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**SUBSTITUTE HOUSE BILL 1084**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** House College & Workforce Development (originally sponsored by Representatives Stokesbary and Young)

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

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. It is the intent of the legislature to ensure appropriate protections are in place to avoid the exploitation of student athletes, colleges, and universities.

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 public and private nonprofit four-year institutions.

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

(2)(a) An institution of higher education 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.

(b) An athletic association, conference, or other group or organization with authority over intercollegiate athletics, including the national collegiate athletic association, shall not prevent a student of an institution of higher education participating in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness.

(c) An athletic association, conference, or other group or organization with authority over intercollegiate athletics, including the national collegiate athletic association, shall not prevent an institution of higher education from participating in intercollegiate athletics as a result of the student receiving compensation for the use of the student's name, image, or likeness.

(3) An institution of higher education, 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 prospective student athlete's name, image, or likeness.

(4)(a) An institution of higher education, athletic association, conference, or other group or organization with authority over intercollegiate athletics shall not prevent a student participating in intercollegiate athletics from obtaining professional representation in relation to contracts or legal matters, including representation provided by athlete agents or legal representation provided by attorneys.

(b) Only licensed persons shall provide professional representation for student athletes. Professional representation provided by athlete agents shall be by persons licensed pursuant to chapter 19.225 RCW. Legal representation of student athletes shall be by attorneys licensed pursuant to chapter 2.48 RCW.

(c) Athlete agents representing student athletes shall comply with the federal sports agent responsibility and trust act, 15 U.S.C. Sec. 7801 et seq., in their relationships with student athletes.

(5) A grant or scholarship applied toward the cost of attendance from the institution of higher education in which a student is enrolled 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.

(6)(a) 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 the contract is in conflict with a provision of the student athlete's team contract.

(b) 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 the contract to an official of the institution of higher education, to be designated by the institution.

(c) An institution asserting a conflict described in (a) of this subsection shall disclose to the student athlete or the student athlete's legal representation the relevant contractual provisions that are in conflict.

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

NEW SECTION. **Sec.**  This act takes effect January 1, 2023.

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