

House Bill 617 (AS PASSED HOUSE AND SENATE)

By: Representatives Martin of the 49th, Rhodes of the 120th, Fleming of the 121st, Smyre of the 135th, and Singleton of the 71st

A BILL TO BE ENTITLED
AN ACT

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

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

14 "ARTICLE 13

15 20-3-680.

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

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

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

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

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

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

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

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

35 (4) 'Team contract' means any written agreement between a student athlete and a
36 postsecondary educational institution, or a division, department, program, or team
37 thereof, which includes goals and objectives, standards, prohibitions, rules, or
38 expectations applicable to the student athlete.

39 20-3-681.

40 (a) A student athlete at a postsecondary educational institution may earn compensation for
41 the use of his or her name, image, or likeness. Such compensation must be commensurate
42 with the market value of the authorized use of the student athlete's name, image, or
43 likeness. Such compensation may not be provided in exchange, in whole or in part, for a
44 current or prospective student athlete to attend, participate, or perform at a particular
45 postsecondary educational institution.

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

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

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

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

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

62 (4)(A) A team contract entered into on or after the effective date of this article and
63 required by a postsecondary educational institution, or a division, department, program,
64 or team thereof, shall not include any provision which prevents or discourages a student
65 athlete from receiving compensation for the use of his or her name, image, or likeness

66 when the student is not engaged in official activities of the intercollegiate athletic
67 program; provided, however, that such contract may provide for a pooling arrangement
68 as provided for in subparagraph (B) of this paragraph.

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

75 (i) Student athletes shall not be required to contribute an amount equal to more than
76 75 percent of the compensation received for the use of their name, image, or likeness
77 pursuant to this article;

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

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

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

89 (v) The postsecondary educational institution shall provide for the implementation
90 of the provisions of this paragraph in a manner that does not discriminate against or
91 treat differently individuals based upon race, gender, or other personal status
92 protected by federal or state law.

93 (e) A postsecondary educational institution shall conduct a financial literacy and life skills
94 workshop for a minimum of five hours at the beginning of the student athlete's first and
95 third academic years. The workshop shall, at a minimum, include information concerning
96 financial aid, debt management, and a recommended budget for student athletes based on
97 the current academic year's cost of attendance. The workshop shall also include
98 information on time management skills necessary for success as a student athlete and
99 available academic resources. The workshop may not include any marketing, advertising,
100 referral, or solicitation by providers of financial products or services.

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

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

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

114 (2) An intercollegiate athletic association shall not prevent a postsecondary educational
115 institution from participating in intercollegiate athletics, or otherwise penalize a
116 postsecondary educational institution, as a result of a student athlete earning
117 compensation for the use of such student's name, image, or likeness.

118 20-3-682.

119 (a) A postsecondary educational institution or intercollegiate athletic association shall not
120 prevent a student athlete from obtaining professional representation in relation to contracts
121 or legal matters, including but not limited to representation provided by athlete agents, who
122 shall be certified as provided for under Chapter 4A of Title 43, or legal representation
123 provided by attorneys, who shall be licensed to practice law in the state.

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

127 20-3-683.

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

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

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

136 (3) June 30, 2025.

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

139 **SECTION 2.**

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