

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Tepper, Ashby, A. Davis of Dallas

H.B. No. 126

A BILL TO BE ENTITLED

AN ACT

relating to the compensation and professional representation of prospective student athletes and student athletes participating in intercollegiate athletic programs at certain institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

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

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

~~(2) provide or solicit a prospective student athlete of an intercollegiate athletic program at the institution with~~

1 ~~compensation in relation to the prospective student athlete's name,~~  
2 ~~image, or likeness].~~

3       (c-2) This subsection applies only to the extent of a  
4 conflict between this section and a contract term, a rule, a  
5 regulation, a standard, or any other requirement of or court order  
6 applicable to a group or organization with authority over an  
7 intercollegiate athletic program at an institution to which this  
8 section applies, including an athletic association or an athletic  
9 conference. Subject to Subsection (c-3), an institution to which  
10 this section applies, a prospective student athlete, a student  
11 athlete participating in an intercollegiate athletic program at an  
12 institution to which this section applies, or any other individual  
13 or entity may perform, allow the performance of, or participate in  
14 an action authorized or required by:

15               (1) a group or organization with authority over an  
16 intercollegiate athletic program at an institution to which this  
17 section applies, including an athletic association or an athletic  
18 conference; or

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

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

1 association or an athletic conference.

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

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

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

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

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

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

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

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

22 (ii) ~~[(iv)]~~ in exchange for an endorsement  
23 of alcohol, tobacco products, e-cigarettes or any other type of  
24 nicotine delivery device, anabolic steroids, sports betting,  
25 casino gambling, a firearm the student athlete cannot legally  
26 purchase, or a sexually oriented business as defined in Section  
27 243.002, Local Government Code; or

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

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

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

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

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

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

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

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1 Act takes effect September 1, 2025.

# ADOPTED

MAY 27 2025

*Lately Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

*Brandon Coughlin*

Amend H.B. No. 126 (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill, amending Section 51.9246, Education Code (page 1, lines 28 and 29), strike "(c-2) and (c-3)" and substitute "(c-2), (c-3), and (k-1)".

(2) In SECTION 1 of the bill, immediately following amended Section 51.9246(g), Education Code (page 2, between lines 51 and 52), insert the following:

(k-1) Notwithstanding Subsection (c-2), an individual, corporate entity, or other organization, including an institution to which this section applies, may not enter into an arrangement with a prospective student athlete younger than 17 years of age or with any family members of the prospective student athlete, whether related by blood (consanguinity) or through marriage (affinity), relating to the athlete's name, image, or likeness unless, the athlete is enrolled at an institution of higher education.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 28, 2025**

**TO:** Honorable Dustin Burrows, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB126** by Tepper (Relating to the compensation and professional representation of prospective student athletes and student athletes participating in intercollegiate athletic programs at certain institutions of higher education.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 710 Texas A&M University System Administrative and General Offices, 717 Texas Southern University, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

**LBB Staff:** JMc, NC, FV, LBO, GO

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 19, 2025**

**TO:** Honorable Brandon Creighton, Chair, Senate Committee on Education K-16

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB126** by Tepper (Relating to the compensation and professional representation of prospective student athletes and student athletes participating in intercollegiate athletic programs at certain institutions of higher education.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

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**LBB Staff:** JMc, FV, LBO, GO



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**March 24, 2025**

**TO:** Honorable Terry M. Wilson, Chair, House Committee on Higher Education

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB126** by Tepper (Relating to the compensation and professional representation of prospective student athletes and student athletes participating in intercollegiate athletic programs at certain institutions of higher education.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

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**Source Agencies:** 710 Texas A&M University System Administrative and General Offices, 717 Texas Southern University, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

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