

1 ENGROSSED SENATE
2 BILL NO. 490

By: Gollihare of the Senate

and

Lawson of the House

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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 last amended by Section 1,
10 Chapter 85, O.S.L. 2024, 820.24, as amended by
11 Section 3, Chapter 315, O.S.L. 2023, and 820.25, as
12 last amended by Section 2, Chapter 85, O.S.L. 2024
13 (70 O.S. Supp. 2024, Sections 820.23, 820.24, and
14 820.25), which relate to compensation, professional
15 representation, and limitations on agreements and
16 contracts; modifying circumstances under which a
17 postsecondary institution or authorized third party
18 may provide certain representation or payment;
19 prohibiting use of state funds for certain payment;
20 construing provisions; prohibiting requirement of
21 release of or license to use certain name, image, and
22 likeness rights for certain purposes; removing time
23 limit for certain disclosure; authorizing revocation
24 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.

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:

1 Section 820.23. A. ~~Except as otherwise provided in the Student~~
2 ~~Athlete Name, Image and Likeness Rights Act,~~ a A student athlete may
3 earn ~~compensation~~ payments for the use of the name, image, or
4 likeness of the student athlete ~~while enrolled at a~~ or as otherwise
5 permitted by a collegiate athletic association with authority over
6 his or her postsecondary institution without penalty or resulting
7 limitation on participation. ~~Compensation for the use of a student~~
8 ~~athlete's name, image, or likeness~~ Such payments shall not affect
9 the student athlete's eligibility for athletic grant-in-aid.

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

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

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

23 C. A collegiate athletic association shall not prohibit a
24 postsecondary institution or a third party authorized to act on

1 behalf of a postsecondary institution from identifying,
2 facilitating, enabling, or supporting opportunities for a student
3 athlete to earn ~~compensation~~ payment for the student athlete's name,
4 image, or likeness activities.

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

- 10 1. Participation in intercollegiate athletic competition;
- 11 2. Membership on any intercollegiate athletic team; or
- 12 3. Imposition of requirements, controls, or restrictions on
13 student athletes by postsecondary institutions, in connection with
14 their participation in intercollegiate athletic activities,
15 practices, and competition.

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

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

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

9 2. Any professional representation agreement shall:

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

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

18 B. A student athlete who enters into a contract providing
19 ~~compensation~~ payment to the student athlete for use of his or her
20 name, image, or likeness or for professional representation shall
21 disclose the contract in a manner designated by the postsecondary
22 institution, ~~but in any event within seventy-two (72) hours after~~
23 ~~entering into the contract or before the next athletic event in~~

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1 ~~which the student athlete is eligible to participate, whichever~~
2 ~~occurs first.~~

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

10 SECTION 3. AMENDATORY 70 O.S. 2021, Section 820.25, as
11 last amended by Section 2, Chapter 85, O.S.L. 2024 (70 O.S. Supp.
12 2024, 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~~ payment for use of his or her name, image, or likeness
16 unless 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 involves a commercial product or service that negatively impacts or
21 reflects adversely on the postsecondary institution or its athletic
22 programs including, but not limited to, generating public disrepute,
23 embarrassment, scandal, ridicule or otherwise negatively impacting

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1 the reputation or the moral or ethical standards of the
2 postsecondary institution.

3 C. A contract for the use of a student athlete's name, image,
4 or likeness or a contract for professional representation related to
5 name, image, or likeness that is formed while the student athlete is
6 participating in ~~an~~ intercollegiate ~~sport~~ athletics at a
7 postsecondary institution may not extend beyond ~~the student~~
8 ~~athlete's participation in the sport at the institution unless the~~
9 ~~contract is between the student athlete and the postsecondary~~
10 ~~institution or a third party authorized to act on behalf of the~~
11 ~~postsecondary institution~~ his or her eligibility to participate in
12 intercollegiate athletics; provided, however, if a postsecondary
13 institution has licensed the right to use the name, image, or
14 likeness of a student athlete to promote the postsecondary
15 institution's academic or athletic program in content created while
16 the student athlete is enrolled at the postsecondary institution,
17 the postsecondary institution shall not be required to discontinue
18 use of such name, image, or likeness rights, if and as permitted by
19 the agreement with the student athlete, after the student athlete's
20 eligibility has expired.

21 D. A postsecondary institution may adopt reasonable time,
22 place, and manner restrictions to prevent a student athlete's name,
23 image, or likeness activities from interfering with team activities,
24 the postsecondary institution's operations, or the use of the

1 postsecondary institution's facilities. A postsecondary institution
2 may receive compensation for the use of its institutional marks or
3 facilities in conjunction with a student athlete's name, image, and
4 likeness activities.

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

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

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

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