

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1786

By: Thompson (Kristen)

AS INTRODUCED

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 student athlete while enrolled at a postsecondary institution

1 without penalty or resulting limitation on participation.

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

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

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

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

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:

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.  
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