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**SENATE BILL 5875**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senator Palumbo

AN ACT Relating to unfair practices involving compensation of athletes in higher education; adding a new section to chapter 19.86 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that every student enrolled at an institution of higher education in this state should have an equal right: To earn compensation for services provided; to be paid for the use of his or her name, image, and likeness; and to hire agents to represent the student's interests. The legislature further finds that students should not be compelled to choose between forfeiting these rights and participating in intercollegiate athletic competitions.

NEW SECTION. **Sec.**  A new section is added to chapter 19.86 RCW to read as follows:

(1) For the purposes of this section:

(a) "Institution of higher education" includes any entity that is an institution of higher education as defined in RCW 28B.10.016 and any other degree-granting institution in this state as defined in RCW 28B.85.010.

(b) "Student" means any student enrolled at an institution of higher education.

(2) Any student may:

(a) Receive compensation for services actually provided, including, but not limited to, payment for the use of the student's name, image, or likeness, as long as the compensation is commensurate with the market value of the services provided; and

(b) Agree to be represented by an agent for any purpose.

(3) No person may prohibit or suspend any student from competing in an intercollegiate athletic competition, or otherwise penalize a student, because the student has engaged in the conduct described in subsection (2) of this section.

(4) No person may prohibit or suspend an institution of higher education's athletic team from competing in an intercollegiate athletic competition, or otherwise penalize an institution of higher education, because a student enrolled at the institution of higher education has engaged in the conduct described in subsection (2) of this section.

(5) No person may request or require that an institution of higher education prohibit or otherwise limit the ability of its students to engage in the conduct described in subsection (2) of this section in order for the institution of higher education's students or athletic teams to be eligible, or remain eligible, to compete in intercollegiate athletic competitions.

(6)(a) No person may discipline an institution of higher education because the institution of higher education:

(i) Certified the eligibility of, or otherwise permitted, a student who engaged in the conduct described in subsection (2) of this section to participate in an intercollegiate athletic competition; or

(ii) Did not certify the eligibility of a student to participate in an intercollegiate athletic competition solely because he or she engaged in the conduct described in subsection (2) of this section.

(b) For the purposes of this subsection (6), "discipline" includes, but is not limited to, terminating or suspending the membership of an institution of higher education and prohibiting other members from participating in intercollegiate athletic competitions with an institution of higher education.

(7) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying this chapter. Violations of subsections (3) through (6) of this section are not reasonable in relation to the development and preservation of business. Violations of subsections (3) through (6) of this section are unfair or deceptive acts in trade or commerce and unfair methods of competition for the purpose of applying this chapter.

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