

DRAFT
FOR DISCUSSION ONLY

College Athlete Name, Image, And Likeness Issues Act

Uniform Law Commission

May 13, 2021 Committee Video Meeting

Clean Draft



Copyright © 2021
By
NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

This draft, including the proposed statutory language and any comments or reporter's notes, has not been reviewed or approved by the Uniform Law Commission or the drafting committee. It does not necessarily reflect the views of the Uniform Law Commission, its commissioners, the drafting committee, or the committee's members or reporter.

May 5, 2021

College Athlete Name, Image, and Likeness Issues Act

The Committee appointed by and representing the National Conference of Commissioners on Uniform State Laws in preparing this act consists of the following individuals:

DALE G. HIGER	Idaho, <i>Chair</i>
LEVI J. BENTON	Texas, <i>Vice Chair</i>
ROBERT G. BAILEY	Missouri
JERRY L. BASSETT	Alabama
TERRY J. CARE	Nevada
ALBERTO R. GONZALES	Tennessee
BECKY HARRIS	Nevada
H. LANE KNEEDLER	Virginia
HARVEY S. PERLMAN	Nebraska
MARTHA T. STARKEY	Indiana
ROBERT A. STEIN	Minnesota
TREGARRICK TAYLOR	Alaska
CAM WARD	Alabama, <i>Division Chair</i>
CARL H. LISMAN	Vermont, <i>President</i>

Other Participants

GABRIEL FELDMAN	Louisiana, <i>Reporter</i>
KARIN PAPARELLI	Tennessee, <i>American Bar Association Advisor</i>
STEVEN L. WILLBORN	Nebraska, <i>Style Liaison</i>
TIM SCHNABEL	Illinois, <i>Executive Director</i>

Copies of this act may be obtained from:

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS
111 N. Wabash Ave., Suite 1010
Chicago, IL 60602
312/450-6600
www.uniformlaws.org

College Athlete Name, Image, and Likeness Issues Act

Table of Contents

Section 1. Title	1
Section 2. Definitions.....	1
Section 3. Scope.....	4
Section 4. Rulemaking Authority	4
Section 5. Name, Image, and Likeness Compensation; Limit on Athletic Association and Institution	4
Section 6. Restrictions on Name, Image, and Likeness Activity.....	5
Section 7. Institution, Conference, and Association Involvement.....	7
Section 8. Required Disclosures	8
Section 9. Name, Image, and Likeness Agent; Duties; Registration	10
Section 10. Third Party; Registration; Voidable Contract	10
Section 11. Registration as Third party; Application.....	11
Section 12. Third Party Certificate of Registration	12
Section 13. Limitation, Suspension, Revocation, Nonrenewal of Third-Party Registration	13
Section 14. Temporary Registration of Third Party.....	14
Section 15. Third Party Prohibited Conduct	14
Section 16. Civil Remedy	14
Section 17. Civil Penalty.....	15
Section 18. Uniformity of Application and Construction.....	16
Section 19. Relation to Electronic Signatures in Global and National Commerce Act.....	16
[Section 20. Severability].....	16
[Section 21. Repeals; Conforming Amendments]	16
Section 22. Effective Date	16

1 **College Student Athlete Name, Image, and Likeness Act**

2 **Section 1. Title**

3 This [act] may be cited as the College Student Athlete Name, Image, and Likeness Act.

4 **Section 2. Definitions**

5 In this [act]:

6 (1) "Athletic association" means a national nonprofit collegiate athletics
7 governance association that:

8 (A) conducts athletic competition among its member institutions;

9 (B) sets playing rules for the competition;

10 (C) regulates the eligibility of players and institutions to compete; and

11 (2) "Booster" means a representative of an institution's athletic program,
12 including a person that:

13 (A) provides a donation to obtain a season ticket for a sport at the
14 institution;

15 (B) participates in, is a member of, or makes a financial contribution to the
16 institution's athletic program or to an organization promoting the institution's athletic program;

17 (C) assists or is requested by the institution's staff to assist in inducement;

18 (D) assists in providing a benefit, other than name, image and likeness
19 compensation, to an athlete or the athlete's family;

20 (E) arranged for or provided employment for enrolled student-athletes; or

21 (F) is otherwise involved in promoting the institution's athletic program.

22 The term includes a person that has engaged in any of these activities in
23 the past.

1 (3) “College student athlete” means an individual who is eligible to attend an
2 institution and engages in, is eligible to engage in, or may be eligible in the future to engage in
3 an intercollegiate sport. The term does not include an individual in elementary or secondary
4 school from kindergarten to grade twelve or an individual permanently ineligible to participate in
5 a particular intercollegiate sport.

6 (4) “Conference” means a person, other than an association, that governs the
7 athletic programs of more than one institution.

8 (5) “Group license” means an agreement in which the name, image, and likeness
9 of more than one college student athlete is used.

10 (6) “Inducement” means an attempt to influence the decision of a college student
11 athlete to attend, continue attending, or transfer to an institution or conference.

12 (7) “Institution” means a public or private institution of higher education within
13 this state, including a community college, college, and university.

14 (8) “Intercollegiate sport” means a sport played at the collegiate level for which
15 eligibility requirements for participation by a college student athlete are established by an
16 athletic association. The term does not include intramural or club sports.

17 (9) “Name, image, and likeness” means the name, image, or likeness or any
18 combination thereof of a college student athlete. The term includes the athlete’s nickname,
19 signature, social media account, and any other symbol, name, or design that readily identifies the
20 college athlete.

21 (10) “Name, image and likeness activity” means licensing or other use of a name,
22 image, and likeness.

23 (11) “Name, image, and likeness agent” means an individual who directly or

1 indirectly recruits or solicits a college student athlete, or, if the athlete is a minor, the college
2 student athlete’s parent or guardian, to enter into an agency contract for name, image, and
3 likeness compensation, enters into an agency contract with a college student athlete for name,
4 image, and likeness compensation, or offers, promises, attempts, or negotiates to obtain a name,
5 image, and likeness agreement.

6 (12) “Name, image, and likeness agreement” means an agreement under which a
7 third party provides name, image, and likeness compensation.

8 (13) “Name, image, and likeness compensation” means money or other thing of
9 value provided by a third party in exchange for use of a college student athlete’s name, image,
10 and likeness.

11 (14) “Person” means an individual, estate, business or nonprofit entity, public
12 corporation, government or governmental subdivision, agency, or instrumentality, or other legal
13 entity.

14 (15) “Record” means information:

15 (A) inscribed on a tangible medium; or

16 (B) stored in an electronic or other medium and retrievable in perceivable
17 form.

18 (16) “State” means a state of the United States, the District of Columbia, Puerto
19 Rico, the United States Virgin Islands, or any other territory or possession subject to the
20 jurisdiction of the United States.

21 (17) “Student” means an individual who is enrolled at an institution under the
22 rules of that institution.

23 (18) “Third party” means a person, other than the institution attended by the

1 college student athlete, that offers, solicits, or enters into a name, image, and likeness agreement.
2 agreement or offers or provides name, image, and likeness compensation. The term includes an
3 employee, agent, or independent contractor of the person. The term does not include an entity
4 designated by the institution, conference, or association under Section 8(a).

5 **Comment**

6 The definition of name, image, and likeness compensation does not include a scholarship,
7 grant, fellowship, tuition assistance, or other forms of financial aid related to educational
8 expenses.
9

10 **Section 3. Scope**

11 (a) This [act] applies only to college student athletes and intercollegiate sports.

12 (b) This [act] does not apply to an individual participating in athletics at the kindergarten
13 to grade twelve youth, recreation, intramural, club, or similar level.

14 [(c)This [act] does not apply to a United States service academy or another institution
15 subject to federal regulation that conflicts with this [act].]

16 (d) This [act] does not create an employment relationship between a college student
17 athlete and the athlete’s institution with respect to the athlete’s participation in an intercollegiate
18 sport, nor can it be used as a factor in determining whether such employment relationship exists.

19 *Legislative Note: Section 3(c) should be included in a state that has a United States service*
20 *academy or another institution subject to federal regulation that conflicts with this act.*
21

22 **Section 4. Rulemaking Authority**

23 The [agency responsible for implementing and administering the Uniform Athlete
24 Agents Act, Revised Uniform Athlete Agents Act, or other comparable law, or other appropriate
25 agency] shall implement and administer this [act] and may adopt rules under [cite to state
26 administrative procedure act] to do so.

27 **Section 5. Name, Image, and Likeness Compensation; Limit on Athletic Association**

1 **and Institution**

2 (a) Except as provided in Sections 6 and 7 or otherwise proscribed by [state] law, a
3 college student athlete may receive name, image, and likeness compensation.

4 (b) Except as provided in Section 6, an athletic association, conference, or institution may
5 not:

6 (1) adopt or enforce a rule, requirement, standard, or other limitation that prevents
7 or restricts a college student athlete from receiving name, image, and likeness compensation,
8 entering into a name, image and likeness agreement, engaging in name, image and likeness
9 activity or from obtaining the services of a name, image and likeness agent, or an institution or a
10 college student athlete from participating in an intercollegiate sport because an athlete receives
11 name, image, and likeness compensation, enters into a name, image and likeness agreement,
12 engages in name, image, and likeness activity, or obtains the services of a name, image and
13 likeness agent;

14 (2) consider name, image, and likeness compensation in determining a college
15 student athlete’s eligibility for an athletic scholarship or the amount of the athlete’s athletic
16 scholarship;

17 (3) enact or enforce a rule, requirement, standard, or other limitation, or engage in
18 conduct that prevents or restricts college student athlete from creating or participating in a group
19 license or interferes with the formation or recognition of, a collective representative to facilitate a
20 group license or provide representation for an athlete to negotiate a group license.

21 **Comment**

22 Section 5(a) is not intended to diminish, enlarge, or otherwise modify the right of
23 publicity or related rights provided by individual states.

24 **Section 6. Restrictions on Name, Image, and Likeness Activity**

1 (a) A college student athlete may only include in name, image, and likeness activity an
2 institution, conference, or associations name, trademark, service mark, logo, uniform design, or
3 other identifier of athletic performance depicted or included in any form of media broadcast or
4 related game footage if the use is not likely to cause confusion about the affiliation, connection,
5 or association of the institution, conference, or association to the activity or otherwise imply
6 sponsorship or endorsement by the institution, conference or association.

7 (b) Name, image, and likeness compensation, or offers, promises, or solicitations of
8 compensation, must not be an inducement, must represent only consideration for use of name,
9 image, and likeness, and must not include compensation for performance, participation, or
10 service in an intercollegiate sport.

11 (c) A college student athlete may not express or imply that an institution, conference, or
12 association endorses or is otherwise affiliated with the athlete's name, image, and likeness
13 activity.

14 (d) A college student athlete may not engage in a name, image, and likeness activity that
15 is illegal.

16 (e) An institution may prohibit name, image, and likeness activity that is determined by
17 the institution to be immoral, in conflict with the institution's values, unsafe, or to adversely
18 affect the reputation of the institution, if the institution does not engage in the same commercial
19 activity. An institution making such a determination shall disclose to the college student athlete
20 or the athlete's name, image, and likeness agent the basis for that determination.

21 (f) An institution may adopt and enforce rules of conduct relating to name, image, and
22 likeness activity when the athlete is engaged in an official team activity, including a competition,
23 practice, supervised workout, community service, or other activity that involves an athlete and is

1 at the direction of, or supervised by, a member of the institution’s coaching or athletic
2 department staff.

3 (g) An institution, conference, or association may require a college student athlete to
4 waive any name, image, or likeness rights associated with the promotion, display, broadcast, or
5 rebroadcast of an intercollegiate sport.

6 **Comment**

7
8 Section 6(a) and 6(c) are intended to be consistent with federal intellectual property law.

9
10 **Section 7. Institution, Conference, and Association Involvement**

11 (a) An institution shall adopt a policy describing permissible and impermissible name,
12 image, and likeness activity.

13 (b) An institution, conference or association may:

14 (1) assist a college student athlete:

15 (A) in evaluating the permissibility of name, image, and likeness activity,
16 including compliance with law and institution, conference, and athletic association rules;

17 (B) with the disclosure requirements of Section 11; and

18 (C) in providing a good-faith evaluation of a name, image, and likeness
19 agent or a third party;

20 (2) provide education to a college student athlete about name, image, and likeness
21 compensation, agreements, and activity; and

22 (3) permit a college student athlete to use the institution’s facilities for name,
23 image, and likeness activity under the same terms and conditions as other students at the
24 institution.

25 (b) Except as provided in subsection (a), an institution or conference or its respective

1 employees, agents, and independent contractors shall not:

2 (1) provide name, image, and likeness compensation to a college student athlete;

3 (2) play a role in assisting, identifying, arranging, facilitating, developing,
4 operating, securing, or promoting name, image, and likeness activity;

5 (3) assist with selecting, arranging, or providing payment to a name, image, and
6 likeness agent;

7 (4) assist with selecting, arranging, or collecting payment from a third party;

8 (5) except as provided in Section 6(a), permit a college student athlete to use the
9 intellectual property of the institution, conference or association in name, image, and likeness
10 activity; or

11 (6) use, license, or otherwise convey a name, image, and likeness for a
12 commercial purpose except as provided in Section 5(c) or otherwise permitted by law other than
13 this [act]

14 **Section 8. Required Disclosures**

15 (a) A college student athlete shall disclose to the official designated under subsection (b)
16 by the institution at which the athlete is enrolled:

17 (1) a copy of any name, image, and likeness agreements that provides name,
18 image, and likeness compensation is greater than \$[300], or, if no such copy exists, the amount
19 of name, image, and likeness compensation provided if greater than [\$300]

20 (2) a copy of all name image, and likeness agreements if and when the aggregate
21 amount of name, image, and likeness compensation exceeds \$[2,000] in a calendar year, or, if no
22 such copies exist, the amount of name, image, and likeness compensation provided in excess of
23 [\$2,000] in a calendar year;

1 (3) for each agreement that must be disclosed:

2 (A) the arrangements for providing compensation;

3 (B) the amount of compensation;

4 (C) a description of the relationship with the third party;

5 (D) activities required by the agreement; and

6 (E) if a name, image, and likeness agent was used to arrange the
7 agreement, the name of and a description of the relationship with the agent.

8 (4) each offer, solicitation, or promise made to the athlete by a third party;

9 (5) a copy of each agreement entered into by the athlete with a name, image, and
10 likeness agent; and

11 (6) other information deemed by the [agency designated in section 4] to be
12 relevant to the athlete's name, image, and likeness activity.

13 (b) An institution at which college student athletes are enrolled shall designate an official
14 to receive the information required by subsection (a).

15 (c) A college student athlete shall provide the information required by subsection (a)
16 before engaging in name, image, and likeness activity and provide an update after a change in the
17 information not later than [10] days after the earlier of the change or the next scheduled athletic
18 event in which the student athlete may participate.

19 (d) If an institution, conference, or association, either voluntarily or as required by this
20 [act], adopts a policy, rule, requirement, standard, or other limitation affecting a college student
21 athlete's ability to engage in conduct affecting the athlete's name, image, and likeness, the
22 institution shall provide in a record a copy of each such policy, rule, requirement, standard, or
23 other limitation to each of its athletes by the time an offer of admission or financial aid is made,

1 whichever is earlier, or, if the policy, rule, requirement, standard, or other limitation is not
2 adopted until after the athlete is a student at the institution, then as soon as practicable after
3 adoption.

4 (e) When a name, image, and likeness agreement is entered into, the college student
5 athlete, or, if the athlete is a minor, the parent or guardian of the minor entity, third party, and, if
6 a name, image, and likeness agent assisted with the agreement, the agent shall certify to the
7 official designated in subsection (b) at the institution at which the athlete is enrolled that the
8 agreement contains the sole, complete and final agreement between the parties.

9 **Comment**

10
11 A college student athlete would be required to disclose to a designated third party under
12 Section 8(a) if a third party is designated by the institution, conference, association, or pursuant
13 to federal law. Disclosures made under this section must be made available to the Secretary of
14 State or designated state agency or representative for inspection or review.

15
16 **Section 9. Name, Image, and Likeness Agent; Duties; Registration**

17 (a) A name, image, and likeness agent shall be registered in this state as an athlete agent
18 under [cite to Uniform Athlete Agents Act or Revised Uniform Athlete Agents Act or other
19 comparable law].

20 (b) An institution, conference, or athletic association may not prevent or deter a college
21 student athlete from obtaining representation by a name, image, and likeness agent.

22 (c) [A name, image, and likeness agreement [must have a fee arrangement that is
23 consistent with norms for the agent’s industry and otherwise comply with [cite to Uniform
24 Athlete Agents Act or Revised Uniform Athlete Agents Act]].

25 **Legislative Note:** *In subsections (a) and (c), cite to the state’s version of the uniform act or other*
26 *comparable state law*

27
28 **Section 10. Third Party; Registration; Voidable Contract**

1 (a) A person that provides more than \$[300] for an individual name, image, and likeness
2 agreement or more than \$[2,000] in the aggregate in a calendar year for name, image, and (a)
3 likeness agreements is required to register under this act as a third party.

4 (b) A third party shall disclose to the official designated in section 8(b) name, image, and
5 likeness compensation and agreements as specified in subsection a.

6 (c) A college student athlete or, if the athlete is a minor, the parent or guardian of the
7 athlete may void a name image and likeness agreement that was required to be registered or
8 disclosed by a third party under this section but was not properly registered or disclosed.

9 **Section 11. Registration as Third party; Application**

10 (a) An applicant for registration as a third party shall submit an application for
11 registration to the [agency designated in section 4] in a form prescribed by the [agency
12 designated in section 4]. The application must be signed by an authorized representative of the
13 applicant under penalty of perjury and must include:

14 (1) the address of the applicant's principal place of business;

15 (2) if registered in another state, the state of registration;

16 (3) the name and contact information of the applicant seeking registration;

17 (4) telephone number;

18 (5) means of communicating electronically, including an email address and, if
19 available, a website related to the entity;

20 (6) each social-media account with which the applicant is affiliated;

21 (7) a brief description of type of business and business activity of the applicant;

22 (8) name and address of each person that is a partner, member, officer, manager,
23 associate, or profit sharer or directly or indirectly holds an equity interest of at least [five]

1 percent in the entity;

2 (9) whether the applicant or a person named under paragraph (8) has been a
3 defendant or respondent in a civil or criminal proceeding and, if so, the date and a brief
4 explanation of each proceeding;

5 (10) whether the applicant or a person named under paragraph (8) has been
6 adjudicated as bankrupt or has declared bankruptcy;

7 (11) whether conduct of the applicant or a person named under paragraph (8) has
8 caused a college student athlete to be sanctioned, suspended, or declared ineligible to participate
9 in an intercollegiate sport or an institution to be sanctioned;

10 (12) whether an application by the applicant or any person named under
11 paragraph (8) to be a third party in a state has been denied, suspended, abandoned, or not
12 renewed; and

13 (13) each state in which the applicant is currently registered or has applied to be
14 registered as a third party.

15 (14) any other information deemed by the [agency designated in Section 4] to be
16 relevant to applications by a third party.

17 (b) The [agency designated in section 4] may require a booster to comply with additional
18 disclosure requirements.

19 **Section 12. Third Party Certificate of Registration**

20 (a) Except as provided in subsection (b), the [agency designated in section 4] shall issue a
21 certificate of registration to an applicant for registration who complies with Section 11.

22 (b) The [agency designated in section 4] may refuse to issue a certificate of registration to
23 an applicant for registration under Section 11 if the [agency] determines that the applicant has

1 engaged in conduct that significantly adversely impacts the reputation of the college student
2 athlete or the athlete’s institution, conference, or athletic association. In making this
3 determination, the [agency] may consider whether the applicant has:

4 (1) pleaded guilty or no contest to, has been convicted of, or has charges pending
5 for, a crime that would involve moral turpitude or be a felony if committed in this state;

6 (2) made a materially false, misleading, deceptive, or fraudulent representation in
7 the application or as a third party;

8 (3) engaged in conduct prohibited by Section 15;

9 (4) engaged in conduct resulting in imposition of a sanction, suspension, or
10 declaration of ineligibility to participate in an intercollegiate sport on a college student athlete or
11 a sanction on an institution; or

12 (5) engaged in conduct that adversely reflects on the applicant’s credibility,
13 honesty, or integrity.

14 (c) A third party registered under subsection (a) may apply to renew the registration by
15 submitting an application for renewal in a form prescribed by the [agency designated in section
16 4]. The application must be signed by an authorized representative of the applicant under penalty
17 of perjury and include current information on all matters required in an original application for
18 registration.

19 **Section 13. Limitation, Suspension, Revocation, Nonrenewal of Third-Party**
20 **Registration**

21 The [agency designated in section 4] may limit, suspend, revoke, or refuse to renew a
22 registration of a third-person entity registered under Section 12(a) for a reason that would have
23 justified refusal to issue a certificate of registration under Section 12(b).

1 **Section 14. Temporary Registration of Third Party**

2 The [agency designated in section 4] may issue a temporary certificate of registration as a
3 third party while an application for registration or renewal of registration is pending.

4 **Section 15. Third Party Prohibited Conduct**

5 A third party may not intentionally:

6 (1) give materially false or misleading information or make a materially false
7 promise or representation with the intent to influence the college student athlete, parent, or
8 [guardian] or another person to enter into a name, image, and likeness agreement, receive name,
9 image, and likeness compensation, or engage in name, image, and likeness activity;

10 (2) furnish anything of value to a college student athlete or another person except
11 as permitted under this [act], if to do so may result in loss of the athlete’s eligibility to participate
12 in the athlete’s sport;

13 (3) [unless registered under this [act], initiate contact, directly or indirectly, with a
14 college student athlete or, if the athlete is a minor, a parent or [guardian] of the athlete, to recruit
15 or solicit the athlete, parent, or [guardian] to enter a name, image, and likeness agreement,
16 receive name, image, and likeness compensation, or engage in name, image, and likeness
17 activity];

18 (4) [fail to register under Section 11];

19 (5) provide materially false or misleading information in an application for
20 registration or renewal of registration [or disclosure]; or

21 (6) predate or postdate a name, image, and likeness agreement.

22 **Legislative Note:** If a state used a different term to describe the relationship of guardian, the
23 bracketed term “guardian” should be changed to the term used in the state.

24 **Section 16. Civil Remedy**
25

1 (a) An institution or college student athlete has a cause of action for damages against a
2 name, image, and likeness agent or third party if the institution or athlete is adversely affected by
3 an act or omission of the agent or entity in violation of this [act]. An institution or athlete is
4 adversely affected by an act or omission of the agent or entity only if, because of the act or
5 omission, the institution or athlete:

6 (1) is suspended or disqualified from participating in an intercollegiate sport; or

7 (2) suffers financial damage.

8 (b) A college student athlete has a cause of action under this section only if the athlete
9 was enrolled in an institution at the time of the act or omission.

10 (c) In an action under this section, a prevailing plaintiff may recover [actual or treble]
11 damages, [punitive damages,] and reasonable attorney's fees, court costs, and other reasonable
12 litigation expenses.

13 [(d) A violation of this [act] is a violation of the [state consumer protection, unfair trade
14 or deceptive practice law] and the enforcement provisions of those laws] apply to a violation of
15 this [act].]

16 **Legislative Note:** *If a state has an unfair trade practices or consumer protection law that*
17 *provides for civil enforcement by a state agency or person, including a competitor, the*
18 *appropriate name for the practice and statutory citation to the applicable law should replace the*
19 *bracketed language in subsection (d). Some states prohibit an amendment by reference and may*
20 *require the unfair trade practices or consumer protection law to be amended. In that case, the*
21 *bill should contain an appropriate amendment of the specific law and subsection (d) should be*
22 *deleted. If a state does not have an unfair trade practices or consumer protection law, subsection*
23 *(d) should be deleted or amended to provide for civil enforcement by a state agency, an affected*
24 *member of the public, and a competitor.*

25 26 **Section 17. Civil Penalty**

27 The [Attorney General or the agency designated in section 4, or both] may, pursuant to
28 [cite to the state administrative procedures act] assess a civil penalty against a name, image, and

1 likeness agent or third party not to exceed \$[50,000] for a violation of this [act].

2 **Section 18. Uniformity of Application and Construction**

3 In applying and construing this uniform act, a court shall consider the promotion of
4 uniformity of the law among jurisdictions that enact it.

5 **Section 19. Relation to Electronic Signatures in Global and National Commerce Act**

6 This [act] modifies, limits, or supersedes the Electronic Signatures in Global and National
7 Commerce Act, 15 U.S.C. Section 7001 et seq.[as amended], but does not modify, limit, or
8 supersede 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices
9 described in 15 U.S.C. Section 7003(b).

10 *Legislative Note: It is the intent of this act to incorporate future amendments to the cited federal*
11 *law. A state in which the constitution or other law does not permit incorporation of future*
12 *amendments when a federal statute is incorporated into state law should omit the phrase, “as*
13 *amended”. A state in which, in the absence of a legislative declaration, future amendments are*
14 *incorporated into state law also should omit the phrase.*

15

16 **[Section 20. Severability**

17 If a provision of this [act] or its application to a person or circumstance is held invalid,
18 the invalidity does not affect another provision or application that can be given effect without the
19 invalid provision.]

20 *Legislative Note: Include this section only if the state lacks a general severability statute*
21 *or a decision by the highest court of the state adopting a general rule of severability.*

22

23 **[Section 21. Repeals; Conforming Amendments**

24 (a) . . .

25 (b) . . .]

26 *Legislative Note: A state should examine its statutes to determine whether conforming*
27 *revisions are required by provisions of this act relating to { }. See Section { }.*

28

29 **Section 22. Effective Date**

1 This [act] takes effect