

1 ENGROSSED SENATE  
2 BILL NO. 1786

By: Thompson (Kristen) of the  
Senate

3 and

4 Kannady and Deck of the  
5 House

6  
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 amended by Section 2, Chapter  
10 315, O.S.L. 2023, 820.25, as amended by Section 4,  
11 Chapter 315, O.S.L. 2023, and Section 6, Chapter 315,  
12 O.S.L. 2023 (70 O.S. Supp. 2023, Sections 820.23,  
13 820.25, and 820.27), which relate to compensation,  
14 limitations on contracts, and restrictions on  
15 collegiate athletic associations; removing  
16 prohibition for certain compensation; authorizing  
17 certain representation or compensation; providing  
18 exception to certain contractual requirement;  
19 modifying prohibitions for certain associations or  
20 institutions; extending liability protections to  
21 certain officers; amending 70 O.S. 2021, Section  
22 822.2, which relates to prohibited transactions;  
23 clarifying definition of certain association; adding  
24 exception to applicability of certain provisions;  
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  
amended by Section 2, Chapter 315, O.S.L. 2023 (70 O.S. Supp. 2023,  
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 student athlete may

1 earn compensation for the use of the name, image, or likeness of the  
2 student athlete while enrolled at a postsecondary institution  
3 without penalty or resulting limitation on participation.

4 Compensation for the use of a student athlete's name, image, or  
5 likeness shall not affect the student athlete's eligibility for  
6 athletic grant-in-aid.

7 ~~B. A student athlete shall not earn compensation in exchange~~  
8 ~~for his or her athletic performance or participation in~~  
9 ~~intercollegiate athletics or sports competition. Compensation shall~~  
10 ~~not be provided as an inducement for athletic performance or to~~  
11 ~~attend or enroll at a particular institution.~~

12 ~~E.~~ A postsecondary institution or ~~an officer, director, or~~  
13 ~~employee of such~~ a third party authorized to act on behalf of the  
14 postsecondary institution ~~shall not~~ may provide professional  
15 representation ~~or~~ and compensate or cause compensation to be  
16 directed to a current or prospective student athlete for his or her  
17 name, image, or likeness ~~unless otherwise~~ if permitted by a  
18 collegiate athletics association, of which the postsecondary  
19 institution is a member, and institutional policy.

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

3 ~~E.~~ D. The provisions of this section shall not be construed to  
4 qualify a student athlete as an employee of a postsecondary  
5 institution.

6 SECTION 2. AMENDATORY 70 O.S. 2021, Section 820.25, as  
7 amended by Section 4, Chapter 315, O.S.L. 2023 (70 O.S. Supp. 2023,  
8 Section 820.25), is amended to read as follows:

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

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

21 C. A contract for the use of a student athlete's name, image,  
22 or likeness or a contract for professional representation related to  
23 name, image, or likeness that is formed while the student athlete is  
24 participating in an intercollegiate sport at a postsecondary

1 ~~educational~~ institution may not extend beyond the student athlete's  
2 participation in the sport at the institution unless the contract is  
3 between the student athlete and the postsecondary institution or a  
4 third party authorized to act on behalf of the postsecondary  
5 institution.

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

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

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

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1 SECTION 3. AMENDATORY Section 6, Chapter 315, O.S.L.  
2 2023 (70 O.S. Supp. 2023, Section 820.27), is amended to read as  
3 follows:

4 Section 820.27. A. A collegiate athletic association shall not  
5 and shall not authorize its member institutions to:

6 1. Prevent a student athlete at a postsecondary institution  
7 from earning compensation ~~from~~ for the use of his or her name,  
8 image, or likeness;

9 ~~2. Provide a prospective student athlete with compensation in~~  
10 ~~relation to the use of his or her name, image, or likeness;~~

11 ~~3.~~ Penalize a student athlete or prevent a student athlete from  
12 full participation in an intercollegiate sport because he or she  
13 obtains professional representation or receives assistance with  
14 services associated with name, image, or likeness activities  
15 including with contracts or other legal matters from an individual,  
16 entity, or a postsecondary institution; or

17 ~~4.~~ 3. Allow compensation earned by a student athlete for the  
18 use of his or her name, image, or likeness or athletic reputation to  
19 affect the amount, duration, or renewal of or eligibility for any  
20 athletic grant-in-aid or other institutional scholarship; provided,  
21 however, compensation earned by a student athlete for the use of his  
22 or her name, image, or likeness or athletic reputation may be used  
23 for the calculation of income for determining eligibility for need-  
24 based financial aid.

1 B. A collegiate athletic association shall not and shall not  
2 authorize its member institutions to:

3 1. Prevent a postsecondary institution from participation in  
4 intercollegiate athletics because a student athlete in attendance  
5 has previously earned or intends to earn compensation for the use of  
6 his or her name, image, or likeness;

7 2. Entertain a complaint, open an investigation, or take any  
8 other adverse action against a postsecondary institution or an  
9 employee or student athlete of a postsecondary institution for  
10 engaging in any activity protected in the Student Athlete Name,  
11 Image and Likeness Rights Act or for involvement in student athlete  
12 name, image, or likeness activities; or

13 3. Penalize a postsecondary institution ~~from participation in~~  
14 ~~intercollegiate athletics~~ or an employee or student athlete of a  
15 postsecondary institution because an individual or entity whose  
16 purpose includes supporting or benefitting the postsecondary  
17 institution or its athletic programs violates the collegiate  
18 athletic association's rules or regulations with regard to student  
19 athlete name, image, or likeness activities.

20 C. No postsecondary institution's officers or employees,  
21 including athletics coaching staff, shall be liable for any damages  
22 to a student athlete's ability to earn compensation for the use of  
23 the student athlete's name, image, or likeness resulting from  
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1 decisions and actions routinely taken in the course of  
2 intercollegiate athletics.

3 SECTION 4. AMENDATORY 70 O.S. 2021, Section 822.2, is  
4 amended to read as follows:

5 Section 822.2. A. Except as provided for in subsection C of  
6 this section, no person shall give, offer, promise or attempt to  
7 give any money or other thing of value to a ~~student-athlete~~ student  
8 athlete or member of the immediate family of a ~~student-athlete~~  
9 student athlete:

10 1. To induce, encourage or reward the application, enrollment  
11 or attendance of the ~~student-athlete~~ student athlete at a public or  
12 private institution of postsecondary education in order to have the  
13 ~~student-athlete~~ student athlete participate in intercollegiate  
14 sporting events, contests, exhibitions or programs at that  
15 institution; or

16 2. To induce, encourage or reward the participation in an  
17 intercollegiate sporting event, contest, exhibition or program by  
18 the ~~student-athlete~~ student athlete.

19 B. No person shall enter into or solicit directly or through an  
20 agent a transaction with a ~~student-athlete~~ student athlete if the  
21 person has, or could be reasonably expected to have, knowledge that  
22 the transaction would likely cause the ~~student-athlete~~ student  
23 athlete to permanently or temporarily lose athletic scholarship  
24 eligibility, the ability to participate on an intercollegiate

1 athletic team or the ability to participate in one or more  
2 intercollegiate sporting competitions as sanctioned by:

3 1. A ~~national~~ collegiate athletic association ~~for the promotion~~  
4 ~~and regulation of intercollegiate athletics~~ as defined in the  
5 Student Athlete Name, Image and Likeness Act;

6 2. ~~An athletic conference or~~ Any other sanctioning body; or

7 3. The institution of postsecondary education itself as a  
8 reasonable self-imposed disciplinary action taken by the institution  
9 to mitigate sanctions likely to be imposed by an organization as a  
10 result of the transaction or as a violation of the rules of the  
11 institution.

12 C. This section shall not apply to:

13 1. Any public or private institution of postsecondary education  
14 or to any officer or employee of the institution when the  
15 institution or the officer or employee of the institution is acting  
16 in accordance with an official written policy of the postsecondary  
17 ~~institution which is in compliance with the bylaws of the National~~  
18 ~~Collegiate Athletic Association~~;

19 2. Any intercollegiate athletic award approved or administered  
20 by the public or private institution of postsecondary education;

21 3. Grants-in-aid or other full or partial scholarships awarded  
22 to a ~~student-athlete~~ student athlete or administered by a public or  
23 private institution of postsecondary education;

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1 4. Members of the immediate family of the ~~student-athlete~~  
2 student athlete; and

3 5. Money or things of value given by a person to a ~~student-~~  
4 ~~athlete~~ student athlete or the immediate family of a ~~student-athlete~~  
5 student athlete that do not exceed One Hundred Dollars (\$100.00) in  
6 value in the aggregate on an annual basis; and

7 6. A gift, offer, promise, or attempt to give money or other  
8 thing of value given by a person to a student athlete or member of  
9 the immediate family of a student athlete if such gift, offer,  
10 promise, or attempt conforms with the rules of any collegiate  
11 athletic association of which the postsecondary institution is a  
12 member.

13 D. Any person who violates the provisions of this section shall  
14 be guilty of a misdemeanor and, upon conviction, shall be subject to  
15 a fine ~~of~~ not less than One Thousand Dollars (\$1,000.00) and not  
16 more than Five Thousand Dollars (\$5,000.00), or by imprisonment not  
17 to exceed one (1) year, or by both such fine and imprisonment.

18 SECTION 5. It being immediately necessary for the preservation  
19 of the public peace, health or safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

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