~~4.~~ 3. Allow compensation earned by a student athlete for the
18 use of his or her name, image, or likeness or athletic reputation to
19 affect the amount, duration, or renewal of or eligibility for any
20 athletic grant-in-aid or other institutional scholarship; provided,
21 however, compensation earned by a student athlete for the use of his
22 or her name, image, or likeness or athletic reputation may be used
23 for the calculation of income for determining eligibility for need-
24 based financial aid.

1 B. A collegiate athletic association shall not and shall not
2 authorize its member institutions to:

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

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

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

20 C. No postsecondary institution's officers or employees,
21 including athletics coaching staff, shall be liable for any damages
22 to a student athlete's ability to earn compensation for the use of
23 the student athlete's name, image, or likeness resulting from
24

1 decisions and actions routinely taken in the course of
2 intercollegiate athletics.

3 SECTION 4. AMENDATORY 70 O.S. 2021, Section 822.2, is
4 amended to read as follows:

5 Section 822.2. A. Except as provided for in subsection C of
6 this section, no person shall give, offer, promise or attempt to
7 give any money or other thing of value to a ~~student-athlete~~ student
8 athlete or member of the immediate family of a ~~student-athlete~~
9 student athlete:

10 1. To induce, encourage or reward the application, enrollment
11 or attendance of the ~~student-athlete~~ student athlete at a public or
12 private institution of postsecondary education in order to have the
13 ~~student-athlete~~ student athlete participate in intercollegiate
14 sporting events, contests, exhibitions or programs at that
15 institution; or

16 2. To induce, encourage or reward the participation in an
17 intercollegiate sporting event, contest, exhibition or program by
18 the ~~student-athlete~~ student athlete.

19 B. No person shall enter into or solicit directly or through an
20 agent a transaction with a ~~student-athlete~~ student athlete if the
21 person has, or could be reasonably expected to have, knowledge that
22 the transaction would likely cause the ~~student-athlete~~ student
23 athlete to permanently or temporarily lose athletic scholarship
24 eligibility, the ability to participate on an intercollegiate

1 athletic team or the ability to participate in one or more
2 intercollegiate sporting competitions as sanctioned by:

3 1. A ~~national~~ collegiate athletic association ~~for the promotion~~
4 ~~and regulation of intercollegiate athletics~~ as defined in the
5 Student Athlete Name, Image and Likeness Act;

6 2. ~~An athletic conference or~~ Any other sanctioning body; or

7 3. The institution of postsecondary education itself as a
8 reasonable self-imposed disciplinary action taken by the institution
9 to mitigate sanctions likely to be imposed by an organization as a
10 result of the transaction or as a violation of the rules of the
11 institution.

12 C. This section shall not apply to:

13 1. Any public or private institution of postsecondary education
14 or to any officer or employee of the institution when the
15 institution or the officer or employee of the institution is acting
16 in accordance with an official written policy of the postsecondary
17 ~~institution which is in compliance with the bylaws of the National~~
18 ~~Collegiate Athletic Association~~;

19 2. Any intercollegiate athletic award approved or administered
20 by the public or private institution of postsecondary education;

21 3. Grants-in-aid or other full or partial scholarships awarded
22 to a ~~student-athlete~~ student athlete or administered by a public or
23 private institution of postsecondary education;

1 4. Members of the immediate family of the ~~student-athlete~~
2 student athlete; ~~and~~

3 5. Money or things of value given by a person to a ~~student-~~
4 ~~athlete~~ student athlete or the immediate family of a ~~student-athlete~~
5 student athlete that do not exceed One Hundred Dollars (\$100.00) in
6 value in the aggregate on an annual basis; and

7 6. A gift, offer, promise, or attempt to give money or other
8 thing of value given by a person to a student athlete or member of
9 the immediate family of a student athlete if such gift, offer,
10 promise, or attempt conforms with the rules of any collegiate
11 athletic association of which the postsecondary institution is a
12 member.

13 D. Any person who violates the provisions of this section shall
14 be guilty of a misdemeanor and, upon conviction, shall be subject to
15 a fine ~~of~~ not less than One Thousand Dollars (\$1,000.00) and not
16 more than Five Thousand Dollars (\$5,000.00), or by imprisonment not
17 to exceed one (1) year, or by both such fine and imprisonment.

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

1 Passed the Senate the 12th day of March, 2024.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2024.

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8 _____
9 Presiding Officer of the House
10 of Representatives