

An Act

ENROLLED SENATE
BILL NO. 490

By: Gollihare of the Senate

and

Lawson 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 last amended by Section 1, Chapter 85, O.S.L. 2024, 820.24, as amended by Section 3, Chapter 315, O.S.L. 2023, and 820.25, as last amended by Section 2, Chapter 85, O.S.L. 2024 (70 O.S. Supp. 2024, Sections 820.23, 820.24, and 820.25), which relate to compensation, professional representation, and limitations on agreements and contracts; modifying circumstances under which a postsecondary institution or authorized third party may provide certain representation or payment; prohibiting use of state funds for certain payment; construing provisions; prohibiting requirement of release of or license to use certain name, image, and likeness rights for certain purposes; removing time limit for certain disclosure; authorizing revocation or rescission of certain agreement or commitment under certain circumstances; prohibiting liability for certain revocation or rescission; modifying terms for extension of certain contracts; updating statutory language; and declaring an emergency.

SUBJECT: Student athlete name, image, and likeness rights

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 820.23, as last amended by Section 1, Chapter 85, O.S.L. 2024 (70 O.S. Supp. 2024, 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~~ A student athlete may earn compensation payments for the use of the name, image, or likeness of the student athlete while enrolled at a or as otherwise permitted by a collegiate athletic association with authority over his or her postsecondary institution without penalty or resulting limitation on participation. Compensation for the use of a student athlete's name, image, or likeness Such payments shall not affect the student athlete's eligibility for athletic grant-in-aid.

B. A postsecondary institution or a third party authorized to act on behalf of the postsecondary institution may ~~provide:~~

1. Provide professional representation and compensate pay or cause compensation payment to be directed to a current or prospective student athlete for his or her name, image, or likeness if permitted by a collegiate athletics association, of which the postsecondary institution is a member, and institutional policy as permitted by the Student Athlete Name, Image and Likeness Rights Act; provided, however, no postsecondary institution shall use funds allocated by this state for such payment; and

2. Enter into exclusive or non-exclusive licenses or endorsement agreements for a student athlete's name, image, or likeness, institutional promotion, or other rights.

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

D. The provisions of this section shall not be construed to qualify a student athlete as an employee of a postsecondary institution or a collegiate athletic association based on the student athlete's receipt of any payment or benefit permitted by this Act or one or more of the following:

1. Participation in intercollegiate athletic competition;

2. Membership on any intercollegiate athletic team; or

3. Imposition of requirements, controls, or restrictions on student athletes by postsecondary institutions, in connection with their participation in intercollegiate athletic activities, practices, and competition.

E. No release of or license to use a student athlete's name, image, or likeness rights, or a name, image, or likeness agreement, shall be required from or with any individual or group of participants in an intercollegiate athletic competition, contest, or event, or spectators at a sports game, contest, or event, for audio-visual, audio, or visual broadcasts, rebroadcasts, or other distributions of such event.

SECTION 2. AMENDATORY 70 O.S. 2021, Section 820.24, as amended by Section 3, Chapter 315, O.S.L. 2023 (70 O.S. Supp. 2024, Section 820.24), is amended to read as follows:

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

2. Any professional representation agreement shall:

- a. be in writing,
- b. be executed by both parties,
- c. clearly describe the obligations of the parties, and
- d. outline fees for the professional representation.

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

B. A student athlete who enters into a contract providing ~~compensation~~ payment to the student athlete for use of his or her

name, image, or likeness or for professional representation shall disclose the contract in a manner designated by the postsecondary institution, ~~but in any event within seventy-two (72) hours after entering into the contract or before the next athletic event in which the student athlete is eligible to participate, whichever occurs first.~~

C. A postsecondary institution may revoke or rescind any agreement or commitment to provide payment, a grant-in-aid, or other benefits to a student athlete who receives or agrees to receive payment not permitted by this Act or a collegiate athletic association with authority over the postsecondary institution and shall not be liable in damages or subjected to any injunctive relief by a court because of such revocation or rescission.

SECTION 3. AMENDATORY 70 O.S. 2021, Section 820.25, as last amended by Section 2, Chapter 85, O.S.L. 2024 (70 O.S. Supp. 2024, Section 820.25), is amended to read as follows:

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

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

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

~~postsecondary institution~~ his or her eligibility to participate in intercollegiate athletics; provided, however, if a postsecondary institution has licensed the right to use the name, image, or likeness of a student athlete to promote the postsecondary institution's academic or athletic program in content created while the student athlete is enrolled at the postsecondary institution, the postsecondary institution shall not be required to discontinue use of such name, image, or likeness rights, if and as permitted by the agreement with the student athlete, after the student athlete's eligibility has expired.

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

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

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

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

Passed the Senate the 17th day of March, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the 28th day of April, 2025.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____