

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1917

5 By: Representatives M. Shepherd, Evans
6 By: Senator Hester
7

For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS STUDENT-ATHLETE
9 PUBLICITY RIGHTS ACT; TO AMEND THE LAW RELATED TO
10 ATHLETIC PROGRAM FUNDING; AND FOR OTHER PURPOSES.
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Subtitle

13 TO AMEND THE ARKANSAS STUDENT-ATHLETE
14 PUBLICITY RIGHTS ACT; AND TO AMEND THE
15 LAW RELATED TO ATHLETIC PROGRAM FUNDING.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code §§ 4-75-1303 – 4-75-1305 are amended to read
22 as follows:

23 4-75-1303. Right to compensation.

24 (a) Except as prohibited in this subchapter, a student-athlete shall
25 have the right to enter into a contract and receive compensation for the
26 commercial use of the student-athlete’s publicity rights.

27 (b) An institution of higher education, its supporting foundations, or
28 its authorized entities may ~~identify~~:

29 (1) Identify, create, facilitate, and otherwise enable
30 opportunities for a student-athlete to earn compensation for the commercial
31 use of the student-athlete’s publicity rights;

32 (2) Compensate a student-athlete for the commercial use of the
33 student-athlete’s publicity rights; and

34 (3) Enter into an exclusive or nonexclusive license agreement
35 with a student-athlete for the commercial use of the student-athlete’s
36 publicity rights.



1 ~~(c)(1) A charitable organization that qualifies as an exempt~~
2 ~~organization under 26 U.S.C. § 501(c)(3), as it existed on January 1, 2023,~~
3 ~~shall have the right to compensate student athletes for the commercial use of~~
4 ~~the student athlete's publicity rights.~~

5 ~~(d) Except as provided in this subchapter or applicable federal law,~~
6 ~~an institution of higher education shall not uphold any rule, requirement,~~
7 ~~standard, or other limitation of an athletic association or athletic~~
8 ~~conference that prevents a student athlete from earning compensation for the~~
9 ~~commercial use of the student athlete's publicity rights~~ An institution of
10 higher education in this state may revoke or rescind an agreement or
11 commitment to provide compensation, a grant-in-aid, or other benefit to a
12 student-athlete who receives or agrees to receive compensation that conflicts
13 with a term or condition of a contract, policy, rule, regulation, or standard
14 of the student-athlete's committed or enrolled institution of higher
15 education.

16 (2) The institution of higher education and officers, agents,
17 and employees of the institution of higher education shall not be liable for
18 damages or be subjected to any injunctive relief by a court as a consequence
19 of the revocation or rescission of an agreement under subdivision (c)(1) of
20 this section.

21 ~~(e) Earning compensation for the commercial use of a student athlete's~~
22 ~~publicity rights shall not affect the student athlete's scholarship~~
23 ~~eligibility.~~

24 ~~(f)~~(d) An athletic association, athletic conference, or any other
25 organization with authority over varsity intercollegiate athletics shall not:

26 (1) Prevent a student-athlete from receiving compensation for
27 the commercial use of the student-athlete's publicity rights under this
28 subchapter;

29 (2) Penalize a student-athlete for receiving compensation for
30 the commercial use of the student-athlete's publicity rights under this
31 subchapter unless expressly agreed by an institution of higher education as a
32 condition of athletic association or conference membership or as otherwise
33 provided by applicable federal law; or

34 (3) Prevent an institution of higher education from
35 participating in varsity intercollegiate athletics, or otherwise penalize an
36 institution of higher education, as a result of a student-athlete's receipt

1 of compensation under this subchapter unless expressly agreed by an
2 institution of higher education as a condition of athletic association or
3 conference membership or as otherwise provided by applicable federal law.

4 (e) Income received by a student-athlete from an institution of higher
5 education as compensation for the use of his or her name, image, or likeness
6 or as a percentage of institutional athletic revenue permitted by the
7 institution of higher education's governing athletic association or
8 conference under this subchapter is exempt from state income tax.

9 (f) Personal or financial information of a student-athlete contained
10 in an agreement authorized under this subchapter is confidential and not
11 subject to disclosure under the Freedom of Information Act of 1967, § 25-19-
12 101 et seq.

13
14 4-75-1304. Conflicts.

15 (a) A third-party licensee or student-athlete shall not enter into a
16 contract for the commercial use of the student-athlete's publicity rights if
17 the contract:

18 (1) Requires the student-athlete to endorse, use, solicit, sell,
19 market, advertise, promote, refer to, mention, display, or otherwise promote
20 the name, image, logo, product, service, purpose, campaign, business, digital
21 or physical address, or location of any third-party licensee or commercial
22 entity during a varsity intercollegiate athletic practice, competition, or
23 other activity without the written authorization from the student-athlete's
24 committed or enrolled institution of higher education;

25 (2) Conflicts with a term or condition of a contract, policy,
26 rule, regulation, or standard of the student-athlete's committed or enrolled
27 institution of higher education; or

28 (3) Involves the student-athlete's performance or lack of
29 performance in athletic competition without the written authorization from
30 the student-athlete's committed or enrolled institution of higher education.

31 (b) A contract in violation of this subchapter is void and
32 unenforceable.

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34 4-75-1305. Representation.

35 (a) An agent, athlete agent, financial advisor, or attorney who is
36 providing professional representation of a student-athlete shall be licensed,

1 as applicable, in this state.

2 ~~(b) An institution of higher education, athletic association, athletic~~
3 ~~conference, or other organization with authority over varsity intercollegiate~~
4 ~~athletics shall not prevent a student athlete from participating in a varsity~~
5 ~~intercollegiate sport, or otherwise penalize a student athlete, for obtaining~~
6 ~~professional representation in connection with an opportunity to earn~~
7 ~~compensation for the commercial use of the student athlete's publicity~~
8 ~~rights.~~

9 ~~(c)~~ A student-athlete may rescind a publicity rights contract with a
10 third-party licensee or a contract for professional representation related to
11 publicity rights without being held liable for breach of contract and with no
12 obligation to return payments received before giving notice of rescission if
13 the ~~student-athlete:~~

14 (1) Student-athlete is no longer eligible to participate in any
15 varsity intercollegiate athletics program at an institution of higher
16 education; or

17 (2) Individual providing professional representation is not
18 licensed in this state.

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20 SECTION 2. Arkansas Code § 4-75-1307(a)(5), concerning that the
21 Arkansas Student-Athlete Publicity Rights Act does not render a student-
22 athlete an employee of the institution of higher education, is amended to
23 read as follows:

24 (5)(A) Render student-athletes employees of the institution of
25 higher education based on participation in varsity intercollegiate athletic
26 competition.

27 (B) A student-athlete has not been and shall not be
28 considered an employee of an institution of higher education, a conference,
29 or an association for purposes of or as a basis for imposing liability or
30 awarding damages or other monetary relief under any state law based on the
31 student-athlete's receipt of compensation or of any payments or benefits,
32 other than payment of hourly wages and benefits for work actually performed
33 and not for participation in intercollegiate athletics, at a rate
34 commensurate with the applicable rate in the locality of the institution of
35 higher education for similar work or any of the following:

36 (i) Participation in intercollegiate athletic

1 competition;
 2 (ii) Membership on any varsity sports team; or
 3 (iii) Imposition of requirements, controls or
 4 restrictions on student-athletes by institutions of higher education, in
 5 connection with participation in intercollegiate athletic activities,
 6 practices, and competition.

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 8 SECTION 3. Arkansas Code § 4-75-1307, concerning the scope of
 9 the Arkansas Student-Athlete Publicity Rights Act, is amended to add an
 10 additional subsection to read as follows:

11 (c) Notwithstanding any provision of state law to the contrary, the
 12 release of or license to use purported name, image, and likeness rights or a
 13 name, image, and likeness agreement shall not be required from or with any
 14 individual or group of participants in a sports game, contest, or event or
 15 spectators at a sports game, contest, or event for audiovisual, audio, or
 16 visual broadcasts, rebroadcasts, or other distributions of the sports game,
 17 contest, or event.

18
 19 SECTION 4. Arkansas Code § 4-75-1308(d), concerning liability under
 20 the Arkansas Student-Athlete Publicity Rights Act, is amended to read as
 21 follows:

22 (d) An institution of higher education, located within this state or
 23 its employees, a supporting foundation or authorized entity, an athletic
 24 association, a conference, or other organization with authority over varsity
 25 intercollegiate athletics located within this state, including athletics
 26 coaching staff, shall not be liable for any damages related to an subject to
 27 liability to a person or an entity as a result of:

28 (1) An intercollegiate student-athlete's ability or inability to
 29 earn compensation for the use of the student-athlete's name, image, or
 30 likeness resulting from decisions and actions routinely taken within the
 31 course of their employment ~~is~~ related to intercollegiate athletics;

32 (2) The adoption of, agreement to, enforcement of, or compliance
 33 with any rule or bylaw of an association or conference that does not violate
 34 this subchapter limiting or prohibiting a student-athlete from receiving
 35 compensation from an association, conference, institution, or other person or
 36 entity;

1 (3) Restricting or curtailing the eligibility for an
 2 intercollegiate athletics competition of a student-athlete who violates this
 3 subchapter or a rule of the institution of higher education, association, or
 4 conference implementing the requirements of this subchapter; or

5 (4) Complying with an agreement, understanding, rule, or bylaw
 6 adopted by an institution of higher education, conference, or association or
 7 a combination of conferences or institutions of higher education that is
 8 otherwise reasonably contemplated under this subchapter.

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 10 SECTION 5. Arkansas Code § 4-75-1308, concerning the civil remedies
 11 available under the Arkansas Student-Athlete Publicity Rights Act, is amended
 12 to add an additional subsection to read as follows:

13 (e) This subchapter does not waive any immunity or statutory
 14 protection available to or constitutional autonomy of an institution of
 15 higher education located within the state or an officer, agent, or employee
 16 of the institution of higher education.

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 18 SECTION 6. Arkansas Code § 6-62-803 is amended to read as follows:
 19 6-62-803. Limits on funding.

20 (a) For the certification required under § 6-62-805, the amount
 21 allowed to be budgeted of unrestricted educational and general funds for
 22 intercollegiate athletic programs at a state-supported institutions
 23 institution of higher education shall be limited to an amount ~~established:~~

24 (1) Established by the Division of Higher Education for the
 25 fiscal year 2012-2013; ~~or an~~

26 (2) An amount of not more than ~~two percent (2%)~~ four percent
 27 (4%) of the actual total unrestricted educational and general revenues of the
 28 previous fiscal year at ~~institutions~~ the state-supported institution of
 29 higher education.

30 (b) The division shall annually adjust the allowable transfer based
 31 upon the Consumer Price Index.

32 (c) This section shall not apply to ~~expenditures:~~

33 (1) An expenditure related to compliance with § 6-60-111 or
 34 increased compliance under 20 U.S.C. § 1092(f), ~~nor the;~~

35 (2) The transfer of funds necessary to support women's athletic
 36 programs; or

1 (3) The transfer of funds necessary to:

2 (A) Comply with federal regulations affecting athletics
3 programs; or

4 (B) Make up shortfalls in anticipated revenues due to
5 third-party litigation settlements affecting athletics programs.

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7 SECTION 7. EFFECTIVE DATE. Arkansas Code § 4-75-1303(e) of Section 1
8 of this act is effective for tax years beginning on or after January 1, 2025.

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