



Rep. Kambium Buckner

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1 AMENDMENT TO HOUSE BILL 1175

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1175 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Student-Athlete Endorsement Rights Act is  
5 amended by changing Sections 5, 10, 15, 20, and 25 and by  
6 adding Section 22 as follows:

7 (110 ILCS 190/5)

8 Sec. 5. Definitions. In this Act:

9 "Booster" means a person or entity that has made, within  
10 the past 5 years, a financial contribution in an amount  
11 greater than \$1,000 to a postsecondary educational  
12 institution's athletics department or an athletics booster  
13 organization of that institution. The purchase of season or  
14 single game tickets to any athletics event is not a financial  
15 contribution for purposes of determining whether an individual  
16 or entity is a booster.

1 "Compensation" means anything of value, monetary or  
2 otherwise, including, but not limited to, cash, gifts, in-kind  
3 items of value, social media compensation, payments for  
4 licensing or use of publicity rights, payments for other  
5 intellectual or intangible property rights under federal or  
6 State law, and any other form of payment or remuneration,  
7 except as excluded under this Act. "Compensation" shall not  
8 include:

9 (1) tuition, room, board, books, fees, and personal  
10 expenses that a postsecondary educational institution  
11 provides to a student-athlete in accordance with the rules  
12 of the athletic association or conference of which the  
13 postsecondary educational institution is a member;

14 (2) Federal Pell Grants and other State and federal  
15 grants or scholarships unrelated to, and not awarded  
16 because of a student-athlete's participation in  
17 intercollegiate athletics or sports competition;

18 (3) any other financial aid, benefits, or awards that  
19 a postsecondary educational institution provides to a  
20 student-athlete in accordance with the rules of the  
21 athletic association or conference of which the  
22 postsecondary educational institution is a member; or

23 (4) the payment of wages and benefits to a  
24 student-athlete for work actually performed (but not for  
25 athletic ability or participation in intercollegiate  
26 athletics) at a rate commensurate with the prevailing rate

1 for similar work in the locality of the student-athlete's  
2 postsecondary educational institution.

3 "Enrolled" means registered for courses or attending  
4 athletic practice or class at a postsecondary educational  
5 institution.

6 "Image" means any visual depiction, including, but not  
7 limited to, photograph, digital image, rendering, and video.

8 "Intercollegiate athletics program" means an  
9 intercollegiate athletics program played at the collegiate  
10 level for which eligibility requirements for participation by  
11 a student-athlete are established by a national association  
12 for the promotion or regulation of collegiate athletics.

13 "Likeness" means a physical, digital, rendering, or other  
14 depiction or representation of a student-athlete, including a  
15 student-athlete's uniform number or signature, that reasonably  
16 identifies the student-athlete with particularity and is not  
17 reasonably considered to be a generic representation of a  
18 member of an intercollegiate athletics program.

19 "Name" means the first or last name or the nickname of a  
20 student-athlete when used in a context that reasonably  
21 identifies the student-athlete with particularity.

22 "Name, image, and likeness agreement" or "publicity rights  
23 agreement" means a contract or other written or oral  
24 arrangement between a student-athlete and a third party  
25 licensee regarding the use of the name, image, likeness, or  
26 voice of the student-athlete.

1 "Publicity right" means any right that (i) is licensed  
2 under a publicity rights agreement or (ii) is recognized under  
3 a federal or State law that permits an individual to control  
4 and benefit from the commercial use of the name, image,  
5 likeness, or voice of the individual.

6 "Postsecondary educational institution" means a public  
7 university or community college or private university or  
8 college.

9 "Social media compensation" means all forms of payment for  
10 engagement on social media received by a student-athlete as a  
11 result of the use of that student-athlete's name, image,  
12 likeness, or voice.

13 "Student-athlete" means a student currently enrolled at a  
14 postsecondary educational institution who engages in, is  
15 eligible to engage in, or may be eligible in the future to  
16 engage in, an intercollegiate athletics program at a  
17 postsecondary educational institution. If an individual is  
18 permanently ineligible to participate in a particular  
19 intercollegiate sport, the individual is not a student-athlete  
20 for purposes of that sport.

21 "Third party licensee" means any individual or entity that  
22 licenses publicity rights or the use of name, image, likeness,  
23 or voice from any prospective or current student-athlete or  
24 group of student-athletes. "Third party licensee" shall not  
25 include any national association for the promotion or  
26 regulation of collegiate athletics, athletics conference, or

1 postsecondary educational institution.

2 (Source: P.A. 102-42, eff. 7-1-21.)

3 (110 ILCS 190/10)

4 Sec. 10. Compensation. Except as provided in Section 15:

5 (1) A student-athlete may earn compensation,  
6 commensurate with market value, for the use of the name,  
7 image, likeness, or voice of the student-athlete while  
8 enrolled at a postsecondary educational institution and  
9 obtain and retain an ~~a certified~~ agent for any matter or  
10 activity relating to such compensation.

11 (2) A student-athlete may not earn compensation in  
12 exchange for the student-athlete's athletic ability or  
13 participation in intercollegiate athletics or sports  
14 competition or agreement or willingness to attend a  
15 postsecondary educational institution.

16 (3) Notwithstanding any other provision of law or  
17 agreement to the contrary, a student-athlete shall not be  
18 deemed an employee, agent, or independent contractor of an  
19 association, a conference, or a postsecondary educational  
20 institution based on the student-athlete's participation  
21 in an intercollegiate athletics program.

22 (Source: P.A. 102-42, eff. 7-1-21.)

23 (110 ILCS 190/15)

24 Sec. 15. Postsecondary educational institutions;

1 limitations; prohibitions.

2 (a) Except as provided in this Act, a postsecondary  
3 educational institution shall not uphold any contract, rule,  
4 regulation, standard, or other requirement that prevents a  
5 student-athlete of that institution from earning compensation  
6 as a result of the use of the student-athlete's name, image,  
7 likeness, or voice. Any such contract, rule, regulation,  
8 standard, or other requirement shall be void and unenforceable  
9 against the postsecondary educational institution or the  
10 student-athlete. Compensation from the use of a  
11 student-athlete's name, image, likeness, or voice may not  
12 affect the student-athlete's scholarship eligibility,  
13 grant-in-aid, or other financial aid, awards or benefits, or  
14 the student-athlete's intercollegiate athletic eligibility.  
15 Nothing in this Act is intended to alter any State or federal  
16 laws, rules, or regulations regarding the award of financial  
17 aid at postsecondary educational institutions.

18 (b) Except as provided in this Act, an athletic  
19 association, conference, or other group or organization with  
20 authority over intercollegiate athletic programs, including,  
21 but not limited to, the National Collegiate Athletic  
22 Association, the National Association of Intercollegiate  
23 Athletics, and the National Junior College Athletic  
24 Association, shall not prevent, or otherwise enforce a  
25 contract, rule, regulation, standard, or other requirement  
26 that prevents a student-athlete at a postsecondary educational

1 institution from earning compensation as a result of the use  
2 of the student-athlete's name, image, likeness, or voice.

3 (c) To protect the integrity of its educational mission  
4 and intercollegiate athletics program, a postsecondary  
5 educational institution may impose reasonable limitations on  
6 the dates and time that a student-athlete may participate in  
7 endorsement, promotional, social media, or other activities  
8 related to the license or use of the student-athlete's name,  
9 image, likeness, or voice. Nothing in this Act shall restrict  
10 a postsecondary educational institution from exercising its  
11 sole discretion to control the authorized use of its marks or  
12 logos or to determine a student-athlete's apparel, gear, or  
13 other wearables during an intercollegiate athletics  
14 competition or institution-sponsored event. A student-athlete  
15 may not receive or enter into a contract for compensation for  
16 the use of the student-athlete's name, image, likeness, or  
17 voice in a way that also uses any registered or licensed marks,  
18 logos, verbiage, name, or designs of a postsecondary  
19 educational institution, unless the postsecondary educational  
20 institution has provided the student-athlete with written  
21 permission to do so prior to execution of the contract or  
22 receipt of compensation. If permission is granted to the  
23 student-athlete, the postsecondary educational institution, by  
24 an agreement of all of the parties, may be compensated for the  
25 use in a manner consistent with market rates. A postsecondary  
26 educational institution may also prohibit a student-athlete

1 from wearing any item of clothing, shoes, or other gear or  
2 wearables with the name, logo, or insignia of any entity  
3 during an intercollegiate athletics competition or  
4 institution-sponsored event.

5 (d) An athletic association, conference, or other group or  
6 organization with authority over intercollegiate athletics  
7 programs, including, but not limited to, the National  
8 Collegiate Athletic Association, the National Association of  
9 Intercollegiate Athletics, and the National Junior College  
10 Athletic Association, shall not enforce a contract, rule,  
11 regulation, standard, or other requirement that prevents a  
12 postsecondary educational institution from participating in an  
13 intercollegiate athletics program as a result of the  
14 compensation of a student-athlete for the use of the  
15 student-athlete's name, image, likeness, or voice.

16 (e) A postsecondary educational institution, athletic  
17 association, conference, or other group or organization with  
18 authority over intercollegiate athletics programs, including,  
19 but not limited to, the National Collegiate Athletic  
20 Association, the National Association of Intercollegiate  
21 Athletics, and the National Junior College Athletic  
22 Association, shall not directly or indirectly:

23 (1) enter into, or offer to enter into, a publicity  
24 rights agreement with a prospective or current  
25 student-athlete; or

26 (2) provide a prospective or current student-athlete



1 or the student-athlete's family compensation in relation  
2 to the use of the student-athlete's name, image, likeness,  
3 or voice.

4 (f) A postsecondary educational institution, athletic  
5 association, conference, or other group or organization with  
6 authority over intercollegiate athletics programs, including,  
7 but not limited to, the National Collegiate Athletic  
8 Association, the National Association of Intercollegiate  
9 Athletics, and the National Junior College Athletic  
10 Association, shall not prevent a student-athlete from  
11 obtaining professional representation for purposes of this Act  
12 in relation to name, image, likeness, or voice, or to secure a  
13 publicity rights agreement, including, but not limited to,  
14 representation provided by athlete agents or legal  
15 representation provided by attorneys. A student-athlete shall  
16 provide the postsecondary educational institution with written  
17 notice and a copy of the agreement in the manner and at a time  
18 prescribed by the institution ~~within 7 days of entering into a~~  
19 ~~representation agreement with any individual for the purpose~~  
20 ~~of exploring or securing compensation for use of the~~  
21 ~~student-athlete's name, image, likeness, or voice.~~

22 (Source: P.A. 102-42, eff. 7-1-21.)

23 (110 ILCS 190/20)

24 Sec. 20. Agents; publicity rights; third party licensees.

25 (a) An agent, legal representative, or other professional

1 service provider offering services to a student-athlete shall,  
2 to the extent required, comply with the federal Sports Agent  
3 Responsibility and Trust Act and any other applicable laws,  
4 rules, or regulations.

5 (b) A grant-in-aid, including cost of attendance, and  
6 other permissible financial aid, awards, or benefits from the  
7 postsecondary educational institution in which a  
8 student-athlete is enrolled shall not be revoked, reduced, nor  
9 the terms and conditions altered, as a result of a  
10 student-athlete earning compensation or obtaining professional  
11 or legal representation pursuant to this Act.

12 (c) A student-athlete shall disclose to the postsecondary  
13 educational institution in which the student is enrolled, in a  
14 manner and time prescribed by the institution, the existence  
15 and substance of all publicity rights agreements. Publicity  
16 rights agreements that contemplate cash or other compensation  
17 to the student-athlete that is equal to or in excess of a value  
18 of \$500 shall be formalized into ~~in~~ a written contract, and the  
19 contract shall be provided to the postsecondary educational  
20 institution in the manner and at a time prescribed by the  
21 institution ~~which the student is enrolled prior to the~~  
22 ~~execution of the agreement and before any compensation is~~  
23 ~~provided to the student-athlete.~~

24 (d) A student-athlete may not enter into a publicity  
25 rights agreement or otherwise receive compensation for that  
26 student-athlete's name, image, likeness, or voice for services

1 rendered or performed while that student-athlete is  
2 participating in activities sanctioned by that  
3 student-athlete's postsecondary educational institution if  
4 such services or performance by the student-athlete would  
5 conflict with a provision in a contract, rule, regulation,  
6 standard, or other requirement of the postsecondary  
7 educational institution.

8 (e) No booster, third party licensee, or any other  
9 individual or entity, shall provide or directly or indirectly  
10 arrange for a third party to provide compensation to a  
11 prospective or current student-athlete or enter into, or  
12 directly or indirectly arrange for a third party to enter  
13 into, a publicity rights agreement as an inducement for the  
14 student-athlete to attend or enroll in a specific institution  
15 or group of institutions. Compensation for a student-athlete's  
16 name, image, likeness, or voice shall not be conditioned on  
17 athletic performance ~~or attendance~~ at a particular  
18 postsecondary educational institution.

19 (f) A postsecondary educational institution may fund an  
20 independent, third-party administrator to support education,  
21 monitoring, disclosures, and reporting concerning name, image,  
22 likeness, or voice activities by student-athletes authorized  
23 pursuant to this Act. A third-party administrator cannot be a  
24 registered athlete agent.

25 (g) No postsecondary educational institution shall provide  
26 ~~or directly or indirectly arrange for a third party to provide~~

1 compensation to a prospective or current student-athlete or  
2 enter into, ~~or directly or indirectly arrange for a third~~  
3 ~~party to enter into,~~ a publicity rights agreement with a  
4 prospective or current student-athlete. Nothing in this Act  
5 shall require a postsecondary educational institution to  
6 directly or indirectly identify, create, facilitate, arrange,  
7 negotiate, or otherwise enable opportunities for a prospective  
8 or current student-athlete to enter into a publicity rights  
9 agreement with a third party.

10 (h) No student-athlete shall enter into a publicity rights  
11 agreement or receive compensation from a third party licensee  
12 relating to the name, image, likeness, or voice of the  
13 student-athlete before the date on which the student-athlete  
14 enrolls at a postsecondary educational institution.

15 (i) No student-athlete shall enter into a publicity rights  
16 agreement or receive compensation from a third party licensee  
17 for the endorsement or promotion of gambling, sports betting,  
18 controlled substances, cannabis, a tobacco or alcohol company,  
19 brand, or products, alternative or electronic nicotine product  
20 or delivery system, performance-enhancing supplements, adult  
21 entertainment, or any other product or service that is  
22 reasonably considered to be inconsistent with the values or  
23 mission of a postsecondary educational institution or that  
24 negatively impacts or reflects adversely on a postsecondary  
25 educational institution or its athletic programs, including,  
26 but not limited to, bringing about public disrepute,

1 embarrassment, scandal, ridicule, or otherwise negatively  
2 impacting the reputation or the moral or ethical standards of  
3 the postsecondary educational institution.

4 (Source: P.A. 102-42, eff. 7-1-21; 102-687, eff. 12-17-21.)

5 (110 ILCS 190/22 new)

6 Sec. 22. Educational programming. Postsecondary  
7 educational institutions are encouraged to provide financial  
8 literacy, brand management, and life skills programming  
9 designed for student athletes. The programming may include  
10 information on time management skills necessary for success as  
11 a student athlete and available academic resources. Marketing,  
12 advertising, referral, or solicitation information by  
13 providers of financial products or services may not be  
14 included in such programming.

15 (110 ILCS 190/25)

16 Sec. 25. Term of student-athlete contract. A contract or  
17 representation agreement relating to ~~for~~ the use of the  
18 student-athlete's name, image, likeness, or voice that is  
19 entered into while the student-athlete is participating in an  
20 intercollegiate sport at a postsecondary educational  
21 institution may not extend beyond the student-athlete's  
22 participation in the sport at an ~~the~~ institution.

23 (Source: P.A. 102-42, eff. 7-1-21.)".