

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 152, Page 64, Section 173.035, Line 26, by inserting after all of said section and line
3 the following:
4

5 "173.280. 1. As used in this section, the following terms mean:

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

10 (2) "Athletic association", an entity with athletics governance authority that is composed of
11 postsecondary educational institutions and athletic conferences;

12 (3) "Athletic conference", an entity that has athletics governance authority, is a member of
13 an athletic association, and has a membership composed of postsecondary educational institutions
14 that compete against other postsecondary educational institutions. "Athletic conference" includes a
15 collaboration of such entities, such as the autonomy conferences;

16 (4) "Certification", the process of developing and enforcing professional and legal policies
17 and practices;

18 (5) "Group", three or more athletes from the same sport;

19 (6) "Group licensing", any agreement to allow a third party the right to use the name, image,
20 likeness rights, or athletic reputation of a group;

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

24 (8) "Third party", any individual or entity other than a postsecondary educational institution,
25 athletic conference, or athletic association.

26 2. (1) No postsecondary educational institution shall uphold any rule, requirement,
27 standard, or other limitation that prevents a student of that institution from fully participating in
28 intercollegiate athletics without penalty and earning compensation as a result of the use of the
29 student's name, image, likeness rights, or athletic reputation. Earning compensation from the use of
30 a student's name, image, likeness rights, or athletic reputation shall not affect the student's grant-in-
31 aid or stipend eligibility, amount, duration, or renewal.

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

36 3. A grant-in-aid or stipend from the postsecondary educational institution in which a

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1 student is enrolled shall not be construed to be compensation for use of the student's name, image,
 2 likeness rights, or athletic reputation for purposes of this section, and no grant-in-aid or stipend shall
 3 be revoked or reduced as a result of a student earning compensation under this section.

4 4. (1) No student athlete shall enter into an apparel, equipment, or beverage contract
 5 providing compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic
 6 reputation if the contract requires the athlete to display a sponsor's apparel, equipment, or beverage
 7 or otherwise advertise for the sponsor during official team activities if such provisions are in conflict
 8 with a provision of the athlete's team contract.

9 (2) Any student athlete who enters into a contract providing compensation to the athlete for
 10 use of the athlete's name, image, likeness rights, or athletic reputation shall disclose the full contract
 11 to an official of the postsecondary educational institution, with such official to be designated by
 12 such institution. No institution or its designated official shall disclose terms of an athlete's contract
 13 that the athlete or the athlete's legal representation deems to be a trade secret or nondisclosable.

14 (3) An institution asserting a conflict described in subdivision (1) of this subsection shall
 15 disclose to the student athlete or the athlete's legal representation the full contract the institution
 16 asserts to be in conflict. No athlete or member of the athlete's legal representation shall disclose
 17 terms of an institution's contract that the institution deems to be a trade secret or nondisclosable.

18 5. No team contract of a postsecondary educational institution's athletic program shall
 19 prevent a student athlete from receiving compensation for using the athlete's name, image, likeness
 20 rights, or athletic reputation for a commercial purpose when the athlete is not engaged in official
 21 mandatory team activities that are recorded in writing and made publicly available. Such team
 22 activities shall not exceed twenty hours per week during the season and eight hours per week during
 23 the off-season.

24 6. (1) Postsecondary educational institutions that enter into commercial agreements that
 25 directly or indirectly require the use of an athlete's name, image, likeness, or athletic reputation shall
 26 conduct a financial development program of up to fifteen hours in duration once per year for their
 27 athletes.

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

30 7. (1) Postsecondary educational institutions shall help distribute informational materials as
 31 needed.

32 (2) Postsecondary educational institutions shall inform their athletes of such meetings and
 33 provide appropriate meeting space.

34 8. Athlete attorney representation shall be by persons licensed by this state.

35 9. (1) Any athlete may bring a civil action against third parties that violate this section for
 36 appropriate injunctive relief or actual damages, or both. Such action shall be brought in the county
 37 where the violation occurred, or is about to occur, and the court shall award damages, court costs,
 38 and reasonable attorney's fees to a prevailing plaintiff.

39 (2) Students and state or local prosecutors seeking to prosecute violators of this section shall
 40 not be deprived of any protections provided under law with respect to a controversy that arises and
 41 shall have the right to adjudicate claims that arise under this section.

42 10. Legal settlements shall not permit noncompliance with this section.

43 11. This section shall apply only to agreements or contracts entered into, modified, or
 44 renewed on or after July 1, 2022. Such agreements or contracts include, but are not limited to, the
 45 national letter of intent, an athlete's financial aid agreement, commercial contracts in the athlete
 46 group licensing market, and athletic conference or athletic association rules or bylaws.

47 12. The state of Missouri hereby requests that any federal legislation relating to this section
 48 respect and permit Missouri college athletes' rights, protections, and other provisions included in
 49 this section."; and

1 Further amend said bill, Page 75, Section C, Line 3, by inserting after all of said section and line the
2 following:
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4 "Section D. Because of the importance of financial needs of certain students of the state of
5 Missouri, the enactment of section 173.280 of this act is deemed necessary for the immediate
6 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
7 emergency act within the meaning of the constitution, and the enactment of section 173.280 of this
8 act shall be in full force and effect upon its passage and approval."; and
9

10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.