

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 1141 & 1067, Page 5, Section 160.545,
2 Line 138, by inserting after all of said line the following:

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4 "173.280. 1. As used in this section, the following terms mean:

5 (1) "Athletic conference", an entity or a collaboration of entities such as the autonomy
6 conferences that has athletics governance authority, is a member of an athletic association, and has
7 members comprised of or competes against postsecondary educational institutions;

8 (2) "Athletic association", an entity with athletics governance authority that is comprised of
9 postsecondary educational institutions and athletic conferences;

10 (3) "College athlete", an individual who participates or has participated in an intercollegiate
11 sport for a postsecondary educational institution located in the state. An individual's participation in
12 a college intramural sport or in a professional sport outside of intercollegiate athletics;

13 (4) "Third party", any individual or entity other than a postsecondary educational institution,
14 athletic conference, or athletic association.

15 2. The state of Missouri requests that any federal legislation regarding this section respect
16 and permit Missouri college or university athletes' rights, protections, and other provisions included
17 in this section.

18 3. (1) A postsecondary educational institution shall not uphold any rule, requirement,
19 standard, or other limitation that prevents a college athlete of that institution from fully participating
20 in intercollegiate athletics without penalty for receiving food, shelter, medical expenses, or
21 insurance from a third party; or for earning compensation from a third party as a result of the use of
22 the college athlete's name, image, or likeness rights, or athletic reputation. Earning compensation
23 from the use of a college athlete's name, image, or likeness rights, or athletic reputation shall not
24 affect a college athlete's grant-in-aid or stipend eligibility, amount, duration, or renewal.

25 (2) For purposes of this section, a grant-in aid and/or a stipend from a postsecondary
26 educational institution in which a college athlete is enrolled is not compensation for use of a college
27 athlete's name, image, and likeness rights, or athletic reputation; and a grant-in-aid or stipend shall
28 not be revoked or reduced as a result of a college athlete earning compensation pursuant to this
29 section. A postsecondary educational institution shall not interfere with or prevent a college athlete
30 from fully participating in intercollegiate athletics for obtaining representation unaffiliated with a
31 postsecondary educational institution or its partners in relation to contracts or legal matters
32 including, but not limited to athlete agents, financial advisors, or legal representation provided by
33 attorneys.

34 4. An entity or individual that represents a postsecondary educational institution or has
35 represented a postsecondary educational institution in the previous four years shall not represent a
36 college athlete in any business.

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1 5. (1) A third party shall not offer a college athlete a contract to provide compensation to
2 the college athlete for use of the college athlete's name, image, or likeness rights, or athletic
3 reputation which requires a college athlete to advertise for the sponsor in person during official,
4 mandatory team activities without approval from the college athlete's postsecondary educational
5 institution.

6 (2) Postsecondary institutions of higher education cannot prohibit or discourage college
7 athletes from wearing footwear of their choice during official, mandatory team activities so long as
8 the footwear does not have reflective fabric, lights, or pose a health risk to a college athlete.

9 6. A postsecondary educational institution shall not prevent a college athlete from receiving
10 third party compensation for using the college athlete's name, image, or likeness rights, or athletic
11 reputation when the college athlete is not engaged in official team activities. Such restrictions may
12 not exceed 20 hours per week during the season and 8 hours per week during the off-season.

13 7. A postsecondary educational institution shall not arrange 3rd party compensation for
14 college athletes related to use of their name, image, or likeness rights or athletic reputation or use
15 such deals as inducements to recruit prospective college athletes.

16 8. (1) Postsecondary educational institutions that enter into commercial agreements that
17 directly or indirectly require the use of a college athlete's name, image, and likeness must conduct a
18 financial development program of up to 15 hours in duration once per year.

19 (2) The financial development program cannot include any marketing, advertising, referral,
20 or solicitation by providers of financial products or services.

21 (3) College athlete attorney representation shall be by persons licensed by the state.

22 9. This legislation shall apply only to contracts entered into, modified, or renewed on or
23 after the enactment of this section.

24 10. College athletes shall have the right to pursue private action against parties who violate
25 this act through superior court, through a civil action for injunctive relief or money damages, or
26 both.

27 11. The court shall award court costs and reasonable reimbursement for attorneys' fees to
28 the prevailing plaintiffs in an action brought against a violator of the provisions of this section.

29 12. College athletes and state or local prosecutors seeking to prosecute violators shall not be
30 deprived of any protections provided under Missouri law with respect to a controversy that arises in
31 Missouri; shall have the right to adjudication in Missouri a claim that arises in Missouri.

32 13. The provisions of this chapter are severable. If any provision of this chapter or its
33 application is held invalid, that invalidity shall not affect other provisions or applications that can be
34 given effect without the invalid provision or application.

35 14. Legal settlements cannot permit noncompliance with this act.

36 15. This chapter shall apply to any applicable agreement or contract newly entered into,
37 renewed, modified, or extended on or after the earlier of July 1, 2021, the effective date of any
38 similar names, images and likenesses (NIL) state or federal law, or the effective date of an athletic
39 association or athletic conference NIL rule. Such agreements or contracts include but are not
40 limited to the National Letter of Intent, a college athlete's financial aid agreement, commercial
41 contracts, and athletic conference or athletic association rules or bylaws."; and

42
43 Further amend said bill by amending the title, enacting clause, and intersectional references
44 accordingly.