

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 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.

17 "Compensation" means anything of value, monetary or
18 otherwise, including, but not limited to, cash, gifts, in-kind
19 items of value, social media compensation, payments for
20 licensing or use of publicity rights, payments for other
21 intellectual or intangible property rights under federal or
22 State law, and any other form of payment or remuneration,
23 except as excluded under this Act. "Compensation" shall not

1 include:

2 (1) tuition, room, board, books, fees, and personal
3 expenses that a postsecondary educational institution
4 provides to a student-athlete in accordance with the rules
5 of the athletic association or conference of which the
6 postsecondary educational institution is a member;

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

11 (3) any other financial aid, benefits, or awards that
12 a postsecondary educational institution provides to a
13 student-athlete in accordance with the rules of the
14 athletic association or conference of which the
15 postsecondary educational institution is a member; or

16 (4) the payment of wages and benefits to a
17 student-athlete for work actually performed (but not for
18 athletic ability or participation in intercollegiate
19 athletics) at a rate commensurate with the prevailing rate
20 for similar work in the locality of the student-athlete's
21 postsecondary educational institution.

22 "Enrolled" means registered for courses or attending
23 athletic practice or class at a postsecondary educational
24 institution.

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

1 "Intercollegiate athletics program" means an
2 intercollegiate athletics program played at the collegiate
3 level for which eligibility requirements for participation by
4 a student-athlete are established by a national association
5 for the promotion or regulation of collegiate athletics.

6 "Likeness" means a physical, digital, rendering, or other
7 depiction or representation of a student-athlete, including a
8 student-athlete's uniform number or signature, that reasonably
9 identifies the student-athlete with particularity and is not
10 reasonably considered to be a generic representation of a
11 member of an intercollegiate athletics program.

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

15 "Name, image, and likeness agreement" or "publicity rights
16 agreement" means a contract or other written or oral
17 arrangement between a student-athlete and a third party
18 licensee regarding the use of the name, image, likeness, or
19 voice of the student-athlete.

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

25 "Postsecondary educational institution" means a public
26 university or community college or private university or

1 college.

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

6 "Student-athlete" means a student currently enrolled at a
7 postsecondary educational institution who engages in, is
8 eligible to engage in, or may be eligible in the future to
9 engage in, an intercollegiate athletics program at a
10 postsecondary educational institution. If an individual is
11 permanently ineligible to participate in a particular
12 intercollegiate sport, the individual is not a student-athlete
13 for purposes of that sport.

14 "Third party licensee" means any individual or entity that
15 licenses publicity rights or the use of name, image, likeness,
16 or voice from any prospective or current student-athlete or
17 group of student-athletes. "Third party licensee" shall not
18 include any national association for the promotion or
19 regulation of collegiate athletics, athletics conference, or
20 postsecondary educational institution.

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

22 (110 ILCS 190/10)

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

24 (1) A student-athlete may earn compensation,
25 commensurate with market value, for the use of the name,

1 image, likeness, or voice of the student-athlete while
2 enrolled at a postsecondary educational institution and
3 obtain and retain an ~~a certified~~ agent for any matter or
4 activity relating to such compensation.

5 (2) A student-athlete may not earn compensation in
6 exchange for the student-athlete's athletic ability or
7 participation in intercollegiate athletics or sports
8 competition or agreement or willingness to attend a
9 postsecondary educational institution.

10 (3) Notwithstanding any other provision of law or
11 agreement to the contrary, a student-athlete shall not be
12 deemed an employee, agent, or independent contractor of an
13 association, a conference, or a postsecondary educational
14 institution based on the student-athlete's participation
15 in an intercollegiate athletics program.

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

17 (110 ILCS 190/15)

18 Sec. 15. Postsecondary educational institutions;
19 limitations; prohibitions.

20 (a) Except as provided in this Act, a postsecondary
21 educational institution shall not uphold any contract, rule,
22 regulation, standard, or other requirement that prevents a
23 student-athlete of that institution from earning compensation
24 as a result of the use of the student-athlete's name, image,
25 likeness, or voice. Any such contract, rule, regulation,

1 standard, or other requirement shall be void and unenforceable
2 against the postsecondary educational institution or the
3 student-athlete. Compensation from the use of a
4 student-athlete's name, image, likeness, or voice may not
5 affect the student-athlete's scholarship eligibility,
6 grant-in-aid, or other financial aid, awards or benefits, or
7 the student-athlete's intercollegiate athletic eligibility.
8 Nothing in this Act is intended to alter any State or federal
9 laws, rules, or regulations regarding the award of financial
10 aid at postsecondary educational institutions.

11 (b) Except as provided in this Act, an athletic
12 association, conference, or other group or organization with
13 authority over intercollegiate athletic programs, including,
14 but not limited to, the National Collegiate Athletic
15 Association, the National Association of Intercollegiate
16 Athletics, and the National Junior College Athletic
17 Association, shall not prevent, or otherwise enforce a
18 contract, rule, regulation, standard, or other requirement
19 that prevents a student-athlete at a postsecondary educational
20 institution from earning compensation as a result of the use
21 of the student-athlete's name, image, likeness, or voice.

22 (c) To protect the integrity of its educational mission
23 and intercollegiate athletics program, a postsecondary
24 educational institution may impose reasonable limitations on
25 the dates and time that a student-athlete may participate in
26 endorsement, promotional, social media, or other activities

1 related to the license or use of the student-athlete's name,
2 image, likeness, or voice. Nothing in this Act shall restrict
3 a postsecondary educational institution from exercising its
4 sole discretion to control the authorized use of its marks or
5 logos or to determine a student-athlete's apparel, gear, or
6 other wearables during an intercollegiate athletics
7 competition or institution-sponsored event. A student-athlete
8 may not receive or enter into a contract for compensation for
9 the use of the student-athlete's name, image, likeness, or
10 voice in a way that also uses any registered or licensed marks,
11 logos, verbiage, name, or designs of a postsecondary
12 educational institution, unless the postsecondary educational
13 institution has provided the student-athlete with written
14 permission to do so prior to execution of the contract or
15 receipt of compensation. If permission is granted to the
16 student-athlete, the postsecondary educational institution, by
17 an agreement of all of the parties, may be compensated for the
18 use in a manner consistent with market rates. A postsecondary
19 educational institution may also prohibit a student-athlete
20 from wearing any item of clothing, shoes, or other gear or
21 wearables with the name, logo, or insignia of any entity
22 during an intercollegiate athletics competition or
23 institution-sponsored event.

24 (d) An athletic association, conference, or other group or
25 organization with authority over intercollegiate athletics
26 programs, including, but not limited to, the National

1 Collegiate Athletic Association, the National Association of
2 Intercollegiate Athletics, and the National Junior College
3 Athletic Association, shall not enforce a contract, rule,
4 regulation, standard, or other requirement that prevents a
5 postsecondary educational institution from participating in an
6 intercollegiate athletics program as a result of the
7 compensation of a student-athlete for the use of the
8 student-athlete's name, image, likeness, or voice.

9 (e) A postsecondary educational institution, athletic
10 association, conference, or other group or organization with
11 authority over intercollegiate athletics programs, including,
12 but not limited to, the National Collegiate Athletic
13 Association, the National Association of Intercollegiate
14 Athletics, and the National Junior College Athletic
15 Association, shall not directly or indirectly:

16 (1) enter into, or offer to enter into, a publicity
17 rights agreement with a prospective or current
18 student-athlete; or

19 (2) provide a prospective or current student-athlete
20 or the student-athlete's family compensation in relation
21 to the use of the student-athlete's name, image, likeness,
22 or voice.

23 (f) A postsecondary educational institution, athletic
24 association, conference, or other group or organization with
25 authority over intercollegiate athletics programs, including,
26 but not limited to, the National Collegiate Athletic

1 Association, the National Association of Intercollegiate
2 Athletics, and the National Junior College Athletic
3 Association, shall not prevent a student-athlete from
4 obtaining professional representation for purposes of this Act
5 in relation to name, image, likeness, or voice, or to secure a
6 publicity rights agreement, including, but not limited to,
7 representation provided by athlete agents or legal
8 representation provided by attorneys. A student-athlete shall
9 provide the postsecondary educational institution with written
10 notice and a copy of the agreement in the manner and at a time
11 prescribed by the institution ~~within 7 days of entering into a~~
12 ~~representation agreement with any individual for the purpose~~
13 ~~of exploring or securing compensation for use of the~~
14 ~~student-athlete's name, image, likeness, or voice.~~

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

16 (110 ILCS 190/20)

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

18 (a) An agent, legal representative, or other professional
19 service provider offering services to a student-athlete shall,
20 to the extent required, comply with the federal Sports Agent
21 Responsibility and Trust Act and any other applicable laws,
22 rules, or regulations.

23 (b) A grant-in-aid, including cost of attendance, and
24 other permissible financial aid, awards, or benefits from the
25 postsecondary educational institution in which a

1 student-athlete is enrolled shall not be revoked, reduced, nor
2 the terms and conditions altered, as a result of a
3 student-athlete earning compensation or obtaining professional
4 or legal representation pursuant to this Act.

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

17 (d) A student-athlete may not enter into a publicity
18 rights agreement or otherwise receive compensation for that
19 student-athlete's name, image, likeness, or voice for services
20 rendered or performed while that student-athlete is
21 participating in activities sanctioned by that
22 student-athlete's postsecondary educational institution if
23 such services or performance by the student-athlete would
24 conflict with a provision in a contract, rule, regulation,
25 standard, or other requirement of the postsecondary
26 educational institution.

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

12 (f) A postsecondary educational institution may fund an
13 independent, third-party administrator to support education,
14 monitoring, disclosures, and reporting concerning name, image,
15 likeness, or voice activities by student-athletes authorized
16 pursuant to this Act. A third-party administrator cannot be a
17 registered athlete agent.

18 (g) No postsecondary educational institution shall provide
19 ~~or directly or indirectly arrange for a third party to provide~~
20 compensation to a prospective or current student-athlete or
21 enter into, ~~or directly or indirectly arrange for a third~~
22 ~~party to enter into,~~ a publicity rights agreement with a
23 prospective or current student-athlete. Nothing in this Act
24 shall require a postsecondary educational institution to
25 directly or indirectly identify, create, facilitate, arrange,
26 negotiate, or otherwise enable opportunities for a prospective

1 or current student-athlete to enter into a publicity rights
2 agreement with a third party.

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

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

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

24 (110 ILCS 190/22 new)

25 Sec. 22. Educational programming. Postsecondary

1 educational institutions are encouraged to provide financial
2 literacy, brand management, and life skills programming
3 designed for student athletes. The programming may include
4 information on time management skills necessary for success as
5 a student athlete and available academic resources. Marketing,
6 advertising, referral, or solicitation information by
7 providers of financial products or services may not be
8 included in such programming.

9 (110 ILCS 190/25)

10 Sec. 25. Term of student-athlete contract. A contract or
11 representation agreement relating to ~~for~~ the use of the
12 student-athlete's name, image, likeness, or voice that is
13 entered into while the student-athlete is participating in an
14 intercollegiate sport at a postsecondary educational
15 institution may not extend beyond the student-athlete's
16 participation in the sport at an ~~the~~ institution.

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