

1-1 By: Tepper, et al. H.B. No. 126
1-2 (Senate Sponsor - Creighton, et al.)
1-3 (In the Senate - Received from the House April 15, 2025;
1-4 April 28, 2025, read first time and referred to Committee on
1-5 Education K-16; May 22, 2025, reported favorably by the following
1-6 vote: Yeas 9, Nays 1; May 22, 2025, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9			X	
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16		X		
1-17	X			
1-18	X			
1-19	X			

1-20 A BILL TO BE ENTITLED
1-21 AN ACT

1-22 relating to the compensation and professional representation of
1-23 prospective student athletes and student athletes participating in
1-24 intercollegiate athletic programs at certain institutions of
1-25 higher education.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 51.9246, Education Code, is amended by
1-28 amending Subsections (c) and (g) and adding Subsections (c-2) and
1-29 (c-3) to read as follows:

1-30 (c) An institution to which this section applies may not~~+~~
1-31 ~~[(1)]~~ adopt or enforce a policy, requirement,
1-32 standard, or limitation that prohibits or otherwise prevents a
1-33 student athlete participating in an intercollegiate athletic
1-34 program at the institution from:

1-35 (1) ~~[(A)]~~ earning compensation for the use of the
1-36 student athlete's name, image, or likeness when the student athlete
1-37 is not engaged in official team activities, as that term is defined
1-38 by the institution; or

1-39 (2) ~~[(B)]~~ obtaining professional representation,
1-40 including representation by an attorney licensed to practice law in
1-41 this state, for contracts or other legal matters relating to the use
1-42 of the student athlete's name, image, or likeness~~+, or~~

1-43 ~~[(2) provide or solicit a prospective student athlete~~
1-44 ~~of an intercollegiate athletic program at the institution with~~
1-45 ~~compensation in relation to the prospective student athlete's name,~~
1-46 ~~image, or likeness].~~

1-47 (c-2) This subsection applies only to the extent of a
1-48 conflict between this section and a contract term, a rule, a
1-49 regulation, a standard, or any other requirement of or court order
1-50 applicable to a group or organization with authority over an
1-51 intercollegiate athletic program at an institution to which this
1-52 section applies, including an athletic association or an athletic
1-53 conference. Subject to Subsection (c-3), an institution to which
1-54 this section applies, a prospective student athlete, a student
1-55 athlete participating in an intercollegiate athletic program at an
1-56 institution to which this section applies, or any other individual
1-57 or entity may perform, allow the performance of, or participate in
1-58 an action authorized or required by:

1-59 (1) a group or organization with authority over an
1-60 intercollegiate athletic program at an institution to which this
1-61 section applies, including an athletic association or an athletic

conference; or

(2) a final court order applicable to a group or organization described by Subdivision (1).

(c-3) An institution's, individual's, or entity's performance or allowance of performance of or participation in an action authorized by Subsection (c-2) subjects that institution, individual, or entity to any applicable rule, including an enforcement provision, adopted by the group or organization with authority over an intercollegiate athletic program at an institution to which this section applies, including an athletic association or an athletic conference.

(g) A student athlete participating in an intercollegiate athletic program at an institution to which this section applies:

(1) shall, before entering into the contract, disclose to the institution, in the manner prescribed by the institution, any proposed contract the student athlete may sign for use of the student athlete's name, image, or likeness;

(2) may not enter into a contract for the use of the student athlete's name, image, or likeness if:

(A) any provision of the contract conflicts with a provision of the student athlete's team contract, a provision of an institutional contract of the institution, a policy of the athletic department of the institution, or a provision of the honor code of the institution;

(B) the compensation for the use of the student athlete's name, image, or likeness is provided:

(i) in exchange for athletic performance ~~[or accepting an offer of admission to attend the institution,~~

~~[(ii) by the institution,~~

~~[(iii) in exchange for an act that occurs while the athlete is engaged in an official team activity]; or~~

(ii) ~~[(iv)]~~ in exchange for an endorsement of alcohol, tobacco products, e-cigarettes or any other type of nicotine delivery device, anabolic steroids, sports betting, casino gambling, a firearm the student athlete cannot legally purchase, or a sexually oriented business as defined in Section 243.002, Local Government Code; or

(C) the duration of the contract extends beyond the student athlete's participation in the intercollegiate athletic program;

(3) is not considered an employee of the institution based on the student athlete's participation in the intercollegiate athletic program;

(4) may earn compensation from selling the student athlete's autograph in a manner that does not otherwise conflict with a provision of this section; and

(5) may not use an institution's facility, uniform, registered trademark, copyright-protected product, or official logo, mark, or other indicia in connection with a contract for the use of the student athlete's name, image, or likeness unless the student athlete obtains the institution's express permission.

SECTION 2. Sections 51.9246(g-1) and (j), Education Code, are repealed.

SECTION 3. The changes in law made by this Act apply only to compensation for the use of a student athlete's name, image, or likeness paid on or after the effective date of this Act. Compensation for the use of a student athlete's name, image, or likeness paid before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

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