

**SUBSTITUTE FOR  
HOUSE BILL NO. 4844**

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  
3 authority over intercollegiate athletics shall not do ~~either~~**any** of  
4 the following:

5           (a) Provide a prospective college athlete who will attend a  
6 postsecondary educational institution with compensation in relation

1 to the athlete's name, image, or likeness rights.

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

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

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

27 (2) An athletic association, conference, or other group or  
 28 organization with authority over intercollegiate athletics,  
 29 including, but not limited to, the National Collegiate Athletic

1 Association, shall not prevent a postsecondary educational  
 2 institution from fully participating in intercollegiate athletics  
 3 without penalty as a result of a student obtaining professional  
 4 representation in relation to contracts or legal matters regarding  
 5 the student's opportunities to earn compensation for ~~the student's~~  
 6 use of ~~his or her~~ **the student's** name, image, or likeness rights,  
 7 including, but not limited to, representation provided by an  
 8 athlete agent or financial advisor, or legal representation by an  
 9 attorney.

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

13 Sec. 7. (1) A student who intends to enter into a verbal or  
 14 written opportunity or contract that would provide compensation  
 15 **worth \$1,000.00 or more** to the student for use of ~~his or her~~ **the**  
 16 **student's** name, image, or likeness rights shall disclose the  
 17 proposed opportunity or contract to a designated official of the  
 18 postsecondary educational institution that the student attends, ~~as~~  
 19 ~~designated by that institution, at least 7 days prior to committing~~  
 20 ~~to the opportunity or contract, for review by that institution.~~ **in**  
 21 **the manner and at a time prescribed by that institution.**

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

1 educational institution in accordance with this section.

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

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

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

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

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

29 (c) Attempt to influence the student athlete's choice of

1 professional representation related to those opportunities.

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

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

8 (2) A postsecondary educational institution that is not a  
9 public community college shall provide its student athletes, at no  
10 cost to them, financial literacy, brand management, and  
11 entrepreneurship programming, and must include information  
12 concerning debt management, contract law, and sports marketing. A  
13 postsecondary educational institution that is a public community  
14 college shall, on the request of a student athlete, provide the  
15 student athlete, at no cost to the student athlete, with  
16 information concerning debt management, contract law, and sports  
17 marketing. As used in this subsection, "public community college"  
18 means a public community or junior college established under  
19 section 7 of article VIII of the state constitution of 1963 or part  
20 25 of the revised school code, 1976 PA 451, MCL 380.1601 to  
21 380.1607.

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

1           **(4)** ~~(3)~~—This act does not limit the right of a postsecondary  
2 educational institution to establish and enforce any of the  
3 following:

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

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

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

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