

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 490

By: Gollihare

AS INTRODUCED

An Act relating to the Student Athlete Name, Image and Likeness Rights Act; amending 70 O.S. 2021, Sections 820.23, as last amended by Section 1, Chapter 85, O.S.L. 2024, 820.24, as amended by Section 3, Chapter 315, O.S.L. 2023, and 820.25, as last amended by Section 2, Chapter 85, O.S.L. 2024 (70 O.S. Supp. 2024, Sections 820.23, 820.24, and 820.25), which relate to compensation, professional representation, and limitations on agreements and contracts; modifying circumstances under which a postsecondary institution or authorized third party may provide certain representation or compensation; prohibiting use of state funds for certain compensation; construing provisions; prohibiting requirement of release of or license to use certain name, image, and likeness rights for certain purposes; removing time limit for certain disclosure; authorizing revocation 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 student athlete may
3 earn compensation for the use of the name, image, or likeness of the
4 student athlete while enrolled at a postsecondary institution
5 without penalty or resulting limitation on participation.

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

9 B. A postsecondary institution or a third party authorized to
10 act on behalf of the postsecondary institution may provide
11 professional representation and compensate or cause compensation to
12 be directed to a current or prospective student athlete for his or
13 her name, image, or likeness ~~if permitted by a collegiate athletics~~
14 ~~association, of which the postsecondary institution is a member, and~~
15 ~~institutional policy;~~ provided, however, no postsecondary
16 institution shall use funds allocated by this state for such
17 compensation.

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

1 D. The provisions of this section shall not be construed to
2 qualify a student athlete as an employee of a postsecondary
3 institution or a collegiate athletic association based on the
4 student athlete's receipt of any payment or benefit for his or her
5 name, image, or likeness, or one or more of the following:

6 1. Participation in intercollegiate athletic competition;

7 2. Membership on any intercollegiate athletic team; or

8 3. Imposition of requirements, controls, or restrictions on

9 student athletes by postsecondary institutions, in connection with
10 their participation in intercollegiate athletic activities,
11 practices, and competition.

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

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

22 Section 820.24. A. 1. A student athlete may obtain
23 professional representation for the purpose of securing compensation
24 for the use of his or her name, image, or likeness without penalty,

1 resulting limitation on participation, or effect on the student-
2 athlete's athletic grant-in-aid eligibility.

3 2. Any professional representation agreement shall:

- 4 a. be in writing,
- 5 b. be executed by both parties,
- 6 c. clearly describe the obligations of the parties, and
- 7 d. outline fees for the professional representation.

8 3. An individual or entity engaged for professional
9 representation by a student athlete shall ensure the student athlete
10 discloses the professional relationship to the postsecondary
11 institution as required by this section.

12 B. A student athlete who enters into a contract providing
13 compensation to the student athlete for use of his or her name,
14 image, or likeness or for professional representation shall disclose
15 the contract in a manner designated by the postsecondary
16 institution, ~~but in any event within seventy-two (72) hours after~~
17 ~~entering into the contract or before the next athletic event in~~
18 ~~which the student athlete is eligible to participate, whichever~~
19 ~~occurs first.~~

20 C. A postsecondary institution may revoke or rescind any
21 agreement or commitment to provide compensation, a grant-in-aid, or
22 other benefits to a student athlete who receives or agrees to
23 receive compensation not permitted by this act or a collegiate
24 athletic association with authority over the postsecondary

1 institution and shall not be liable in damages or subjected to any
2 injunctive relief by a court because of such revocation or
3 rescission.

4 SECTION 3. AMENDATORY 70 O.S. 2021, Section 820.25, as
5 last amended by Section 2, Chapter 85, O.S.L. 2024 (70 O.S. Supp.
6 2024, Section 820.25), is amended to read as follows:

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

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

20 C. A contract for the use of a student athlete's name, image,
21 or likeness or a contract for professional representation related to
22 name, image, or likeness that is formed while the student athlete is
23 participating in ~~an~~ intercollegiate ~~sport~~ athletics at a
24 postsecondary institution may not extend beyond ~~the student~~

1 ~~athlete's participation in the sport at the institution unless the~~
2 ~~contract is between the student athlete and the postsecondary~~
3 ~~institution or a third party authorized to act on behalf of the~~
4 ~~postsecondary institution~~ his or her eligibility to participate in
5 intercollegiate athletics; provided, however, if a postsecondary
6 institution has licensed the right to use the name, image, or
7 likeness of a student athlete to promote the postsecondary
8 institution's academic or athletic program in content created while
9 the student athlete is enrolled at the postsecondary institution,
10 the postsecondary institution shall not be required to discontinue
11 use of such name, image, or likeness rights, if and as permitted by
12 the agreement with the student athlete, after the student athlete's
13 eligibility has expired.

14 D. A postsecondary institution may adopt reasonable time,
15 place, and manner restrictions to prevent a student athlete's name,
16 image, or likeness activities from interfering with team activities,
17 the postsecondary institution's operations, or the use of the
18 postsecondary institution's facilities. A postsecondary institution
19 may receive compensation for the use of its institutional marks or
20 facilities in conjunction with a student athlete's name, image, and
21 likeness activities.

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

3 F. ~~An~~ A postsecondary institution may require a student athlete
4 to take courses or receive education or training in contracts,
5 financial literacy, or any other subject the postsecondary
6 institution deems necessary to prepare a student athlete to engage
7 in name, image, and likeness activities.

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

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