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SB-206 Collegiate athletics: student athlete compensation and representation. (2019-2020)

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Senate Bill No. 206

CHAPTER 383

An act to add Section 67456 to, and to add and repeal Section 67457 of, the Education Code, relating to collegiate athletics.

[Approved by Governor September 30, 2019. Filed with Secretary of State September 30, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 206, Skinner. Collegiate athletics: student athlete compensation and representation.

Existing law, known as the Student Athlete Bill of Rights, requires intercollegiate athletic programs at 4-year private universities or campuses of the University of California or the California State University that receive, as an average, \$10,000,000 or more in annual revenue derived from media rights for intercollegiate athletics to comply with prescribed requirements relating to student athlete rights.

This bill would prohibit California postsecondary educational institutions except community colleges, and every athletic association, conference, or other group or organization with authority over intercollegiate athletics, from providing a prospective intercollegiate student athlete with compensation in relation to the athlete's name, image, or likeness, or preventing a student participating in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness or obtaining professional representation relating to the student's participation in intercollegiate athletics. The bill also would prohibit an athletic association, conference, or other group or organization with authority over intercollegiate athletics from preventing a postsecondary educational institution other than a community college from participating in intercollegiate athletics as a result of the compensation of a student athlete for the use of the student's name, image, or likeness. The bill would require professional representation obtained by student athletes to be from persons licensed by the state. The bill would specify that athlete agents shall comply with federal law in their relationships with student athletes. The bill would prohibit the revocation of a student's scholarship as a result of earning compensation or obtaining legal representation as authorized under these provisions. The bill would prohibit a student athlete from entering into a contract providing compensation to the athlete for use of the athlete's name, image, or likeness if a provision of the contract is in conflict with a provision of the athlete's team contract. The bill would prohibit a team contract from preventing a student athlete from using the athlete's name, image, or likeness for a commercial purpose when the athlete is not engaged in official team activities, as specified.

These provisions would become operative on January 1, 2023.

This bill would require the Chancellor of the California Community Colleges to convene a community college athlete name, image, and likeness working group composed of individuals appointed on or before July 1, 2020, as specified. The bill would require the working group to review various athletic association bylaws and state and federal laws regarding a college athlete's use of the athlete's name, image, and likeness for compensation and, on or before July 1, 2021, submit to the Legislature and the California Community College Athletic Association a report containing its findings and policy recommendations in connection with this review.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) It is the intent of the Legislature to monitor the National Collegiate Athletic Association (NCAA) working group created in May 2019 to examine issues relating to the use of a student's name, image, and likeness and revisit this issue to implement significant findings and recommendations of the NCAA working group in furtherance of the statutory changes proposed by this act.

(b) It is the intent of the Legislature to continue to develop policies to ensure appropriate protections are in place to avoid exploitation of student athletes, colleges, and universities.

(c) The Legislature finds and declares that California's community colleges are two-year institutions not governed by the National Collegiate Athletic Association. In acknowledgment of this, it is the intent of the Legislature to create a community college athlete name, image, and likeness working group to study the California Community College Athletic Association's bylaws, state and federal laws, and national athletic association bylaws regarding a community college athlete's use of the athlete's name, image, and likeness for compensation and report policy recommendations to the Legislature and the California Community College Athletic Association.

SEC. 2. Section 67456 is added to the Education Code, to read:

67456. (a) (1) A postsecondary educational institution shall not uphold any rule, requirement, standard, or other limitation that prevents a student of that institution participating in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness. Earning compensation from the use of a student's name, image, or likeness shall not affect the student's scholarship eligibility.

(2) An athletic association, conference, or other group or organization with authority over intercollegiate athletics, including, but not limited to, the National Collegiate Athletic Association, shall not prevent a student of a postsecondary educational institution participating in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness.

(3) An athletic association, conference, or other group or organization with authority over intercollegiate athletics, including, but not limited to, the National Collegiate Athletic Association, shall not prevent a postsecondary educational institution from participating in intercollegiate athletics as a result of the compensation of a student athlete for the use of the student's name, image, or likeness.

(b) A postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics shall not provide a prospective student athlete with compensation in relation to the athlete's name, image, or likeness.

(c) (1) A postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics shall not prevent a California student participating in intercollegiate athletics from obtaining professional representation in relation to contracts or legal matters, including, but not limited to, representation provided by athlete agents or legal representation provided by attorneys.

(2) Professional representation obtained by student athletes shall be from persons licensed by the state. Professional representation provided by athlete agents shall be by persons licensed pursuant to Chapter 2.5 (commencing with Section 18895) of Division 8 of the Business and Professions Code. Legal representation of student athletes shall be by attorneys licensed pursuant to Article 1 (commencing with Section 6000) of Chapter 4 of Division 3 of the Business and Professions Code.

(3) Athlete agents representing student athletes shall comply with the federal Sports Agent Responsibility and Trust Act, established in Chapter 104 (commencing with Section 7801) of Title 15 of the United States Code, in their relationships with student athletes.

(d) A scholarship from the postsecondary educational institution in which a student is enrolled that provides the student with the cost of attendance at that institution is not compensation for purposes of this section, and a scholarship shall not be revoked as a result of earning compensation or obtaining legal representation pursuant to this section.

(e) (1) A student athlete shall not enter into a contract providing compensation to the athlete for use of the athlete's name, image, or likeness if a provision of the contract is in conflict with a provision of the athlete's team contract.

(2) A student athlete who enters into a contract providing compensation to the athlete for use of the athlete's name, image, or likeness shall disclose the contract to an official of the institution, to be designated by the institution.

(3) An institution asserting a conflict described in paragraph (1) shall disclose to the athlete or the athlete's legal representation the relevant contractual provisions that are in conflict.

(f) A team contract of a postsecondary educational institution's athletic program shall not prevent a student athlete from using the athlete's name, image, or likeness for a commercial purpose when the athlete is not engaged in official team activities. It is the intent of the Legislature that this prohibition shall apply only to contracts entered into, modified, or renewed on or after the enactment of this section.

(g) For purposes of this section, "postsecondary educational institution" means any campus of the University of California or the California State University, an independent institution of higher education, as defined in Section 66010, or a private postsecondary educational institution, as defined in Section 94858.

(h) This section shall become operative on January 1, 2023.

SEC. 3. Section 67457 is added to the Education Code, to read:

67457. (a) (1) The Chancellor of the California Community Colleges shall convene a community college athlete name, image, and likeness working group. The working group shall include, but not be limited to, the following members:

- (A) A chancellor's office representative.
- (B) A California Community College Athletic Association representative.
- (C) At least two community college student athletes.
- (D) A community college athletic administrator.
- (E) A community college athletic coach.
- (F) A Student Senate for California Community Colleges representative.
- (G) One member appointed by the Speaker of the Assembly.
- (H) One member appointed by the Senate Rules Committee.

(2) All appointments to the working group shall be completed on or before July 1, 2020.

(b) The working group shall do both of the following:

(1) Review existing California Community College Athletic Association bylaws, state and federal laws, and national athletic association bylaws regarding a college athlete's use of the athlete's name, image, and likeness for compensation.

(2) On or before July 1, 2021, submit a report to the California Community College Athletic Association and the Legislature, pursuant to Section 9795 of the Government Code, containing its findings and policy recommendations in connection with its review pursuant to paragraph (1).

(c) Pursuant to Section 10231.5 of the Government Code, this section is repealed on July 1, 2025.