

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Freedom of Information Act is amended by changing Section 7.5 as follows:

(5 ILCS 140/7.5)

(Text of Section before amendment by P.A. 103-472)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of

Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act (repealed). This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Department of Transportation under Sections 2705-300 and

2705-616 of the Department of Transportation Law of the Civil Administrative Code of Illinois, the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act, or the St. Clair County Transit District under the Bi-State Transit Safety Act (repealed).

(q) Information prohibited from being disclosed by the Personnel Record Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) (Blank).

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(v-5) Records of the Firearm Owner's Identification Card Review Board that are exempted from disclosure under Section 10 of the Firearm Owners Identification Card Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement

Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public

Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.

(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.

(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

(tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.

(uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.

(vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.

(ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.

(xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.

(yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.

(zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.

(aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.

(bbb) Information that is prohibited from disclosure by the Illinois Police Training Act and the Illinois State Police Act.

(ccc) Records exempt from disclosure under Section 2605-304 of the Illinois State Police Law of the Civil Administrative Code of Illinois.

(ddd) Information prohibited from being disclosed under Section 35 of the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, Human Trafficking, or Stalking Act.

(eee) Information prohibited from being disclosed under subsection (b) of Section 75 of the Domestic

Violence Fatality Review Act.

(fff) Images from cameras under the Expressway Camera Act. This subsection (fff) is inoperative on and after July 1, 2025.

(ggg) Information prohibited from disclosure under paragraph (3) of subsection (a) of Section 14 of the Nurse Agency Licensing Act.

(hhh) Information submitted to the Illinois State Police in an affidavit or application for an assault weapon endorsement, assault weapon attachment endorsement, .50 caliber rifle endorsement, or .50 caliber cartridge endorsement under the Firearm Owners Identification Card Act.

(iii) Data exempt from disclosure under Section 50 of the School Safety Drill Act.

(jjj) ~~(hhh)~~ Information exempt from disclosure under Section 30 of the Insurance Data Security Law.

(kkk) ~~(iii)~~ Confidential business information prohibited from disclosure under Section 45 of the Paint Stewardship Act.

(lll) (Reserved).

(mmm) ~~(iii)~~ Information prohibited from being disclosed under subsection (e) of Section 1-129 of the Illinois Power Agency Act.

(nnn) Information exempt from disclosure under Section 40 of the Student-Athlete Endorsement Rights Act.

(Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372, eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23; revised 1-2-24.)

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(mmm) ~~(iii)~~ Information prohibited from being disclosed under subsection (e) of Section 1-129 of the Illinois Power Agency Act.

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Section 10. The Student-Athlete Endorsement Rights Act is amended by changing Sections 5, 10, 15, and 20 and by adding Sections 40 and 45 as follows:

(110 ILCS 190/5)

Sec. 5. Definitions. In this Act:

"Booster" means a person or entity that has made, within the past 5 years, a financial contribution in an amount greater than \$1,000 to a postsecondary educational institution's athletics department or an athletics booster organization of that institution. The purchase of season or single game tickets to any athletics event is not a financial contribution for purposes of determining whether an individual or entity is a booster.

"Compensation" means anything of value, monetary or otherwise, including, but not limited to, cash, gifts, in-kind items of value, social media compensation, payments for licensing or use of publicity rights, payments for other

intellectual or intangible property rights under federal or State law, and any other form of payment or remuneration, except as excluded under this Act. "Compensation" shall not include:

(1) tuition, room, board, books, fees, and personal expenses that a postsecondary educational institution provides to a student-athlete in accordance with the rules of the athletic association or conference of which the postsecondary educational institution is a member;

(2) Federal Pell Grants and other State and federal grants or scholarships unrelated to, and not awarded because of a student-athlete's participation in intercollegiate athletics or sports competition;

(3) any other financial aid, benefits, or awards that a postsecondary educational institution provides to a student-athlete in accordance with the rules of the athletic association or conference of which the postsecondary educational institution is a member; or

(4) the payment of wages and benefits to a student-athlete for work actually performed (but not for athletic ability or participation in intercollegiate athletics) at a rate commensurate with the prevailing rate for similar work in the locality of the student-athlete's postsecondary educational institution.

"Enrolled" means registered for courses or attending athletic practice or class at a postsecondary educational

institution.

"Image" means any visual depiction, including, but not limited to, photograph, digital image, rendering, and video.

"Intercollegiate athletics program" means an intercollegiate athletics program played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association for the promotion or regulation of collegiate athletics.

"Likeness" means a physical, digital, rendering, or other depiction or representation of a student-athlete, including a student-athlete's uniform number or signature, that reasonably identifies the student-athlete with particularity and is not reasonably considered to be a generic representation of a member of an intercollegiate athletics program.

"Name" means the first or last name or the nickname of a student-athlete when used in a context that reasonably identifies the student-athlete with particularity.

"Name, image, and likeness agreement" or "publicity rights agreement" means a contract or other written or oral arrangement between a student-athlete and a third party licensee regarding the use of the name, image, likeness, or voice of the student-athlete.

"Publicity right" means any right that (i) is licensed under a publicity rights agreement or (ii) is recognized under a federal or State law that permits an individual to control and benefit from the commercial use of the name, image,

likeness, or voice of the individual.

"Postsecondary educational institution" means a public university or community college or private university or college.

"Social media compensation" means all forms of payment for engagement on social media received by a student-athlete as a result of the use of that student-athlete's name, image, likeness, or voice.

"Student-athlete" means a student ~~currently enrolled at a postsecondary educational institution~~ who engages in, is eligible to engage in, or may be eligible in the future to engage in, an intercollegiate athletics program at a postsecondary educational institution. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student-athlete for purposes of that sport.

"Third party licensee" means any individual or entity that licenses publicity rights or the use of name, image, likeness, or voice from any prospective or current student-athlete or group of student-athletes. "Third party licensee" shall not include any national association for the promotion or regulation of collegiate athletics, athletics conference, or postsecondary educational institution.

(Source: P.A. 102-42, eff. 7-1-21; 102-892, eff. 5-20-22.)

Sec. 10. Compensation. Except as provided in Section 15:

(1) A student-athlete may earn compensation, commensurate with market value, for the use of the name, image, likeness, or voice of the student-athlete ~~while enrolled at a postsecondary educational institution~~ and obtain and retain an agent for any matter or activity relating to such compensation.

(2) A student-athlete may not earn compensation under this Act in exchange for the student-athlete's athletic ability or participation in intercollegiate athletics or sports competition ~~or agreement or willingness to attend a postsecondary educational institution.~~

(3) (Blank). ~~Notwithstanding any other provision of law or agreement to the contrary, a student-athlete shall not be deemed an employee, agent, or independent contractor of an association, a conference, or a postsecondary educational institution based on the student-athlete's participation in an intercollegiate athletics program.~~

(4) This Act may not be interpreted to consider a student-athlete as an employee, agent, or independent contractor of an association, a conference, or a postsecondary educational institution.

(Source: P.A. 102-42, eff. 7-1-21; 102-892, eff. 5-20-22.)

Sec. 15. Postsecondary educational institutions; limitations; prohibitions.

(a) Except as provided in this Act, a postsecondary educational institution shall not uphold any contract, rule, regulation, standard, or other requirement that prevents a student-athlete of that institution from earning compensation as a result of the use of the student-athlete's name, image, likeness, or voice. Any such contract, rule, regulation, standard, or other requirement shall be void and unenforceable against the postsecondary educational institution or the student-athlete. Compensation from the use of a student-athlete's name, image, likeness, or voice may not affect the student-athlete's scholarship eligibility, grant-in-aid, or other financial aid, awards or benefits, or the student-athlete's intercollegiate athletic eligibility. Nothing in this Act is intended to alter any State or federal laws, rules, or regulations regarding the award of financial aid at postsecondary educational institutions.

(b) Except as provided in this Act, an athletic association, conference, or other group or organization with authority over intercollegiate athletic programs, including, but not limited to, the National Collegiate Athletic Association, the National Association of Intercollegiate Athletics, and the National Junior College Athletic Association, shall not prevent, or otherwise enforce a contract, rule, regulation, standard, or other requirement

that prevents a student-athlete at a postsecondary educational institution from earning compensation as a result of the use of the student-athlete's name, image, likeness, or voice.

(c) To protect the integrity of its educational mission and intercollegiate athletics program, a postsecondary educational institution may impose reasonable limitations on the dates and time that a student-athlete may participate in endorsement, promotional, social media, or other activities related to the license or use of the student-athlete's name, image, likeness, or voice. Nothing in this Act shall restrict a postsecondary educational institution from exercising its sole discretion to control the authorized use of its marks or logos or to determine a student-athlete's apparel, gear, or other wearables during an intercollegiate athletics competition or institution-sponsored event. A student-athlete may not receive or enter into a contract for compensation for the use of the student-athlete's name, image, likeness, or voice in a way that also uses any registered or licensed marks, logos, verbiage, name, or designs of a postsecondary educational institution, unless the postsecondary educational institution has provided the student-athlete with written permission to do so prior to execution of the contract or receipt of compensation. If permission is granted to the student-athlete, the postsecondary educational institution, by an agreement of all of the parties, may be compensated for the use in a manner consistent with market rates. A postsecondary

educational institution may also prohibit a student-athlete from wearing any item of clothing, shoes, or other gear or wearables with the name, logo, or insignia of any entity during an intercollegiate athletics competition or institution-sponsored event.

(d) An athletic association, conference, or other group or organization with authority over intercollegiate athletics programs, including, but not limited to, the National Collegiate Athletic Association, the National Association of Intercollegiate Athletics, and the National Junior College Athletic Association, shall not enforce a contract, rule, regulation, standard, or other requirement that prevents a postsecondary educational institution from participating in an intercollegiate athletics program as a result of the compensation of a student-athlete for the use of the student-athlete's name, image, likeness, or voice.

(e) If allowed by a court order, a settlement agreement, an athletic association, conference, or other group or organization with authority over intercollegiate athletics programs, or a policy of a postsecondary educational institution, the A postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics programs, including, but not limited to, the National Collegiate Athletic Association, the National Association of Intercollegiate Athletics, and the National Junior College

Athletic Association, ~~may shall not~~ directly or indirectly:

(1) enter into, or offer to enter into, a publicity rights agreement with a prospective or current student-athlete; or

(2) provide a prospective or current student-athlete or the student-athlete's family compensation in relation to the use of the student-athlete's name, image, likeness, or voice.

(f) A postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics programs, including, but not limited to, the National Collegiate Athletic Association, the National Association of Intercollegiate Athletics, and the National Junior College Athletic Association, shall not prevent a student-athlete from obtaining professional representation for purposes of this Act in relation to name, image, likeness, or voice, or to secure a publicity rights agreement, including, but not limited to, representation provided by athlete agents or legal representation provided by attorneys. A student-athlete shall provide the postsecondary educational institution with written notice and a copy of the agreement in the manner and at a time prescribed by the institution.

(Source: P.A. 102-42, eff. 7-1-21; 102-892, eff. 5-20-22.)

Sec. 20. Agents; publicity rights; third party licensees.

(a) An agent, legal representative, or other professional service provider offering services to a student-athlete shall, to the extent required, comply with the federal Sports Agent Responsibility and Trust Act and any other applicable laws, rules, or regulations.

(b) A grant-in-aid, including cost of attendance, and other permissible financial aid, awards, or benefits from the postsecondary educational institution in which a student-athlete is enrolled shall not be revoked, reduced, nor the terms and conditions altered, as a result of a student-athlete earning compensation or obtaining professional or legal representation pursuant to this Act.

(c) A student-athlete shall disclose to the postsecondary educational institution in which the student is enrolled, in a manner and time prescribed by the institution, the existence and substance of all publicity rights agreements. Publicity rights agreements that contemplate cash or other compensation to the student-athlete that is equal to or in excess of a value of \$500 shall be formalized into a written contract, and the contract shall be provided to the postsecondary educational institution in the manner and at a time prescribed by the institution.

(d) A student-athlete may not enter into a publicity rights agreement or otherwise receive compensation for that student-athlete's name, image, likeness, or voice for services

rendered or performed while that student-athlete is participating in activities sanctioned by that student-athlete's postsecondary educational institution if such services or performance by the student-athlete would conflict with a provision in a contract, rule, regulation, standard, or other requirement of the postsecondary educational institution.

(e) (Blank). ~~No booster, third party licensee, or any other individual or entity, shall provide or directly or indirectly arrange for a third party to provide compensation to a prospective or current student athlete or enter into, or directly or indirectly arrange for a third party to enter into, a publicity rights agreement as an inducement for the student athlete to attend or enroll in a specific institution or group of institutions. Compensation for a student athlete's name, image, likeness, or voice shall not be conditioned on athletic performance at a particular postsecondary educational institution.~~

(f) A postsecondary educational institution may fund an independent, third-party administrator to support education, monitoring, disclosures, and reporting concerning name, image, likeness, or voice activities by student-athletes authorized pursuant to this Act. A third-party administrator cannot be a registered athlete agent.

(g) A ~~No~~ postsecondary educational institution may ~~shall~~ provide compensation to a prospective or current

~~student-athlete or enter into a publicity rights agreement with a prospective or current student-athlete. Nothing in this Act shall require a postsecondary educational institution to directly or indirectly identify, create, facilitate, arrange, negotiate, or otherwise enable opportunities for a prospective or current student-athlete to enter into a publicity rights agreement with a third party.~~

(h) (Blank). ~~No student-athlete shall enter into a publicity rights agreement or receive compensation from a third party licensee relating to the name, image, likeness, or voice of the student-athlete before the date on which the student-athlete enrolls at a postsecondary educational institution.~~

(i) No student-athlete shall enter into a publicity rights agreement or receive compensation from a third party licensee for the endorsement or promotion of gambling, sports betting, controlled substances, cannabis, a tobacco or alcohol company, brand, or products, alternative or electronic nicotine product or delivery system, performance-enhancing supplements, adult entertainment, or any other product or service that is reasonably considered to be inconsistent with the values or mission of a postsecondary educational institution or that negatively impacts or reflects adversely on a postsecondary educational institution or its athletic programs, including, but not limited to, bringing about public disrepute, embarrassment, scandal, ridicule, or otherwise negatively

impacting the reputation or the moral or ethical standards of the postsecondary educational institution.

(Source: P.A. 102-42, eff. 7-1-21; 102-687, eff. 12-17-21; 102-892, eff. 5-20-22.)

(110 ILCS 190/40 new)

Sec. 40. Disclosure exemption. Information written, produced, collected, assembled, or otherwise maintained by a postsecondary educational institution that includes, reveals, or otherwise relates to the terms of an existing or proposed student-athlete publicity rights agreement is exempt from disclosure under the Freedom of Information Act.

(110 ILCS 190/45 new)

Sec. 45. Additional benefits. A postsecondary educational institution may provide intangible benefits, including priority status or other items of de minimis or nonmonetary value, as an incentive to individuals, companies, or other third parties that provide money, benefits, opportunities, or other services to an outside entity functioning primarily to support the creation and facilitation of publicity rights agreements for student-athletes.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section

Public Act 103-0724

HB0307 Enrolled

LRB103 03834 RJT 48840 b

represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.