

SENATE FLOOR VERSION

February 20, 2024

SENATE BILL NO. 1786

By: Thompson (Kristen) of the
Senate

and

Kannady and Deck of the
House

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; and providing an effective date.

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

1 student athlete while enrolled at a postsecondary institution
2 without penalty or resulting limitation on participation.
3 Compensation for the use of a student athlete's name, image, or
4 likeness shall not affect the student athlete's eligibility for
5 athletic grant-in-aid.

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

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

19 ~~D.~~ C. A collegiate athletic association shall not prohibit a
20 postsecondary institution from identifying, facilitating, enabling,
21 or supporting opportunities for a student athlete to earn
22 compensation for the student athlete's name, image, or likeness
23 activities.
24

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

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

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

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

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

1 between the student athlete and the postsecondary institution or a
2 third party authorized to act on behalf of the postsecondary
3 institution.

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

12 E. A collegiate athletic association shall not prohibit a
13 postsecondary institution from establishing agreements with a ~~third-~~
14 ~~party entity~~ third party to act on its behalf to identify,
15 facilitate, enable, or support student athlete name, image, and
16 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 3. AMENDATORY Section 6, Chapter 315, O.S.L.
23 2023 (70 O.S. Supp. 2023, Section 820.27), is amended to read as
24 follows:

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

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

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

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

14 ~~4.~~ 3. Allow compensation earned by a student athlete for the
15 use of his or her name, image, or likeness or athletic reputation to
16 affect the amount, duration, or renewal of or eligibility for any
17 athletic grant-in-aid or other institutional scholarship; provided,
18 however, compensation earned by a student athlete for the use of his
19 or her name, image, or likeness or athletic reputation may be used
20 for the calculation of income for determining eligibility for need-
21 based financial aid.

22 B. A collegiate athletic association shall not and shall not
23 authorize its member institutions to:
24

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

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

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

16 C. No postsecondary institution's officers or employees,
17 including athletics coaching staff, shall be liable for any damages
18 to a student athlete's ability to earn compensation for the use of
19 the student athlete's name, image, or likeness resulting from
20 decisions and actions routinely taken in the course of
21 intercollegiate athletics.

22 SECTION 4. This act shall become effective November 1, 2024.

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
24 February 20, 2024 - DO PASS