

**SUBSTITUTE FOR
HOUSE BILL NO. 4816**

A bill to prohibit high schools and certain athletic organizations from preventing high school student athletes in this state from receiving compensation from the use of their name, image, or likeness rights under certain circumstances and to establish standards for the exercise of these name, image, or likeness rights.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "compensation of high
2 school student athletes act".

3 Sec. 2. As used in this act:

4 (a) "Athletic association" means an entity that operates for
5 the purpose of developing common rules for the eligibility and
6 competition of high school student athletes in this state.



1 (b) "High school" means a nonpublic school or public school
2 that offers at least 1 of grades 9 to 12.

3 (c) "Nonpublic school" means that term as defined in section 5
4 of the revised school code, 1976 PA 451, MCL 380.5.

5 (d) "Public school" means that term as defined in section 5 of
6 the revised school code, 1976 PA 451, MCL 380.5.

7 Sec. 3. (1) Except as otherwise provided in this act, a
8 student athlete of a high school may earn compensation from the
9 student athlete's use of the student athlete's name, image, and
10 likeness rights under this act from activities such as commercials,
11 product endorsements, personal appearances, autograph sessions,
12 merchandise or apparel sales, group licensing, or acting as a
13 social media influencer.

14 (2) A student athlete of a high school may not earn
15 compensation from the student athlete's use of the student
16 athlete's name, image, and likeness rights under this act from
17 activities that involve, display, or endorse any of the following:

18 (a) An adult entertainment product or service.

19 (b) An alcohol product.

20 (c) A tobacco or electronic smoking product or device.

21 (d) A controlled substance.

22 (e) Any form of gambling, including, but not limited to,
23 sports betting and horse racing.

24 (f) A weapon, firearm, or ammunition.

25 (g) A nutritional supplement.

26 Sec. 5. (1) A student athlete of a high school may not enter
27 into a written agreement or contract with a third party to earn
28 compensation from the student athlete's use of the student
29 athlete's name, image, and likeness rights under this act if any of



1 the following apply:

2 (a) The third party is an entity that was formed for the
3 express purpose of receiving or pooling funds to create or provide
4 name, image, and likeness opportunities for student athletes.

5 (b) The agreement or contract is contingent on the student
6 athlete's athletic performance or achievement.

7 (c) The agreement or contract requires the student athlete to
8 miss school or instructional time to meet the obligations of the
9 agreement or contract.

10 (2) In addition to any prohibition described in subsection
11 (1), a student athlete of a high school shall not enter into an
12 apparel contract with a third party to earn compensation from the
13 student athlete's use of the student athlete's name, image, or
14 likeness rights, if the contract requires the student athlete to
15 display a sponsor's apparel, or otherwise advertise for a sponsor,
16 during an official team activity.

17 Sec. 7. (1) Except as otherwise provided in subsection (2),
18 before a student athlete of a high school enters into a written
19 agreement or contract with a third party to earn compensation from
20 the student athlete's use of the student athlete's name, image, and
21 likeness rights under this act, at least 1 parent or legal guardian
22 of the student athlete must consent to the student athlete's
23 entrance into the written agreement or contract.

24 (2) This section does not apply to either of the following:

25 (a) A student athlete of a high school who is less than 18
26 years of age and who is emancipated under 1968 PA 293, MCL 722.1 to
27 722.6.

28 (b) A student athlete of a high school who is 18 years of age
29 or older.



1 Sec. 9. (1) In addition to any requirement under section 7, a
2 student athlete of a high school who intends to enter into a verbal
3 or written opportunity or contract that would provide compensation
4 to the student athlete for use of the student athlete's name,
5 image, or likeness rights shall disclose the proposed opportunity
6 or contract to an official of the Michigan High School Athletic
7 Association, at least 7 days before committing to the opportunity
8 or contract, for review by the Michigan High School Athletic
9 Association.

10 (2) If the Michigan High School Athletic Association under
11 subsection (1) identifies a conflict with the student athlete's
12 proposed opportunity or contract, the Michigan High School Athletic
13 Association shall communicate that conflict to the student athlete
14 so that the student athlete may negotiate a revision of the
15 opportunity or contract to avoid the conflict, and that revision is
16 subject to additional review and approval by the Michigan High
17 School Athletic Association in accordance with this section.

18 (3) A policy of a high school's athletic program must not
19 prevent a student athlete of the high school from receiving
20 compensation for using the student athlete's name, image, or
21 likeness rights for a commercial purpose when the student is not
22 engaged in an official team activity, including participating in or
23 being part of an advertisement that was created while not engaged
24 in an official team activity but that may otherwise be broadcasted,
25 displayed, or disseminated at any time.

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

28 Sec. 11. A high school shall not uphold any rule, requirement,
29 standard, or other limitation that prevents a student of that high



1 school from fully participating in high school athletics based on
 2 that student earning compensation from the student's use of the
 3 student's name, image, or likeness rights.

4 Sec. 13. (1) Except as otherwise provided in subsection (2), a
 5 high school or any officer, director, or employee of the high
 6 school, including, but not limited to, a coach, a member of a coach
 7 staff, or any individual associated with the high school athletic
 8 department, shall not do any of the following relating to a student
 9 athlete's name, image, likeness rights, or athletic reputation:

10 (a) Identify or otherwise assist with opportunities for a
 11 student athlete to earn compensation from a third party.

12 (b) Serve as a student athlete's agent.

13 (c) Receive compensation from the student athlete or a third
 14 party for facilitating or enabling those opportunities.

15 (d) Attempt to influence the student athlete's high school of
 16 enrollment or choice of professional representation related to
 17 those opportunities.

18 (e) Attempt to reduce the student athlete's opportunities from
 19 competing third parties.

20 (f) Attend any meeting at which a contract for compensation
 21 from those opportunities is negotiated or completed between the
 22 student athlete and a third party.

23 (2) The prohibitions described in this section do not apply to
 24 an individual acting in the individual's capacity as the parent or
 25 legal guardian of a student athlete.

26 Sec. 15. An athletic association, conference, or other group
 27 or organization with authority over high school athletics shall not
 28 do either of the following:

29 (a) Prevent a student of a high school from fully



1 participating in high school athletics based on the student earning
 2 compensation from the student's use of the student's name, image,
 3 or likeness rights.

4 (b) Prevent a high school from fully participating in high
 5 school athletics without penalty based on a student of the high
 6 school's use of the student's name, image, or likeness rights.

7 Sec. 17. (1) A high school, athletic association, conference,
 8 or other group or organization with authority over high school
 9 athletics shall not do any of the following:

10 (a) Provide a student athlete of a high school or a
 11 prospective student athlete of a high school with compensation in
 12 relation to the student athlete's name, image, or likeness rights.

13 (b) Prevent a student athlete of a high school from obtaining
 14 professional representation in relation to contracts or legal
 15 matters regarding opportunities to be compensated, including, but
 16 not limited to, representation provided by an athlete agent or
 17 legal representation provided by an attorney.

18 (c) Prevent a student athlete of a high school from earning
 19 compensation from a third party as a result of the student's name,
 20 image, likeness rights, or athletic reputation, so long as the
 21 student's contract with the third party does not require the
 22 student to advertise for a sponsor in person during an official,
 23 mandatory team activity. As used in this subdivision,
 24 "compensation" includes food, shelter, medical expenses, insurance,
 25 cash, barter, free products, and discounts.

26 (2) As used in this section, "group" includes, but is not
 27 limited to, a booster club, a dad's club, or an athletic
 28 foundation.

29 Sec. 19. (1) A high school, athletic association, conference,



1 or other group or organization with authority over high school
2 athletics shall not interfere with or prevent a student from fully
3 participating in high school athletics based on the student
4 obtaining professional representation in relation to contracts or
5 legal matters regarding the student's opportunities to earn
6 compensation, including, but not limited to, representation
7 provided by an athlete agent or financial advisor, or legal
8 representation provided by an attorney.

9 (2) An athletic association, conference, or other group or
10 organization with authority over high school athletics shall not
11 prevent a high school from fully participating in high school
12 athletics without penalty as a result of a student of the high
13 school obtaining professional representation in relation to
14 contracts or legal matters regarding the student's opportunities to
15 earn compensation, including, but not limited to, representation
16 provided by an athlete agent or financial advisor, or legal
17 representation by an attorney.

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

21 Sec. 21. A legal settlement arising under this act must not
22 permit noncompliance with this act.

23 Sec. 23. (1) By December 31, 2024, and by December 31, 2025,
24 any nonprofit trade association that represents high schools in
25 this state shall provide to the department of education for each of
26 those years, respectively, a written summary of any congressional
27 action on legislation on student athlete name, image, and likeness
28 compensation.

29 (2) By June 30, 2026, any nonprofit trade association that



1 represents high schools in this state shall provide to the
2 department of education a written summary of the preparedness of
3 the association's respective member high schools in implementing
4 this act.

5 Sec. 25. (1) This act does not require a high school, athletic
6 association, conference, or other group or organization with
7 authority over high school athletics to identify, create,
8 facilitate, negotiate, or otherwise enable opportunities for a
9 student athlete of a high school to earn compensation for the
10 student's use of the student's name, image, or likeness rights.

11 (2) This act does not establish or bestow the right of a
12 student to use the name, trademarks, services marks, logos,
13 symbols, or any other intellectual property, whether registered or
14 not, of a high school, athletic association, conference, or other
15 group or organization with authority over high school athletics, in
16 furtherance of the student's opportunities to earn compensation for
17 the student's use of the student's name, image, or likeness rights.

18 (3) This act does not limit the right of a high school or
19 athletic association to establish and enforce any of the following:

20 (a) Academic standards, requirements, regulations, or
21 obligations for its students.

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

23 (c) Standards or policies regarding the governance or
24 operation of or participation in high school varsity athletics.

25 (d) Disciplinary rules and standards generally applicable to
26 all students of the high school.

27 (e) Rules relating to amateur status that do not conflict with
28 this act.

