A BILL TO BE ENTITLED

AN ACT

To amend Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary education, so as to provide that student athletes participating in intercollegiate athletic programs at postsecondary educational institutions may receive compensation for the use of the student athlete's name, image, or likeness; to provide for application to intercollegiate athletic associations; to allow for professional representation of such student athletes participating in intercollegiate athletics; to allow team contracts to provide for pooling arrangements subject to certain conditions; to provide for findings; to provide for definitions; to provide for contingent effectiveness; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary education, is amended by adding a new article to read as follows:
ARTICLE 13

20-3-680.

(a) The General Assembly finds that intercollegiate athletic programs provide student athletes with significant educational opportunities. However, participation in intercollegiate athletics should not infringe upon the rights of student athletes to have control over and profit from the commercial use of their name, image, or likeness.

(b) As used in this article, the term:

(1) 'Intercollegiate athletic association' means any athletic association, athletic conference, or other similar organization which acts as an organizing, sanctioning, scheduling, or rule-making body for intercollegiate athletic events in which postsecondary educational institutions participate.

(2) 'Postsecondary educational institution' means a school which is:

(A) A unit of the University System of Georgia;

(B) A unit of the Technical College System of Georgia; or

(C) An independent or private college or university located in Georgia and eligible to be deemed an 'approved school' pursuant to paragraph (2) of Code Section 20-3-411.

(3) 'Student athlete' means a student enrolled at a postsecondary educational institution who participates in or is eligible to participate in any intercollegiate athletic program at such institution. A person who is permanently ineligible to participate in a particular intercollegiate athletic program is not a student athlete for the purposes of such athletic program.

(4) 'Team contract' means any written agreement between a student athlete and a postsecondary educational institution, or a division, department, program, or team thereof, which includes goals and objectives, standards, prohibitions, rules, or expectations applicable to the student athlete.
(a) A student athlete at a postsecondary educational institution may earn compensation for the use of his or her name, image, or likeness. Such compensation must be commensurate with the market value of the authorized use of the student athlete's name, image, or likeness. Such compensation may not be provided in exchange, in whole or in part, for a current or prospective student athlete to attend, participate, or perform at a particular postsecondary educational institution.

(b) A scholarship from the postsecondary educational institution in which a student athlete is enrolled that provides such student with all or part of the cost of attendance at such institution is not compensation for purposes of this article.

(c) A student athlete's scholarship shall not be revoked, nor shall scholarship eligibility be adversely impacted, as a result of a student athlete earning compensation or obtaining representation as provided for in this article.

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

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

(3) A postsecondary educational institution asserting a conflict under paragraph (1) of this subsection shall disclose to the student athlete or the student athlete's representative the relevant provisions of the contract that are asserted to be in conflict.

(4)(A) A team contract entered into on or after the effective date of this article and required by a postsecondary educational institution, or a division, department, program, or team thereof, shall not include any provision which prevents or discourages a student athlete from receiving compensation for the use of his or her name, image, or likeness.
when the student is not engaged in official activities of the intercollegiate athletic
program; provided, however, that such contract may provide for a pooling arrangement
as provided for in subparagraph (B) of this paragraph.

(B) Team contracts may provide for a pooling arrangement whereby student athletes who
receive compensation for the use of their name, image, or likeness pursuant to this article
agree to contribute a portion of the compensation they receive pursuant to such contract to
a fund for the benefit of individuals previously enrolled as student athletes in the same
postsecondary educational institution as such student athlete, provided that such pooling
arrangement meets the following conditions:

(i) Student athletes shall not be required to contribute an amount equal to more than
75 percent of the compensation received for the use of their name, image, or likeness
pursuant to this article;

(ii) Each postsecondary educational institution shall establish only for the purposes
of this paragraph an escrow account in any bank or lending institution subject to
regulation by this state only;

(iii) All contributions from student athletes who receive compensation for the use of
their name, image, or likeness pursuant to this article shall be deposited in such
escrow account by the athletic director of the postsecondary educational institution,
or his or her designee;

(iv) Upon graduation or withdrawal for at least 12 months from the postsecondary
educational institution, individuals who were student athletes prior to such graduation
or withdrawal, shall be eligible to receive a pro rata share of the pooled contributions
based on the number of months the individual was a student athlete; and

(v) The postsecondary educational institution shall provide for the implementation
of the provisions of this paragraph in a manner that does not discriminate against or
treat differently individuals based upon race, gender, or other personal status
protected by federal or state law.
(e) A postsecondary educational institution shall conduct a financial literacy and life skills workshop for a minimum of five hours at the beginning of the student athlete's first and third academic years. The workshop shall, at a minimum, include information concerning financial aid, debt management, and a recommended budget for student athletes based on the current academic year's cost of attendance. The workshop shall also include information on time management skills necessary for success as a student athlete and available academic resources. The workshop may not include any marketing, advertising, referral, or solicitation by providers of financial products or services.

(f) A postsecondary educational institution, an entity whose purpose includes supporting or benefiting such institution or its intercollegiate athletic programs, or an officer, director, employee, or agent of such institution or entity shall not provide a current or prospective student athlete with compensation for the use of the student athlete's name, image, or likeness.

(g) A postsecondary educational institution shall not adopt or maintain any policy, regulation, rule, standard, or other requirement that prevents a student athlete of such institution from earning compensation as a result of the use of such student's name, image, or likeness.

(h)(1) An intercollegiate athletic association shall not prevent a student athlete from receiving compensation, or penalize a student athlete for earning compensation, as a result of the student athlete earning compensation for the use of such student's name, image, or likeness.

(2) An intercollegiate athletic association shall not prevent a postsecondary educational institution from participating in intercollegiate athletics, or otherwise penalize a postsecondary educational institution, as a result of a student athlete earning compensation for the use of such student's name, image, or likeness.
(a) A postsecondary educational institution or intercollegiate athletic association shall not prevent a student athlete from obtaining professional representation in relation to contracts or legal matters, including but not limited to representation provided by athlete agents, who shall be certified as provided for under Chapter 4A of Title 43, or legal representation provided by attorneys, who shall be licensed to practice law in the state.

(b) Athlete agents representing student athletes shall comply with the federal Sports Agent Responsibility and Trust Act, established in 15 U.S.C. Section 7801, et seq., in their relationships with student athletes.

20-3-683.

(a) The provisions of this article shall become effective on July 1, 2021, and shall remain in effect until the earlier of:

(1) The effective date of any federal law enacted after March 31, 2021, regulating the rights of student athletes to receive compensation for the use of their name, image, or likeness;

(2) The effective date of any policy, rule, or regulation adopted after March 31, 2021, which allows student athletes to receive compensation for the use of their name, image, or likeness; or

(3) June 30, 2025.

(b) Upon the occurrence of one of the events provided for in subsection (a) of this Code section, this article shall be rendered null and without effect as a matter of law."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.