

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 718, Page 12, Section 170.036, Line 65,
2 by inserting after all of said section and line the following:

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

5 (1) "Postsecondary educational institution", any campus of a public or private institution of
6 higher education in this state that is subject to the coordinating board for higher education under
7 section 173.005;

8 (2) "Student athlete", an individual who participates or has participated in an intercollegiate
9 sport for a postsecondary educational institution. Student athlete shall not be construed to apply to
10 an individual's participation in a college intramural sport or in a professional sport outside of
11 intercollegiate athletics;

12 (3) "Third party", any individual or entity, including any athlete agent, other than a
13 postsecondary educational institution, athletic conference, or athletic association.

14 2. (1) No postsecondary educational institution shall uphold any rule, requirement,
15 standard, or other limitation that prevents a student of that institution from fully participating in
16 intercollegiate athletics without penalty and earning compensation as a result of the use of the
17 student's name, image, likeness rights, or athletic reputation. A student athlete earning
18 compensation from the use of a student's name, image, likeness rights, or athletic reputation shall
19 not affect such student athlete's grant-in-aid or stipend eligibility, amount, duration, or renewal.

20 (2) No postsecondary educational institution shall interfere with or prevent a student from
21 fully participating in intercollegiate athletics or obtaining professional representation in relation to
22 contracts or legal matters, including, but not limited to, representation provided by athlete agents,
23 financial advisors, or legal representation provided by attorneys.

24 3. A grant-in-aid or stipend from the postsecondary educational institution in which a
25 student is enrolled shall not be construed to be compensation for use of the student's name, image,
26 likeness rights, or athletic reputation for purposes of this section, and no grant-in-aid or stipend shall
27 be revoked or reduced as a result of a student earning compensation under this section.

28 4. (1) No student athlete shall enter into an apparel, equipment, or beverage contract
29 providing compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic

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1 reputation if the contract requires the athlete to display a sponsor's apparel, equipment, or beverage
2 or otherwise advertise for the sponsor during official team activities if such provisions are in conflict
3 with a provision of the postsecondary institution's current licenses or contracts.

4 (2) (a) Except with the prior written consent of the student athlete's postsecondary
5 educational institution, a student athlete shall not enter into a contract for compensation for the use
6 of such student athlete's name, image, likeness rights, or athletic reputation, if such institution
7 determines that a term of the contract conflicts with a term of a contract to which such institution is
8 a party.

9 (b) A postsecondary educational institution or any officer, director, or employee of such
10 institution, including but not limited to a coach or a member of the coaching staff, may identify,
11 facilitate, or otherwise enable opportunities for a student athlete to earn compensation from a third
12 party for the use of the student athlete's name, image, likeness rights, or athletic reputation, provided
13 that such individuals shall not:

14 a. Serve as the athlete's agent;

15 b. Receive compensation from the student athlete or a third party for facilitating or enabling
16 such opportunities;

17 c. Attempt to influence an athlete's choice of professional representation related to such
18 opportunities; or

19 d. Attempt to reduce such athlete's opportunities from competing third parties.

20 (3) Before any contract for compensation for the use of a student athlete's name, image,
21 likeness rights, or athletic reputation is executed, and before any compensation is provided to the
22 student athlete in advance of a contract, the student athlete shall disclose that contract to his or her
23 postsecondary educational institution in a manner prescribed by such institution.

24 (4) A postsecondary educational institution or any officer, director, or employee of such
25 institution or entity shall not compensate ~~[or cause compensation to be directed to]~~ a student athlete,
26 prospective student athlete, or the family of such individuals, or cause compensation to be directed
27 to a prospective student athlete, or the family of a student athlete or the family of a prospective
28 student athlete, for the use of such student athlete or prospective student athlete's name, image,
29 likeness rights, or athletic reputation.

30 5. No contract of a postsecondary educational institution's athletic program shall prevent a
31 student athlete from receiving compensation for using the student athlete's name, image, likeness
32 rights, or athletic reputation for a commercial purpose when the athlete is not engaged in official
33 mandatory team activities that are recorded in writing and can be made publicly available upon
34 request.

35 6. (1) Postsecondary educational institutions that enter into commercial agreements that
36 directly or indirectly require the use of a student athlete's name, image, likeness, or athletic
37 reputation shall conduct a financial development program once per year for their athletes.

38 (2) The financial development program shall not include any marketing, advertising,
39 referral, or solicitation by providers of financial products or services.

40 (3) Postsecondary educational institutions shall help distribute informational materials for
41 such programs as needed.

1 (4) Postsecondary educational institutions shall inform their athletes of such program
2 meetings and provide appropriate meeting space.

3 7. Student athlete representation shall be by attorneys or agents licensed by this state.

4 8. (1) Any student athlete may bring a civil action against third parties that violate this
5 section for appropriate injunctive relief or actual damages, or both. Such action shall be brought in
6 the county where the violation occurred, or is about to occur, and the court shall award damages and
7 court costs to a prevailing plaintiff.

8 (2) Student athletes bringing an action under this section shall not be deprived of any
9 protections provided under law with respect to a controversy that arises and shall have the right to
10 adjudicate claims that arise under this section.

11 9. No legal settlement shall conflict with the provisions of this section.

12 10. This section shall apply only to agreements or contracts entered into, modified, or
13 renewed on or after August 28, 2021. Such agreements or contracts include, but are not limited to,
14 the national letter of intent, an athlete's financial aid agreement, commercial contracts in the athlete
15 group licensing market, and athletic conference or athletic association rules or bylaws."; and
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17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.