

# HOUSE BILL NO. 4319

March 22, 2023, Introduced by Reps. Witwer, Glanville and DeSana and referred to the Committee on 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 section 10 (MCL 390.1740).

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

- 1           Sec. 10. (1) This act does not require a postsecondary
- 2 educational institution, athletic association, conference, or other
- 3 group or organization with authority over intercollegiate athletics

1 to identify, create, facilitate, negotiate, or otherwise enable  
2 opportunities for a student to earn compensation for the student's  
3 use of ~~his or her~~ **the student's** name, image, or likeness rights.  
4 However, this act permits a postsecondary educational institution  
5 to do all of the following:

6 (a) Support student athletes' name, image, or likeness  
7 opportunities by partnering with third parties that license  
8 publicity rights or the use of name, image, or likeness rights of  
9 student athletes, subject to all of the following:

10 (i) The third party must not be a national association for the  
11 promotion or regulation of collegiate athletics, an athletics  
12 conference, or another postsecondary educational institution.

13 (ii) The third party must be in operation for at least 5 years  
14 and be registered for charitable solicitation under the laws of  
15 this state.

16 (iii) The postsecondary educational institution must not coerce,  
17 compel, or interfere with a student athlete's decision to earn  
18 compensation from or obtain representation in connection with any  
19 specific name, image, or likeness opportunity.

20 (b) Fund an independent, third-party administrator to support  
21 education, monitoring, disclosures, and reporting concerning name,  
22 image, or likeness activities by student athletes authorized under  
23 this act, so long as that third-party administrator is not a  
24 registered athlete agent.

25 (2) A postsecondary educational institution's involvement in  
26 support of name, image, or likeness activities as described in  
27 subsection (1) (a) does not constitute compensation to or  
28 representation of a student athlete by the institution for purposes  
29 of this act.

1           **(3) Postsecondary educational institutions are encouraged to**  
2 **provide financial literacy, brand management, and life skills**  
3 **programming designed for student athletes.**

4           **(4) ~~(2)~~**—This act does not establish or bestow the right of a  
5 student to use the name, trademarks, services marks, logos,  
6 symbols, or any other intellectual property, whether registered or  
7 not, of a postsecondary educational institution, athletic  
8 association, conference, or other group or organization with  
9 authority over intercollegiate athletics, in furtherance of the  
10 student's opportunities to earn compensation for the student's use  
11 of ~~his or her~~ **the student's** name, image, or likeness rights.

12           **(5) ~~(3)~~**—This act does not limit the right of a postsecondary  
13 educational institution to establish and enforce any of the  
14 following:

15           (a) Academic standards, requirements, regulations, or  
16 obligations for its students.

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

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

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