

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1346**  
**102ND GENERAL ASSEMBLY**

2631H.05C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal section 173.280, RSMo, and to enact in lieu thereof one new section relating to compensation of student athletes.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 173.280, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 173.280, to read as follows:

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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

27 4. (1) No student athlete shall enter into an apparel, equipment, or beverage contract  
28 providing compensation to the athlete for use of the athlete's name, image, likeness rights, or  
29 athletic reputation if the contract requires the athlete to display a sponsor's apparel,  
30 equipment, or beverage or otherwise advertise for the sponsor during official team activities if  
31 such provisions are in conflict with a provision of the postsecondary institution's current  
32 licenses or contracts.

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

38 (b) A postsecondary educational institution or any officer, director, or employee of  
39 such institution, including but not limited to a coach, member of the coaching staff, or any  
40 individual associated with the institutions athletic department, may identify or otherwise  
41 assist with opportunities for a student athlete to earn compensation from a third party for the  
42 use of the student athlete's name, image, likeness rights, or athletic reputation, provided that  
43 such individual shall not:

44 a. Serve as the athlete's agent;

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

47 c. Attempt to influence an athlete's choice of professional representation related to  
48 such opportunities;

49 d. Attempt to reduce such athlete's opportunities from competing third parties; or

50 e. Be present at any meeting between a student athlete and a third party who provides  
51 for a student athlete's compensation, where the student athlete's name, image, likeness rights,  
52 or athletic reputation contract for compensation is negotiated or completed.

53 (3) Before any contract for compensation for the use of a student athlete's name,  
54 image, likeness rights, or athletic reputation is executed, and before any compensation is

55 provided to the student athlete in advance of a contract, the student athlete shall disclose that  
56 contract to his or her postsecondary educational institution in a manner prescribed by such  
57 institution.

58 (4) A postsecondary educational institution or any officer, director, or employee of  
59 such institution or entity shall not compensate a student athlete, prospective student athlete, or  
60 the family of such individuals, or cause compensation to be directed to a prospective student  
61 athlete, or the family of a student athlete or the family of a prospective student athlete, for the  
62 use of such student athlete or prospective student athlete's name, image, likeness rights, or  
63 athletic reputation.

64 (5) (a) As used in this subdivision, "unique identifier" means any of the  
65 following developed or adopted for marketing or promotional purposes by a  
66 postsecondary educational institution or a third party:

- 67 a. Seal;
- 68 b. Logo;
- 69 c. Emblem;
- 70 d. Motto;
- 71 e. Special symbol;
- 72 f. Institutional colors;
- 73 g. Modifier or descriptor;
- 74 h. Design;
- 75 i. Patentable or copyrightable item, material, or information; or
- 76 j. Other item, material, or information that identifies and is recognizable as  
77 unique to such postsecondary educational institution or third party.

78 (b) A postsecondary educational institution or a third party shall develop and  
79 adopt a policy and process for granting to a student athlete a license to use such  
80 institution's or third party's unique identifiers when earning or attempting to earn  
81 compensation from the use of such student athlete's name, image, likeness rights, or  
82 athletic reputation.

83 (c) A postsecondary educational institution or a third party may charge a  
84 reasonable fee for a license to use a unique identifier under this subdivision.

85 (d) A postsecondary educational institution or a third party may impose  
86 requirements that a student athlete granted a license under this subdivision refrain from  
87 using such unique identifier in a manner that:

- 88 a. Is reasonably considered to be inconsistent with such institution's or third  
89 party's values or mission;
- 90 b. Adversely affects such institution's or third party's image;

91 **c. Negatively impacts or inappropriately reflects upon the reputation or moral**  
92 **or ethical standards of such institution or third party;**

93 **d. Violates such institution's or third party's code of conduct or similar**  
94 **requirements; or**

95 **e. Conflicts with a provision of such institution's or third party's current licenses**  
96 **or contracts.**

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

102 **6. (1) If a postsecondary educational institution writes, produces, collects,**  
103 **assembles, creates, retains, or maintains the terms of a student athlete's contract or**  
104 **proposed contract providing compensation to such student athlete for the use of such**  
105 **student athlete's name, image, likeness, or athletic reputation, such postsecondary**  
106 **educational institution shall keep such contract terms confidential.**

107 **(2) The terms of a contract or proposed contract providing compensation to a**  
108 **student athlete for the use of such student athlete's name, image, likeness, or athletic**  
109 **reputation shall be deemed a closed record under chapter 610. A postsecondary**  
110 **educational institution subject to this subsection may withhold or refuse to release or**  
111 **otherwise disclose such contract terms without seeking a formal opinion of the attorney**  
112 **general of this state as authorized in section 610.027.**

113 **7. (1) No compensation to a student athlete for earning or attempting to earn**  
114 **compensation from the use of such student athlete's name, image, likeness rights, or**  
115 **athletic reputation shall be conditioned on such student athlete's athletic performance.**  
116 **Such compensation may be conditioned on a student athlete's attendance at a particular**  
117 **postsecondary educational institution.**

118 **(2) A charitable organization that qualifies as an exempt organization under 26**  
119 **U.S.C. Section 501(c)(3), as amended, shall have the right to compensate a student**  
120 **athlete for the commercial use of the student athlete's name, image, likeness rights, or**  
121 **athletic reputation.**

122 ~~[6.]~~ **8. (1) Postsecondary educational institutions that enter into commercial**  
123 **agreements that directly or indirectly require the use of a student athlete's name, image,**  
124 **likeness, or athletic reputation shall conduct [a] at least two financial [development program**  
125 ~~once per year for their athletes]~~ **literacy, life skills, and entrepreneurship workshops per**  
126 **academic year.**

127           (2) ~~[The financial development program]~~ **Each workshop** shall not include any  
128 marketing, advertising, referral, or solicitation by providers of financial products or services.  
129 ~~[Such program]~~ **Each workshop** shall, at a minimum, include information concerning  
130 **entrepreneurship**, financial aid, debt management, and a recommended budget for **full and**  
131 **partial grant-in-aid** student athletes based on the current **academic** year's cost of attendance.  
132 ~~[The]~~ **Each** workshop shall also include information on time management skills necessary for  
133 success as a student athlete and available academic resources.

134           (3) Postsecondary educational institutions shall help distribute informational  
135 materials for such ~~[programs]~~ **workshops** as needed. **The workshops shall not be**  
136 **identical in each academic year.**

137           (4) Postsecondary educational institutions shall inform their athletes of such  
138 ~~[program]~~ **workshop** meetings and provide appropriate meeting space. **The workshops shall**  
139 **not be conducted in the same semester.**

140           ~~[7-]~~ **9. An athletic association, athletic conference, or any other organization with**  
141 **authority over varsity intercollegiate athletics shall not:**

142           (1) **Prevent a student athlete from receiving compensation for the commercial**  
143 **use of the student athlete's name, image, likeness rights, or athletic reputation under this**  
144 **section;**

145           (2) **Penalize a student athlete for receiving compensation for the commercial use**  
146 **of the student athlete's name, image, likeness rights, or athletic reputation under this**  
147 **section; or**

148           (3) **Prevent a postsecondary educational institution from participating in varsity**  
149 **intercollegiate athletics or otherwise penalize a postsecondary educational institution as**  
150 **a result of a student athlete's receipt of compensation for the student athlete's name,**  
151 **image, likeness rights, or athletic reputation under this section.**

152           **10.** Student athlete representation shall be by attorneys or agents licensed by this  
153 state.

154           ~~[8-]~~ **11.** (1) Any student athlete may bring a civil action against third parties that  
155 violate this section **or that interfere with such student athlete's earning or attempting to**  
156 **earn compensation from the use of such student athlete's name, image, likeness rights,**  
157 **or athletic reputation** for appropriate injunctive relief or actual damages, or both. Such  
158 action shall be brought in the county where the violation occurred, or is about to occur, and  
159 the court shall award damages and court costs to a prevailing plaintiff.

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

163           ~~[9-]~~ **12.** No legal settlement shall conflict with the provisions of this section.

164           ~~[10.]~~ **13.** This section shall apply only to agreements or contracts entered into,  
165 modified, or renewed on or after August 28, 2021. Such agreements or contracts include, but  
166 are not limited to, the national letter of intent, an athlete's financial aid agreement,  
167 commercial contracts in the athlete group licensing market, and athletic conference or athletic  
168 association rules or bylaws.

169           **14. (1) A high school athlete who competes on an interscholastic athletic team in**  
170 **this state that is sponsored by a public school or by a private school whose students**  
171 **compete against a public school's students may earn or attempt to earn compensation**  
172 **from the use of such athlete's name, image, likeness rights, or athletic reputation as**  
173 **provided in this section, subject to the following:**

174           **(a) A high school athlete may discuss earning or attempting to earn such**  
175 **compensation before signing an athletic letter-of-intent or other written agreement to**  
176 **enroll only in a postsecondary educational institution in this state; and**

177           **(b) A high school athlete may earn or attempt to earn such compensation only**  
178 **after signing an athletic letter-of-intent or other written agreement to enroll only in a**  
179 **postsecondary educational institution in this state.**

180           **(2) The discussion of or earning or attempting to earn compensation from the**  
181 **use of such high school athlete's name, image, likeness rights, or athletic reputation as**  
182 **provided in this section shall not be construed to be a violation of the essential rules and**  
183 **regulations a high school student and high schools are required to follow to maintain**  
184 **and protect a high school athlete's high school eligibility to participate in high school**  
185 **athletics in this state.**

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