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SENATE BILL NO. 464

Offered January 8, 2020

Prefiled January 7, 2020

A *BILL to amend the Code of Virginia by adding a section numbered 23.1-408.1, relating to institutions of higher education; intercollegiate athletics; student-athletes; compensation, representation, and injury.*

Patrons—Reeves, Boysko, Morrissey and Peake

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23.1-408.1 as follows:

§ 23.1-408.1. Intercollegiate athletics; student-athletes; compensation, representation, and injury.

A. As used in this section:

"Athletic association" includes the National Collegiate Athletic Association.

"Compensation" does not include any scholarship provided to a student-athlete that covers some or all of the cost of attendance at the private institution of higher education or baccalaureate public institution of higher education at which the student-athlete is enrolled.

"Student-athlete" means a student enrolled at a private institution of higher education or baccalaureate public institution of higher education who participates in intercollegiate athletics at such institution.

B. No private institution of higher education, baccalaureate public institution of higher education, athletic association, athletic conference, or other organization with authority over intercollegiate athletics shall:

1. Provide a prospective student-athlete with compensation that results from the use of the student's name, image, or likeness;

2. Prohibit or prevent a student-athlete from earning compensation that results from the use of the student's name, image, or likeness, except as otherwise provided in subdivision 1 and subsection D;

3. Prohibit or prevent a student-athlete from obtaining professional representation by an athlete agent or legal representation by an attorney licensed to practice law in the Commonwealth; or

4. Declare ineligible for or revoke a scholarship provided to a student-athlete who earns compensation that results from the use of the student's name, image, or likeness.

C. No athletic association, athletic conference, or other organization with authority over intercollegiate athletics shall prohibit or prevent a private institution of higher education or baccalaureate public institution of higher education from becoming a member of or participating in intercollegiate athletics sponsored by such association, conference, or organization as a consequence of the compensation of a student-athlete at such institution that results from the use of the student-athlete's name, image, or likeness.

D. Any team that participates in intercollegiate athletics at a private institution of higher education or baccalaureate public institution of higher education may require a student-athlete team member to enter into a team contract that prohibits the student from earning compensation that results from the use of the student's name, image, or likeness while the student is engaged in official team activities and no student-athlete shall enter into any other contract that is in conflict with such team contract.

E. Each private institution of higher education and each baccalaureate public institution of higher education shall establish a sports injury health savings fund into which the institution shall deposit 7.5 percent of the revenue earned from its intercollegiate athletics programs and from which any student-athlete who suffers a serious or career-ending injury during a practice or competition may apply for compensation upon his graduation.

F. Each private institution of higher education and each baccalaureate public institution of higher education shall establish a wage fund into which the institution shall deposit 7.5 percent of the revenue earned from its intercollegiate athletics programs and from which each student-athlete shall receive an equal amount of compensation at the end of each academic year.

2. That the provisions of the first enactment of this act shall become effective on July 1, 2024.

3. That the Chancellor of the Virginia Community College System shall convene a work group consisting of such members as the Chancellor deems appropriate to consider and make recommendations to the Governor and the General Assembly no later July 1, 2022, relating to the compensation and representation of student-athletes enrolled at comprehensive community colleges in the Commonwealth.