

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

No. 1

☐ COMMITTEE AMENDMENT

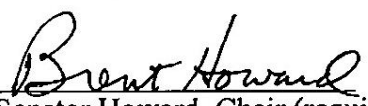
(Date)

I move to amend Senate Bill No. 1786 by substituting the attached floor substitute (Request # 3589) for the title, enacting clause, and entire body of the measure.

Submitted by:


Senator Kristen Thompson

I hereby grant permission for the floor substitute to be adopted.


Senator Howard, Chair (required)


Senator Gollin

Senator Boren

Senator Brooks

Senator Bullard

Senator Daniels

Senator Treat, President Pro Tempore

Senator Floyd

Senator Hall

Senator Jech

Senator Standridge

Senator Stewart

Senator Weaver

Senator McCortney, Majority Floor Leader

Note: Judiciary Committee majority requires seven (7) members' signatures.

Thompson(K)-TEK-FS-SB1786
3/5/2024 12:38 PM

(Floor Amendments Only)

Date and Time Filed:

3.7.24 1:19pm jd

☐

Untimely

☐

Amendment Cycle Extended

☐

Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 1786

By: Thompson (Kristen) of the
Senate

and

Kannady and Deck of the
House

FLOOR SUBSTITUTE

An Act relating to the Student Athlete Name, Image and Likeness Rights Act; amending 70 O.S. 2021, Sections 820.23, as amended by Section 2, Chapter 315, O.S.L. 2023, 820.25, as amended by Section 4, Chapter 315, O.S.L. 2023, and Section 6, Chapter 315, O.S.L. 2023 (70 O.S. Supp. 2023, Sections 820.23, 820.25, and 820.27), which relate to compensation, limitations on contracts, and restrictions on collegiate athletic associations; removing prohibition for certain compensation; authorizing certain representation or compensation; providing exception to certain contractual requirement; modifying prohibitions for certain associations or institutions; extending liability protections to certain officers; amending 70 O.S. 2021, Section 822.2, which relates to prohibited transactions; clarifying definition of certain association; adding 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 earn compensation for the use of the name, image, or likeness of the student athlete while enrolled at a postsecondary institution without penalty or resulting limitation on participation.

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

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

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

1 ~~D.~~ C. A collegiate athletic association shall not prohibit a
2 postsecondary institution or a third party authorized to act on
3 behalf of a postsecondary institution from identifying,
4 facilitating, enabling, or supporting opportunities for a student
5 athlete to earn compensation for the student athlete's name, image,
6 or likeness activities.

7 ~~E.~~ D. The provisions of this section shall not be construed to
8 qualify a student athlete as an employee of a postsecondary
9 institution.

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

13 Section 820.25. A. A student athlete shall not use a
14 postsecondary institution's marks for the purpose of securing
15 compensation for use of his or her name, image, or likeness unless
16 authorized by the postsecondary institution.

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

1 C. A contract for the use of a student athlete's name, image,
2 or likeness or a contract for professional representation related to
3 name, image, or likeness that is formed while the student athlete is
4 participating in an intercollegiate sport at a postsecondary
5 ~~educational~~ institution may not extend beyond the student athlete's
6 participation in the sport at the institution unless the contract is
7 between the student athlete and the postsecondary institution or a
8 third party authorized to act on behalf of the postsecondary
9 institution.

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

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

23 F. An institution may require a student athlete to take courses
24 or receive education or training in contracts, financial literacy,

1 or any other subject the postsecondary institution deems necessary
2 to prepare a student athlete to engage in name, image, and likeness
3 activities.

4 SECTION 3. AMENDATORY Section 6, Chapter 315, O.S.L.
5 2023 (70 O.S. Supp. 2023, Section 820.27), is amended to read as
6 follows:

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

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

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

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

20 ~~4.~~ 3. Allow compensation earned by a student athlete for the
21 use of his or her name, image, or likeness or athletic reputation to
22 affect the amount, duration, or renewal of or eligibility for any
23 athletic grant-in-aid or other institutional scholarship; provided,
24 however, compensation earned by a student athlete for the use of his

1 or her name, image, or likeness or athletic reputation may be used
2 for the calculation of income for determining eligibility for need-
3 based financial aid.

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

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

10 2. Entertain a complaint, open an investigation, or take any
11 other adverse action against a postsecondary institution or an
12 employee or student athlete of 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~~ or an employee or student athlete of a
18 postsecondary institution because an individual or entity whose
19 purpose includes supporting or benefitting the postsecondary
20 institution or its athletic programs violates the collegiate
21 athletic association's rules or regulations with regard to student
22 athlete name, image, or likeness activities.

23 C. No postsecondary institution's officers or employees,
24 including athletics coaching staff, shall be liable for any damages

1 to a student athlete's ability to earn compensation for the use of
2 the student athlete's name, image, or likeness resulting from
3 decisions and actions routinely taken in the course of
4 intercollegiate athletics.

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

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

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

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

21 B. No person shall enter into or solicit directly or through an
22 agent a transaction with a ~~student-athlete~~ student athlete if the
23 person has, or could be reasonably expected to have, knowledge that
24 the transaction would likely cause the ~~student-athlete~~ student

1 athlete to permanently or temporarily lose athletic scholarship
2 eligibility, the ability to participate on an intercollegiate
3 athletic team or the ability to participate in one or more
4 intercollegiate sporting competitions as sanctioned by:

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

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

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

14 C. This section shall not apply to:

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

21 2. Any intercollegiate athletic award approved or administered
22 by the public or private institution of postsecondary education;
23
24

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

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

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

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

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

21 SECTION 5. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
23
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3

4 59-2-3589 TEK 3/7/2024 2:38:10 PM

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24