

# HOUSE BILL NO. 4844

June 22, 2023, Introduced by Rep. Witwer and referred to the Committee on Higher Education.

A bill to amend 2020 PA 366, entitled

"An act to prohibit postsecondary educational institutions in this state and certain athletic organizations from preventing a college athlete from receiving compensation for the use of his or her name, image, or likeness rights,"

by amending sections 3, 5, 7, and 10 (MCL 390.1733, 390.1735, 390.1737, and 390.1740).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**           Sec. 3. A postsecondary educational institution, athletic  
**2** association, conference, or other group or organization with

1 authority over intercollegiate athletics shall not do ~~either~~**any** of  
2 the following:

3 (a) Provide a prospective college athlete who will attend a  
4 postsecondary educational institution with compensation in relation  
5 to the athlete's name, image, or likeness rights.

6 (b) Prevent a student who resides in this state and  
7 participates in intercollegiate athletics from obtaining  
8 professional representation in relation to contracts or legal  
9 matters regarding opportunities to be compensated, ~~for use of the~~  
10 ~~student's name, image, or likeness rights,~~ including, but not  
11 limited to, representation provided by an athlete agent or legal  
12 representation provided by an attorney.

13 **(c) Prevent a student athlete from earning compensation from a**  
14 **third party as a result of the student athlete's name, image,**  
15 **likeness rights, or athletic reputation, so long as the student**  
16 **athlete's contract with the third party does not require the**  
17 **student athlete to advertise for a sponsor in person during**  
18 **official, mandatory team activities. As used in this subdivision,**  
19 **"compensation" includes food, shelter, medical expenses, and**  
20 **insurance.**

21 Sec. 5. (1) A postsecondary educational institution, athletic  
22 association, conference, or other group or organization with  
23 authority over intercollegiate athletics shall not interfere with  
24 or prevent a student from fully participating in intercollegiate  
25 athletics based upon the student obtaining professional  
26 representation in relation to contracts or legal matters regarding  
27 the student's opportunities to earn compensation, ~~for the student's~~  
28 ~~use of his or her name, image, or likeness rights,~~ including, but  
29 not limited to, representation provided by an athlete agent or

1 financial advisor, or legal representation provided by an attorney.

2 (2) An athletic association, conference, or other group or  
3 organization with authority over intercollegiate athletics,  
4 including, but not limited to, the National Collegiate Athletic  
5 Association, shall not prevent a postsecondary educational  
6 institution from fully participating in intercollegiate athletics  
7 without penalty as a result of a student obtaining professional  
8 representation in relation to contracts or legal matters regarding  
9 the student's opportunities to earn compensation, ~~for the student's~~  
10 ~~use of his or her name, image, or likeness rights,~~ including, but  
11 not limited to, representation provided by an athlete agent or  
12 financial advisor, or legal representation by an attorney.

13 (3) For purposes of this section, professional representation  
14 by an athlete agent, financial advisor, or attorney must be  
15 provided by persons licensed in this state, as applicable.

16 Sec. 7. (1) A student who intends to enter into a verbal or  
17 written opportunity or contract that would provide compensation to  
18 the student for use of ~~his or her~~ **the student's** name, image, or  
19 likeness rights shall disclose the proposed opportunity or contract  
20 to a designated official of the postsecondary educational  
21 institution that the student attends, as designated by that  
22 institution, at least 7 days prior to committing to the opportunity  
23 or contract, for review by that institution.

24 (2) If the postsecondary educational institution described in  
25 subsection (1) identifies a conflict between the student's proposed  
26 opportunity or contract and any existing agreements of the  
27 postsecondary educational institution, the postsecondary  
28 educational institution shall communicate that conflict to the  
29 student so that the student may negotiate a revision of the

1 opportunity or contract to avoid the conflict and that revision is  
2 subject to additional review and approval by the postsecondary  
3 educational institution in accordance with this section.

4 (3) A team contract of a postsecondary educational  
5 institution's athletic program ~~shall~~**must** not prevent a student  
6 from receiving compensation for using ~~his or her~~**the student's**  
7 name, image, or likeness rights for a commercial purpose when the  
8 student is not engaged in official team activities, **including**  
9 **participating in or being part of an advertisement that was created**  
10 **while not engaged in official team activities but that may**  
11 **otherwise be broadcasted, displayed, or disseminated at any time.**

12 (4) This section does not apply to a contract entered into,  
13 modified, or renewed on or before the effective date of this act.

14 Sec. 10. (1) This act does not require a postsecondary  
15 educational institution, athletic association, conference, or other  
16 group or organization with authority over intercollegiate athletics  
17 to identify, create, facilitate, negotiate, or otherwise enable  
18 opportunities for a student to earn compensation for the student's  
19 use of ~~his or her~~**the student's** name, image, or likeness rights.  
20 **However, a postsecondary educational institution or any officer,**  
21 **director, or employee of the institution, including, but not**  
22 **limited to, a coach, a member of a coaching staff, or any**  
23 **individual associated with the institution's athletic department,**  
24 **may identify or otherwise assist with opportunities for a student**  
25 **athlete to earn compensation from a third party for the use of the**  
26 **student athlete's name, image, likeness rights, or athletic**  
27 **reputation, provided that the institution or individual does not do**  
28 **any of the following:**

29 (a) **Serve as the student athlete's agent.**

1 (b) Receive compensation from the student athlete or a third  
2 party for facilitating or enabling those opportunities.

3 (c) Attempt to influence the student athlete's choice of  
4 professional representation related to those opportunities.

5 (d) Attempt to reduce the student athlete's opportunities from  
6 competing third parties.

7 (e) Attend any meeting at which a contract for compensation  
8 for the use of the student athlete's name, image, likeness rights,  
9 or athletic reputation is negotiated or completed between the  
10 student athlete and a third party.

11 (2) A postsecondary educational institution shall provide its  
12 student athletes, at no cost to them, financial literacy, brand  
13 management, and entrepreneurship programming, each for a minimum of  
14 5 hours, and must include information concerning financial aid,  
15 debt management, contract law, and sports marketing.

16 (3) ~~(2)~~—This act does not establish or bestow the right of a  
17 student to use the name, trademarks, services marks, logos,  
18 symbols, or any other intellectual property, whether registered or  
19 not, of a postsecondary educational institution, athletic  
20 association, conference, or other group or organization with  
21 authority over intercollegiate athletics, in furtherance of the  
22 student's opportunities to earn compensation for the student's use  
23 of ~~his or her~~ **the student's** name, image, or likeness rights.

24 (4) ~~(3)~~—This act does not limit the right of a postsecondary  
25 educational institution to establish and enforce any of the  
26 following:

27 (a) Academic standards, requirements, regulations, or  
28 obligations for its ~~students~~ **student athletes**.

29 (b) Team rules of conduct or other rules of conduct.

1 (c) Standards or policies regarding the governance or  
2 operation of or participation in intercollegiate varsity athletics.

3 (d) Disciplinary rules and standards generally applicable to  
4 all students of the postsecondary educational institution.