

# HOUSE BILL NO. 1748

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ALLRED.

3783H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapters 173 and 178, RSMo, by adding thereto two new sections relating to compensation for student athletes.

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

Section A. Chapters 173 and 178, RSMo, are amended by adding thereto two new sections, to be known as sections 173.280 and 178.897, to read as follows:

**173.280. 1. As used in this section, "postsecondary educational institution" means any 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. (1) No postsecondary educational institution shall uphold any rule, requirement, standard, or other limitation that prevents a student of that institution who participates in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness. Earning compensation from the use of a student's name, image, or likeness shall not affect the student's scholarship eligibility.**

**(2) No athletic association, conference, or other group or organization with authority over intercollegiate athletics, including but not limited to the National Collegiate Athletic Association, shall prevent a student of a postsecondary educational institution who participates in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness.**

**(3) No athletic association, conference, or other group or organization with authority over intercollegiate athletics, including but not limited to the National Collegiate Athletic Association, shall prevent a postsecondary educational institution from**

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.

17 participating in intercollegiate athletics as a result of the compensation of a student athlete  
18 for the use of the student's name, image, or likeness.

19       **3. No postsecondary educational institution, athletic association, conference, or**  
20 **other group or organization with authority over intercollegiate athletics shall provide a**  
21 **prospective student athlete with compensation in relation to the athlete's name, image, or**  
22 **likeness.**

23       **4. (1) No postsecondary educational institution, athletic association, conference,**  
24 **or other group or organization with authority over intercollegiate athletics shall prevent**  
25 **a student enrolled in a postsecondary educational institution who participates in**  
26 **intercollegiate athletics from obtaining professional representation in relation to contracts**  
27 **or legal matters, including but not limited to representation provided by athlete agents or**  
28 **legal representation provided by attorneys.**

29       **(2) Professional representation obtained by student athletes shall be from persons**  
30 **licensed by this state. Professional representation provided by athlete agents shall be by**  
31 **persons registered under sections 436.215 to 436.272. Legal representation of student**  
32 **athletes shall be by attorneys licensed under chapter 484.**

33       **(3) Athlete agents representing student athletes shall comply with the federal Sports**  
34 **Agent Responsibility and Trust Act (15 U.S.C. Section 7801 et seq.), as amended, in their**  
35 **relationships with student athletes.**

36       **5. A scholarship from the postsecondary educational institution in which a student**  
37 **is enrolled that provides the student with the cost of attendance at that institution shall not**  
38 **be construed to be compensation for purposes of this section, and no scholarship shall be**  
39 **revoked as a result of earning compensation or obtaining legal representation under this**  
40 **section.**

41       **6. (1) No student athlete shall enter into a contract providing compensation to the**  
42 **athlete for use of the athlete's name, image, or likeness if a provision of the contract is in**  
43 **conflict with a provision of the athlete's team contract.**

44       **(2) Any student athlete who enters into a contract providing compensation to the**  
45 **athlete for use of the athlete's name, image, or likeness shall disclose the contract to an**  
46 **official of the postsecondary educational institution, with such official to be designated by**  
47 **such institution.**

48       **(3) An institution asserting a conflict described in subdivision (1) of this subsection**  
49 **shall disclose to the athlete or the athlete's legal representation the relevant contractual**  
50 **provisions that are in conflict.**

51           **7. (1) No team contract of a postsecondary educational institution's athletic**  
52 **program shall prevent a student athlete from using the athlete's name, image, or likeness**  
53 **for a commercial purpose when the athlete is not engaged in official team activities.**

54           **(2) This subsection shall apply only to contracts entered into, modified, or renewed**  
55 **on or after January 1, 2023.**

56           **8. This section shall become effective on January 1, 2023.**

**178.897. 1. (1) The coordinating board for higher education shall create a**  
2 **community college athlete name, image, and likeness working group. The working group**  
3 **shall include but not be limited to the following members:**

- 4           **(a) A representative from the coordinating board of higher education;**
- 5           **(b) A representative from the Missouri Community College Athletic Conference;**
- 6           **(c) Two community college student athletes;**
- 7           **(d) One community college athletic administrator;**
- 8           **(e) One community college athletic coach;**
- 9           **(f) One member appointed by the speaker of the house of representatives; and**
- 10          **(g) One member appointed by the chair of the senate rules, joint rules, resolutions**  
11 **and ethics committee, or its successor committee.**

12          **(2) All appointments to the working group shall be completed on or before**  
13 **December 1, 2020.**

14          **2. (1) The working group shall review existing Missouri Community College**  
15 **Athletic Conference bylaws, state and federal laws, and national athletic association bylaws**  
16 **regarding a college athlete's use of the athlete's name, image, and likeness for**  
17 **compensation.**

18          **(2) Upon the completion of the review conducted in subdivision (1) of this**  
19 **subsection, the working group shall produce a report containing its findings and policy**  
20 **recommendations. The working group shall submit the report to the Missouri Community**  
21 **College Athletic Conference and the general assembly on or before December 1, 2021.**

22          **3. This section shall expire on January 1, 2025.**

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