



Bill Number: S.B. 1615

Shope Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

1. Adds an emergency clause.
2. Prohibits a student athlete from:
 - a) executing a contract for the use of the student athlete's own NIL before disclosing the contract to the student athlete's postsecondary education institution or if the contract conflicts with outlined contracts or policies; and
 - b) using any of the postsecondary education institution's property to increase the opportunities to earn compensation for the use of the student athlete's own NIL.
3. Allows a postsecondary education institution that competes in an intercollegiate sport to:
 - a) compensate a student athlete for the use of the student athlete's own NIL, except that the postsecondary education institution may not use monies collected from student fees to pay for compensation; and
 - b) provide monies, assets, resources, opportunities, services or other benefits to an institutional marketing associate or third-party entity to incentivize the facilitation of opportunities for a student athlete to earn compensation for the use of the student athlete's own NIL.
4. Prohibits a postsecondary education institution that competes in intercollegiate sport from limiting or preventing a student from participating in athletics or earning a scholarship because the student athlete participates in outlined activities.
5. Prohibits a regulator from preventing a student athlete from fully participating in an intercollegiate athletic program because the student:
 - a) earns compensation for the use of the student's NIL or position on the intercollegiate athletic team's roster; or
 - b) obtains professional representation.
6. Expands the prohibitions on a regulator preventing a postsecondary institution from engaging in outlined activities by prohibiting a regulator from preventing a postsecondary institution from:
 - a) becoming a member of any regulator that is a membership organization; or

b) participating in an intercollegiate athletic program sponsored by the regulator.

7. Prohibits a regulator from:

- a) considering a complaint, initiating an investigation or taking any adverse action against a postsecondary institution, institutional marketing associate or third-party entity for engaging in authorized conduct; and**
- b) imposing a penalty against a postsecondary institution or student athlete or preventing the postsecondary institution or student athlete from participating in an intercollegiate athletic program for a violation of the regulator's rules or regulations relating to compensation for NIL.**

8. Removes the specification that the compensation a student athlete may earn from the use of the student athlete's own NIL is to the extent allowed by the rules established by the relevant national association for promoting the regulating collegiate athletics.

9. Removes the specification that participation in an intercollegiate athletic program does not affect the employment status of a student athlete.

10. Specifies that a postsecondary education institution may not classify a student athlete as an employee solely on the basis of the student athlete's receipt of compensation as outlined.

11. Allows a student athlete to bring a cause of action against a postsecondary education institution for a violation of the requirements.

12. Allows a postsecondary education institution, institutional marketing associate or third-party entity to bring a cause of action against a regulator to enjoin the regulator for taking adverse action against the outlined entity for engaging in any of the outlined authorized conduct.

13. Requires a postsecondary education institution to notify the student athlete in writing if the postsecondary education institution determines that the student athlete violated the outlined requirements.

14. Allows a postsecondary education institution to bring a cause of action against the student athlete if the student athlete does not correct a violation within 10 days after receipt of notice.

15. Determines that records relating to a contract or proposed contract for the use of the student athlete's own NIL are not public record, and that information collected by the postsecondary education institution relating to such contracts are confidential and not subject to public disclosure.

16. Allows a public university or an organization that has qualified for an exemption from the taxation of income (nonprofit organization) that assists student athletes

to earn compensation from the use of a student athlete's own name, image or likeness (NIL) to conduct a raffle if outlined conditions apply.

17. Deems that an employee of a postsecondary education institution or third-party entity is not liable for a student athlete's inability to earn compensation because of a decision or action that routinely occurs in the course of intercollegiate athletic programs.

18. Specifies that this legislation does not affect the rights of a student athlete under Title IX of the Federal Education Amendments of 1972.

19. Defines terms.

SHOPE FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1615
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 <<Section 1. Section 13-3302, Arizona Revised Statutes, is amended
3 to read:

4 13-3302. Exclusions

5 A. The following conduct is not unlawful under this chapter:

6 1. Amusement gambling.

7 2. Social gambling.

8 3. Regulated gambling if the gambling is conducted in accordance
9 with the statutes, rules or orders governing the gambling.

10 4. Gambling that is conducted at state, county or district fairs
11 and that complies with section 13-3301, paragraph 1, subdivision (d).

12 B. An organization that has qualified for an exemption from
13 taxation of income under section 501 of the internal revenue code may
14 conduct a raffle that is subject to the following restrictions:

15 1. The nonprofit organization shall maintain this status and no
16 member, director, officer, employee or agent of the nonprofit organization
17 may receive any direct or indirect pecuniary benefit other than being able
18 to participate in the raffle on a basis equal to all other participants.

19 2. The nonprofit organization has been in existence continuously in
20 this state for a one-year period immediately before conducting the raffle.

21 3. No person except a bona fide local member of the sponsoring
22 organization may participate directly or indirectly in the management,
23 sales or operation of the raffle.

24 4. Paragraph 1 or 3 of this subsection does not prohibit:

25 (a) A licensed general hospital, a licensed special hospital or a
26 foundation established to support cardiovascular medical research that is
27 exempt from taxation of income under section 501(c)(3) of the internal
28 revenue code from contracting with an outside agent who participates in

1 the management, sales or operation of the raffle if the proceeds of the
2 raffle are used to fund medical research, graduate medical education or
3 indigent care and the raffles are conducted not more than three times per
4 calendar year. The maximum fee for an outside agent shall not exceed
5 fifteen percent of the net proceeds of the raffle.

6 (b) An entity that is exempt from taxation of income under section
7 501(c)(3) of the internal revenue code and that has at least a twenty-year
8 history of providing comprehensive services to prevent child abuse and to
9 provide services and advocacy for victims of child abuse from contracting
10 with an outside agent who participates in the management, sales or
11 operation of the raffle if the proceeds of the raffle are used to provide
12 comprehensive services to prevent child abuse and to provide services and
13 advocacy for victims of child abuse and the raffles are conducted not more
14 than three times per calendar year. The maximum fee for an outside agent
15 shall not exceed fifteen percent of the net proceeds of the raffle.

16 C. A state, county or local historical society designated by this
17 state or a county, city or town to conduct a raffle may conduct the raffle
18 subject to the following conditions:

19 1. A member, director, officer, employee or agent of the historical
20 society may not receive any direct or indirect pecuniary benefit other
21 than being able to participate in the raffle on a basis equal to all other
22 participants.

23 2. The historical society must have been in existence continuously
24 in this state for a five-year period immediately before conducting the
25 raffle.

26 3. A person, except for a bona fide local member of the sponsoring
27 historical society, may not participate directly or indirectly in the
28 management, sales or operation of the raffle.

29 D. A nonprofit organization that is a booster club, a civic club or
30 a political club or political organization that is formally affiliated
31 with and recognized by a political party in this state may conduct a
32 raffle that is subject to the following restrictions:

33 1. A member, director, officer, employee or agent of the club or
34 organization may not receive any direct or indirect pecuniary benefit
35 other than being able to participate in the raffle on a basis equal to all
36 other participants.

37 2. A person, except for a bona fide local member of the sponsoring
38 club or organization, may not participate directly or indirectly in the
39 management, sales or operation of the raffle.

40 3. The maximum annual benefit that the club or organization
41 receives for all raffles is \$10,000.

42 4. The club or organization is organized and operated exclusively
43 for pleasure, recreation or other nonprofit purposes and no part of the
44 club's or organization's net earnings inures to the personal benefit of
45 any member, director, officer, employee or agent of the club or
46 organization.

1 [E. IF A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
2 REGENTS OR AN ORGANIZATION THAT HAS QUALIFIED FOR AN EXEMPTION FROM
3 TAXATION OF INCOME UNDER SECTION 501 OF THE INTERNAL REVENUE CODE ASSISTS
4 STUDENT ATHLETES AS DEFINED IN SECTION 15-1762 TO EARN COMPENSATION FROM
5 THE USE OF A STUDENT ATHLETE'S OWN NAME, IMAGE OR LIKENESS, THE UNIVERSITY
6 OR ORGANIZATION MAY CONDUCT A RAFFLE SUBJECT TO THE FOLLOWING CONDITIONS:

7 1. THE UNIVERSITY OR NONPROFIT ORGANIZATION SHALL MAINTAIN THIS
8 STATUS AND A MEMBER, DIRECTOR, OFFICER, EMPLOYEE OR AGENT OF THE
9 UNIVERSITY OR NONPROFIT ORGANIZATION MAY NOT RECEIVE ANY DIRECT OR
10 INDIRECT PECUNIARY BENEFIT OTHER THAN BEING ABLE TO PARTICIPATE IN THE
11 RAFFLE ON A BASIS EQUAL TO ALL OTHER PARTICIPANTS.

12 2. THE UNIVERSITY OR NONPROFIT ORGANIZATION MUST HAVE BEEN IN
13 EXISTENCE CONTINUOUSLY IN THIS STATE FOR A ONE-YEAR PERIOD IMMEDIATELY
14 BEFORE CONDUCTING THE RAFFLE.

15 3. A PERSON, EXCEPT FOR A BONA FIDE LOCAL MEMBER OF THE SPONSORING
16 UNIVERSITY OR NONPROFIT ORGANIZATION, MAY NOT PARTICIPATE DIRECTLY OR
17 INDIRECTLY IN THE MANAGEMENT, SALES OR OPERATION OF THE RAFFLE.]>>

18 Sec. 2. Section 15-1892, Arizona Revised Statutes, is amended to
19 read:

20 15-1892. Student athlete compensation: postsecondary
21 education institutions; prohibitions: student
22 athlete employment status; public records
23 exemption; confidentiality; injunctive relief;
24 definitions

25 A. Any postsecondary education institution that competes in an
26 intercollegiate sport shall allow a student athlete to earn compensation
27 from the use of the student athlete's own name, image or likeness ~~[to the~~
28 ~~extent allowed by the rules established by the relevant national~~
29 ~~association for promoting or regulating collegiate athletics]~~.

30 [B. A POSTSECONDARY EDUCATION INSTITUTION THAT COMPETES IN AN
31 INTERCOLLEGIATE SPORT MAY:

32 1. COMPENSATE A STUDENT ATHLETE FOR THE USE OF THE STUDENT
33 ATHLETE'S OWN NAME, IMAGE OR LIKENESS, EXCEPT THAT THE POSTSECONDARY
34 EDUCATION INSTITUTION MAY NOT USE MONIES COLLECTED FROM STUDENT FEES TO
35 PAY FOR COMPENSATION PURSUANT TO THIS PARAGRAPH.

36 2. PROVIDE MONIES, ASSETS, RESOURCES, OPPORTUNITIES, SERVICES OR
37 OTHER BENEFITS TO AN INSTITUTIONAL MARKETING ASSOCIATE OR THIRD-PARTY
38 ENTITY TO INCENTIVIZE THE INSTITUTIONAL MARKETING ASSOCIATE OR THIRD-PARTY
39 ENTITY TO FACILITATE OPPORTUNITIES FOR A STUDENT ATHLETE TO EARN
40 COMPENSATION FOR THE USE OF THE STUDENT ATHLETE'S OWN NAME, IMAGE OR
41 LIKENESS.

42 C. A POSTSECONDARY EDUCATION INSTITUTION THAT COMPETES IN AN
43 INTERCOLLEGIATE SPORT MAY NOT:

1 1. LIMIT OR PREVENT A STUDENT ATHLETE FROM FULLY PARTICIPATING IN
2 AN INTERCOLLEGIATE ATHLETIC PROGRAM AT THE POSTSECONDARY EDUCATION
3 INSTITUTION BECAUSE THE STUDENT ATHLETE ENGAGES IN ONE OR MORE OF THE
4 ACTIVITIES DESCRIBED IN SUBSECTION G, PARAGRAPH 1 OF THIS SECTION.]

5 ~~[B.] [2.] [A student athlete may not be denied a]~~ [CONSIDER A
6 STUDENT ATHLETE'S ACTIVITIES DESCRIBED IN SUBSECTION G, PARAGRAPH 1 OF
7 THIS SECTION WHEN DETERMINING THE STUDENT ATHLETE'S ELIGIBILITY TO RECEIVE
8 OR RENEW A SCHOLARSHIP.]

9 3. DENY OR REVOKE A STUDENT ATHLETE'S] scholarship, ~~[have a~~
10 ~~scholarship revoked, be deemed]~~ [DEEM A STUDENT ATHLETE] ineligible for a
11 scholarship or ~~[be deemed]~~ [DEEM A STUDENT ATHLETE] ineligible ~~[for~~
12 ~~participating]~~ [TO PARTICIPATE] in intercollegiate athletics ~~[based on~~
13 ~~earning]~~ [BECAUSE THE STUDENT ATHLETE EARNS] compensation for the use of
14 ~~[that]~~ [THE] student athlete's [OWN] name, image or likeness ~~[in a manner~~
15 ~~and to the extent allowed by the rules established by the relevant~~
16 ~~national association for promoting or regulating collegiate athletics].~~

17 [D. A STUDENT ATHLETE WHO PARTICIPATES IN AN INTERCOLLEGIATE
18 ATHLETIC PROGRAM AT A POSTSECONDARY EDUCATION INSTITUTION MAY NOT:

19 1. EXECUTE A CONTRACT FOR THE USE OF THE STUDENT ATHLETE'S OWN
20 NAME, IMAGE OR LIKENESS BEFORE DISCLOSING THE PROPOSED CONTRACT TO THE
21 POSTSECONDARY EDUCATION INSTITUTION AT WHICH THE STUDENT ATHLETE
22 PARTICIPATES IN AN INTERCOLLEGIATE ATHLETIC PROGRAM.]

23 2. EXECUTE A CONTRACT FOR THE USE OF THE STUDENT ATHLETE'S OWN
24 NAME, IMAGE OR LIKENESS IF ANY PROVISION OF THE CONTRACT CONFLICTS WITH
25 ANY OF THE FOLLOWING:

26 (a) A PROVISION OF THE STUDENT ATHLETE'S TEAM CONTRACT.]

27 (b) A PROVISION OF ANY CONTRACT EXECUTED BY THE POSTSECONDARY
28 EDUCATION INSTITUTION.]

29 (d) A POLICY OF THE POSTSECONDARY EDUCATION INSTITUTION'S ATHLETIC
30 DEPARTMENT.]

31 (d) A PROVISION OF THE POSTSECONDARY EDUCATION INSTITUTION'S HONOR
32 CODE.]

33 3. USE ANY OF THE POSTSECONDARY EDUCATION INSTITUTION'S PROPERTY TO
34 INCREASE THE STUDENT ATHLETE'S OPPORTUNITIES TO EARN COMPENSATION FOR THE
35 USE OF THE STUDENT ATHLETE'S OWN NAME, IMAGE OR LIKENESS WITHOUT FIRST
36 OBTAINING EXPRESS AUTHORIZATION FROM THE POSTSECONDARY EDUCATION
37 INSTITUTION. FOR THE PURPOSES OF THIS PARAGRAPH, "PROPERTY" INCLUDES
38 FACILITIES, EQUIPMENT, APPAREL, UNIFORMS AND INTELLECTUAL PROPERTY,
39 INCLUDING LOGOS, INDICIA, PRODUCTS PROTECTED BY COPYRIGHT, REGISTERED
40 TRADEMARKS AND UNREGISTERED TRADEMARKS.]

41 ~~[C.] [E.]~~ [E.] An athlete agent who advises or represents a student
42 athlete in connection with earning compensation from the use of that
43 student athlete's own name, image or likeness shall comply with chapter
44 13, article 10 of this title.

45 ~~[D.] [E.]~~ [E.] This section does not authorize student athletes to
46 enter into a contract providing compensation for the use of the student
47 athlete's name, image or likeness if doing so either:

1 1. Violates the intellectual property rights of any person,
2 including the student athlete's postsecondary education institution.

3 2. Conflicts with the student athlete's team contract.

4 ~~[E.] [G.] [AN ATHLETIC ASSOCIATION, ATHLETIC CONFERENCE OR OTHER~~
5 ~~ORGANIZATION WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETICS] [A REGULATOR]~~
6 MAY NOT ~~[DO ANY OF THE FOLLOWING:]~~

7 1. PREVENT A STUDENT ATHLETE FROM FULLY PARTICIPATING IN AN
8 INTERCOLLEGIATE ATHLETIC PROGRAM BECAUSE THE STUDENT ATHLETE DOES ANY OF
9 THE FOLLOWING:

10 (a) EARNS COMPENSATION FOR THE USE OF THE STUDENT ATHLETE'S OWN
11 NAME, IMAGE OR LIKENESS.

12 (b) EARNS COMPENSATION FOR THE STUDENT ATHLETE'S POSITION ON THE
13 ROSTER OF AN INTERCOLLEGIATE ATHLETIC PROGRAM TEAM.

14 (c) OBTAINS PROFESSIONAL REPRESENTATION FROM AN ATHLETE AGENT OR
15 ATTORNEY.

16 2.] PREVENT A POSTSECONDARY EDUCATION INSTITUTION FROM [DOING ANY
17 OF THE FOLLOWING BECAUSE A STUDENT ATHLETE WHO PARTICIPATES IN AN
18 INTERCOLLEGIATE ATHLETIC PROGRAM AT THE POSTSECONDARY EDUCATION
19 INSTITUTION ENGAGES IN ONE OR MORE OF THE ACTIVITIES DESCRIBED IN
20 PARAGRAPH 1 OF THIS SUBSECTION]:

21 [(a) BECOMING A MEMBER OF ANY REGULATOR THAT IS A MEMBERSHIP
22 ORGANIZATION.

23 (b) PARTICIPATING IN ONE OR MORE INTERCOLLEGIATE ATHLETIC PROGRAMS
24 THAT ARE SPONSORED BY THE REGULATOR.

25 3. PREVENT A POSTSECONDARY EDUCATION INSTITUTION FROM DOING ANY OF
26 THE FOLLOWING:]

27 ~~[1.] [(a)] COMPENSATING A STUDENT ATHLETE [FOR THE USE OF THE~~
28 ~~STUDENT ATHLETE'S OWN NAME, IMAGE OR LIKENESS] [AS DESCRIBED IN PARAGRAPH~~
29 ~~1, SUBDIVISION (a) OR (b) OF THIS SUBSECTION].~~

30 ~~[2.] [(b)] SHARING WITH STUDENT ATHLETES THE REVENUE THAT [A]~~
31 ~~[THE] POSTSECONDARY EDUCATION INSTITUTION RECEIVES FOR THE COMMERCIAL USE~~
32 ~~OF THE STUDENT ATHLETE'S OWN NAME, IMAGE OR LIKENESS.~~

33 ~~[3.] [(c)] IDENTIFYING, CREATING, NEGOTIATING WITH, FACILITATING,~~
34 ~~SUPPORTING, ENGAGING WITH, ASSISTING OR OTHERWISE ENABLING A STUDENT~~
35 ~~ATHLETE TO PARTICIPATE IN AN OPPORTUNITY TO RECEIVE COMPENSATION FOR THE~~
36 ~~USE OF THE STUDENT ATHLETE'S OWN NAME, IMAGE OR LIKENESS. FOR THE~~
37 ~~PURPOSES OF THIS [PARAGRAPH] [SUBDIVISION], THE POSTSECONDARY EDUCATION~~
38 ~~INSTITUTION INCLUDES ANY SUPPORTING FOUNDATION OR ENTITY ACTING ON BEHALF~~
39 ~~OF THE POSTSECONDARY EDUCATION INSTITUTION.~~

40 [4. CONSIDER A COMPLAINT, INITIATE AN INVESTIGATION OR TAKE ANY
41 ADVERSE ACTION AGAINST A POSTSECONDARY EDUCATION INSTITUTION,
42 INSTITUTIONAL MARKETING ASSOCIATE OR THIRD-PARTY ENTITY FOR ENGAGING IN
43 ANY CONDUCT AUTHORIZED UNDER THIS SECTION.

44 5. TAKE EITHER OF THE FOLLOWING ACTIONS AGAINST AN INDIVIDUAL,
45 THIRD-PARTY ENTITY OR STUDENT ATHLETE FOR A VIOLATION OF THE REGULATOR'S
46 RULES OR REGULATIONS RELATING TO COMPENSATION FOR THE USE OF A STUDENT
47 ATHLETE'S OWN NAME, IMAGE OR LIKENESS:

1 (a) IMPOSE A PENALTY AGAINST A POSTSECONDARY EDUCATION INSTITUTION
2 OR STUDENT ATHLETE.
3 (b) PREVENT THE POSTSECONDARY EDUCATION INSTITUTION OR STUDENT
4 ATHLETE FROM PARTICIPATING IN AN INTERCOLLEGIATE ATHLETIC PROGRAM.]
5 ~~[F. THIS SECTION DOES NOT:~~
6 ~~1. AFFECT THE EMPLOYMENT STATUS OF A STUDENT ATHLETE.~~
7 ~~2. QUALIFY]~~ [H.] A [POSTSECONDARY EDUCATION INSTITUTION MAY NOT
8 CLASSIFY A] STUDENT ATHLETE [FOR CLASSIFICATION] AS AN EMPLOYEE OF [A]
9 [THE] POSTSECONDARY EDUCATION INSTITUTION SOLELY ON THE BASIS OF THE
10 [ACTIVITIES DESCRIBED IN SUBSECTION E OF THIS SECTION] [STUDENT ATHLETE'S
11 PARTICIPATION IN AN ATHLETIC PROGRAM AT THE POSTSECONDARY EDUCATION
12 INSTITUTION OR THE STUDENT ATHLETE'S RECEIPT OF COMPENSATION AS DESCRIBED
13 IN SUBSECTION G, PARAGRAPH 1, SUBDIVISION (a) OR (b) OF THIS SECTION OR
14 SHARED REVENUES AS DESCRIBED IN SUBSECTION G, PARAGRAPH 3 OF THIS SECTION.
15 I. A STUDENT ATHLETE MAY BRING A CAUSE OF ACTION AGAINST A
16 POSTSECONDARY EDUCATION INSTITUTION OR REGULATOR IN A COURT OF COMPETENT
17 JURISDICTION TO SEEK INJUNCTIVE RELIEF FOR A VIOLATION OF THIS SECTION.
18 J. A POSTSECONDARY EDUCATION INSTITUTION, INSTITUTIONAL MARKETING
19 ASSOCIATE OR THIRD-PARTY ENTITY MAY BRING A CAUSE OF ACTION AGAINST A
20 REGULATOR IN A COURT OF COMPETENT JURISDICTION TO ENJOIN THE REGULATOR
21 FROM TAKING ANY ADVERSE ACTION AGAINST THE POSTSECONDARY EDUCATION
22 INSTITUTION, INSTITUTIONAL MARKETING ASSOCIATE OR THIRD-PARTY ENTITY FOR
23 ENGAGING IN ANY CONDUCT THAT IS AUTHORIZED PURSUANT TO THIS SECTION. FOR
24 THE PURPOSES OF THIS SUBSECTION, "ADVERSE ACTION" INCLUDES CONSIDERING A
25 COMPLAINT, INITIATING AN INVESTIGATION OR IMPOSING A PENALTY.
26 K. IF A POSTSECONDARY EDUCATION INSTITUTION DETERMINES THAT A
27 STUDENT ATHLETE HAS VIOLATED THIS SECTION, THE POSTSECONDARY EDUCATION
28 INSTITUTION SHALL NOTIFY THE STUDENT ATHLETE IN WRITING OF THE
29 DETERMINATION. IF THE STUDENT ATHLETE DOES NOT CORRECT THE VIOLATION ON
30 OR BEFORE THE TENTH DAY AFTER THE STUDENT ATHLETE RECEIVES NOTICE PURSUANT
31 TO THIS SUBSECTION, THE POSTSECONDARY EDUCATION INSTITUTION MAY BRING A
32 CAUSE OF ACTION AGAINST THE STUDENT ATHLETE IN A COURT OF COMPETENT
33 JURISDICTION TO SEEK INJUNCTIVE RELIEF FOR A VIOLATION OF THIS SECTION.
34 L. RECORDS RELATING TO A CONTRACT OR PROPOSED CONTRACT FOR THE USE
35 OF THE STUDENT ATHLETE'S OWN NAME, IMAGE OR LIKENESS ARE NOT PUBLIC
36 RECORDS AND ARE EXEMPT FROM TITLE 39, CHAPTER 1. INFORMATION COLLECTED BY
37 A POSTSECONDARY EDUCATION INSTITUTION RELATING TO A STUDENT ATHLETE'S
38 CONTRACT TO RECEIVE COMPENSATION FOR THE USE OF THE STUDENT ATHLETE'S OWN
39 NAME, IMAGE OR LIKENESS IS CONFIDENTIAL AND NOT SUBJECT TO PUBLIC
40 DISCLOSURE.
41 M. AN EMPLOYEE OF A POSTSECONDARY EDUCATION INSTITUTION OR OF A
42 THIRD-PARTY ENTITY IS NOT LIABLE FOR A STUDENT ATHLETE'S INABILITY TO EARN
43 COMPENSATION FOR THE USE OF THE STUDENT ATHLETE'S OWN NAME, IMAGE OR
44 LIKENESS BECAUSE OF A DECISION OR ACTION THAT ROUTINELY OCCURS IN THE
45 COURSE OF INTERCOLLEGIATE ATHLETIC PROGRAMS.

1 N. THIS SECTION DOES NOT AFFECT THE RIGHTS OF STUDENT ATHLETES
2 UNDER TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 (P. L. 92-318; 86 STAT.
3 235; 20 UNITED STATES CODE SECTIONS 1681 THROUGH 1688)].
4 ~~F.~~ ~~[G.]~~ [O.] For the purposes of this section~~[,--]~~ [:
5 1.] "Athlete agent"~~[,--]~~ [HAS THE SAME MEANING PRESCRIBED IN SECTION
6 15-1762.
7 2. "INSTITUTIONAL MARKETING ASSOCIATE":
8 (a) MEANS A THIRD-PARTY ENTITY THAT ENTERS INTO AN AGREEMENT WITH A
9 POSTSECONDARY EDUCATION INSTITUTION, POSTSECONDARY EDUCATION INSTITUTION'S
10 INTERCOLLEGIATE ATHLETIC PROGRAM OR POSTSECONDARY EDUCATION INSTITUTION'S
11 INTERCOLLEGIATE SPORTS PROGRAM TO EITHER:
12 (i) MARKET OR PROMOTE, OR BOTH, THE POSTSECONDARY EDUCATION
13 INSTITUTION, POSTSECONDARY EDUCATION INSTITUTION'S INTERCOLLEGIATE
14 ATHLETIC PROGRAM OR POSTSECONDARY EDUCATION INSTITUTION'S INTERCOLLEGIATE
15 SPORTS PROGRAM.
16 (ii) ACT ON BEHALF OF THE POSTSECONDARY EDUCATION INSTITUTION,
17 POSTSECONDARY EDUCATION INSTITUTION'S INTERCOLLEGIATE ATHLETIC PROGRAM OR
18 POSTSECONDARY EDUCATION INSTITUTION'S INTERCOLLEGIATE SPORTS PROGRAM.
19 (b) DOES NOT INCLUDE:
20 (i) A POSTSECONDARY EDUCATION INSTITUTION.
21 (ii) A REGULATOR.
22 (iii) A STAFF MEMBER, EMPLOYEE, OFFICER, DIRECTOR, MANAGER OR OWNER
23 OF A POSTSECONDARY EDUCATION INSTITUTION OR REGULATOR.
24 3.] "Intercollegiate sport"~~[,--]~~ [:
25 (a) MEANS A SPORT THAT IS PLAYED AT THE COLLEGIATE LEVEL AND FOR
26 WHICH ELIGIBILITY REQUIREMENTS FOR PARTICIPATION BY A STUDENT ATHLETE ARE
27 ESTABLISHED BY A NATIONAL ASSOCIATION FOR THE PROMOTION OR REGULATION OF A
28 COLLEGIATE ATHLETIC PROGRAM.
29 (b) DOES NOT INCLUDE A COLLEGE INTRAMURAL SPORT OR A PROFESSIONAL
30 SPORT OUTSIDE OF INTERCOLLEGIATE ATHLETIC PROGRAMS.
31 4.] "Person" ~~[and]~~ [HAS THE SAME MEANING PRESCRIBED IN SECTION
32 15-1762.
33 5. "POSTSECONDARY EDUCATION INSTITUTION" MEANS EITHER:
34 (a) A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
35 REGENTS.
36 (b) A DEGREE-GRANTING INSTITUTION THAT IS LICENSED BY THE STATE
37 BOARD FOR PRIVATE POSTSECONDARY EDUCATION PURSUANT TO TITLE 32, CHAPTER
38 30, ARTICLE 2.
39 6. "REGULATOR":
40 (a) MEANS ANY ORGANIZATION WITH AUTHORITY OVER ONE OR MORE
41 INTERCOLLEGIATE ATHLETIC PROGRAMS.
42 (b) INCLUDES AN ATHLETIC CONFERENCE AND ASSOCIATION FOR PROMOTING
43 OR REGULATING COLLEGIATE ATHLETIC PROGRAMS.
44 7.] "Student athlete" ~~[have]~~ [HAS] the same meanings prescribed in
45 section 15-1762.

1 [8. "THIRD-PARTY ENTITY" MEANS AN INDIVIDUAL OR ENTITY, INCLUDING
2 AN ATHLETE AGENT, WHO IS NOT A POSTSECONDARY EDUCATION INSTITUTION OR A
3 REGULATOR AND WHOSE PURPOSE INCLUDES SUPPORTING OR BENEFITING THE
4 POSTSECONDARY EDUCATION INSTITUTION.]

5 <<Sec. 3. Emergency

6 [This act is an emergency measure that is necessary to preserve the
7 public peace, health or safety and is operative immediately as provided by
8 law.]>>

9 Enroll and engross to conform

10 Amend title to conform

THOMAS "T.J." SHOPE

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