



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3904

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

New Act

Creates the Student Athlete Endorsement Act. Prohibits (i) an institution of higher learning from upholding any rule, requirement, standard, or other limitation that prevents a student athlete of that institution from earning compensation as a result of the use of the student's name, image, or likeness and earning compensation from the use of a student athlete's name, image, or likeness from affecting the student's scholarship eligibility; (ii) an athletic association, conference, or other group or organization with authority over intercollegiate athletics from preventing a student athlete of an institution from earning compensation as a result of the use of the student's name, image, or likeness; (iii) an athletic association, conference, or other group or organization with authority over intercollegiate athletics from preventing an institution from participating in intercollegiate athletics as a result of the compensation of a student athlete for the use of the student's name, image, or likeness; and (iv) an institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics from providing a prospective student athlete with compensation in relation to the athlete's name, image, or likeness. Sets forth provisions concerning professional representation and contracts. Effective January 1, 2023.

LRB101 14512 NHT 63407 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Student Athlete Endorsement Act.

6 Section 5. Definitions. In this Act:

7 "Institution" has the meaning given to that term under the
8 Higher Education Student Assistance Act.

9 "Student athlete" means a student enrolled in an
10 institution and participating in intercollegiate athletics.

11 Section 10. Student athlete compensation.

12 (a) An institution may not uphold any rule, requirement,
13 standard, or other limitation that prevents a student athlete
14 of that institution from earning compensation as a result of
15 the use of the student athlete's name, image, or likeness.
16 Earning compensation from the use of a student athlete's name,
17 image, or likeness may not affect the student's scholarship
18 eligibility.

19 (b) An athletic association, conference, or other group or
20 organization with authority over intercollegiate athletics,
21 including, but not limited to, the National Collegiate Athletic
22 Association, may not prevent a student athlete of an

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

3 (c) An athletic association, conference, or other group or
4 organization with authority over intercollegiate athletics,
5 including, but not limited to, the National Collegiate Athletic
6 Association, may not prevent an institution from participating
7 in intercollegiate athletics as a result of the compensation of
8 a student athlete for the use of the student's name, image, or
9 likeness.

10 Section 15. No compensation for prospective student
11 athlete. An institution, athletic association, conference, or
12 other group or organization with authority over
13 intercollegiate athletics may not provide a prospective
14 student athlete with compensation in relation to the athlete's
15 name, image, or likeness.

16 Section 20. Professional representation.

17 (a) An institution, athletic association, conference, or
18 other group or organization with authority over
19 intercollegiate athletics may not prevent a student athlete
20 from obtaining professional representation in relation to a
21 contract or legal matter, including, but not limited to,
22 representation provided by an athlete agent or legal
23 representation provided by an attorney.

24 (b) An athlete agent representing a student athlete shall

1 comply with the federal Sports Agent Responsibility and Trust
2 Act in his or her relationship with the student athlete.

3 Section 25. Scholarships. A scholarship from the
4 institution in which a student athlete is enrolled that
5 provides the student with the cost of attendance at that
6 institution is not compensation for purposes of this Act, and a
7 scholarship may not be revoked as a result of earning
8 compensation or obtaining legal representation pursuant to
9 this Act.

10 Section 30. Contracts.

11 (a) A student athlete may not enter into a contract
12 providing compensation to the athlete for use of the athlete's
13 name, image, or likeness if a provision of the contract is in
14 conflict with a provision of the athlete's team contract.

15 (b) A student athlete who enters into a contract providing
16 compensation to the athlete for use of the athlete's name,
17 image, or likeness shall disclose the contract to an official
18 of the institution, to be designated by the institution.

19 (c) An institution asserting a conflict described in
20 subsection (a) shall disclose to the student athlete or the
21 athlete's legal representation the relevant contractual
22 provision that is in conflict.

23 (d) A team contract of an institution's athletic program
24 may not prevent a student athlete from using the athlete's

1 name, image, or likeness for a commercial purpose when the
2 athlete is not engaged in official team activities. It is the
3 intent of the General Assembly that this prohibition shall
4 apply only to contracts entered into, modified, or renewed on
5 or after the effective date of this Act.

6 Section 99. Effective date. This Act takes effect January
7 1, 2023.