

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2023-2024 Regular Session**

SB 906 (Skinner)  
Version: April 2, 2024  
Hearing Date: April 16, 2024  
Fiscal: Yes  
Urgency: No  
AWM

**SUBJECT**

Collegiate athletics: student athlete compensation

**DIGEST**

This bill requires an entity that provides compensation to a student athlete or student athlete’s immediate family for the athlete’s name, image, likeness, or athletic reputation (NIL) to disclose to the student athlete’s postsecondary institution specified information about the compensation, and requires the postsecondary educational institution to make some of that compensation information publicly available; and requires a postsecondary educational institution to disclose the value of material support and services relating to NIL payments that it provides to its student athletes, as specified.

**EXECUTIVE SUMMARY**

Until recently, collegiate athletes did not have the right to be compensated for their NIL. The NCAA insisted that paying athletes would harm the integrity of college sports – which, they argued, was somehow tied to the students’ “amateurism”<sup>1</sup> – even as schools, coaches, assistant coaches, and the NCAA made billions of dollars off of those athletes’ work. After California passed SB 206 (Skinner, Ch. 383, Stats. 2019) to permit collegiate athletes to receive NIL compensation, however, a number of jurisdictions followed suit and the NCAA lifted its ban.

In the years since NIL compensation has been permitted, so-called “NIL collectives” have formed to direct NIL payments to certain athletes. Some of these collectives are truly private entities that try to work with the student athletes regardless of where the student athlete plays. Other NIL collectives, however, were started with the explicit purpose of funneling student athletes to a particular school. These NIL collectives are often funded with booster and alumni donations, and in some cases expressly work with the schools’ athletic departments in order to direct money to the departments’

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<sup>1</sup> *National Collegiate Athletic Association v. Alston* (2021) 594 U.S. 69, 94.

preferred athletes. Schools are also increasingly providing student athletes with counseling and advice on NIL deals.

This influx of NIL money and benefits to student athletes has given rise to the question of whether these new forms of compensation could violate the federal Title IX, which generally requires schools to spend proportional amounts on their student athletes on the basis of gender. While the “stereotypical” NIL payment – say, a deal with Gatorade – does not implicate Title IX, NIL-related services provided by schools would be covered, and it is possible that payments from NIL collectives that coordinate with school programs could legally be counted as school funding under Title IX. At this stage, however, there is not enough information about the scope and size of NIL collective payments to know whether there is a serious Title IX issue.

This bill is intended to gather basic information about NIL payments made to student athletes at postsecondary institutions in California. The bill requires persons providing NIL compensation of \$5,000 or more to report that information to the student’s school, and for each school to disclose, for each year, the total amount of NIL compensation provided to its student athletes, disaggregated by team. The bill also requires a school to disclose the value of any NIL-related services it provides to its student athletes. The author has agreed to minor amendments to clarify the bill and add protections for student privacy.

This bill is sponsored by the author and is supported by the California Broadcasters Association, the California News Publishers Association, and the Media Alliance. The Committee has not received timely opposition to this bill. The Senate Education Committee passed this bill with a vote of 6-0.

### **PROPOSED CHANGES TO THE LAW**

Existing federal law and regulations:

- 1) Provide that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. (20 U.S.C. §§ 1681 et seq. (Title IX).)
- 2) Require, to the extent an education program or activity that receives federal financial assistance awards athletic scholarships or grant-in-aid, the program or activity to provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics. (34 C.F.R. § 106.37.)
- 3) Require an education program or activity that receives federal financial assistance that operates or sponsors interscholastic, intercollegiate, club, or intramural athletics

to provide equal opportunity for members of both sexes; factors considered in whether equal opportunities are available include:

- a) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes.
- b) The provision of equipment and supplies.
- c) Scheduling of games and practice times.
- d) Travel and per diem allowance.
- e) Opportunity to receive coaching and academic tutoring.
- f) Assignment and compensation of coaches and tutors.
- g) Provision of locker rooms, practice, and competitive facilities.
- h) Provision of medical and training facilities and services.
- i) Provision of housing and dining services.
- j) Publicity. (34 C.F.R. § 106.41.)

Existing state law:

- 1) Establishes the Student Athlete Bill of Rights, which sets forth certain protections for student athletes in certain intercollegiate athletic programs. (Ed. Code, tit. 3, div. 5, pt. 40.3, §§ 67450 et seq.)
- 2) Defines the following relevant terms:
  - a) "Athletic program" is an intercollegiate athletic program at any institute of higher education." (Ed. Code, § 67451(a).)
  - b) "Institution of higher education" is any campus of the University of California or the California State University, or any four-year private university located in California, that maintains an intercollegiate athletic program. (Ed. Code, § 67451(d).)
  - c) "Student athlete" is any college student who participates in an intercollegiate athletic program of an institution of higher education, and includes student athletes who participate in basketball, football, and other intercollegiate sports. (Ed. Code, § 67451(g).)
  - d) "Postsecondary educational institution" means any campus of the University of California, the California State University, the California Community Colleges, an independent institution of higher education, or a private postsecondary educational institution. (Ed. Code, § 67456(g).)
- 3) Prohibits a postsecondary educational institution from preventing a student of that institution participating in intercollegiate athletics from earning compensation as a result of the use of the student's NIL.
  - a) Earning compensation from the use of a student's NIL shall not affect the student's scholarship eligibility, and a scholarship may not be revoked as a result of the student earning compensation or obtaining legal representation pursuant to 7).

- b) A scholarship from the postsecondary institution in which the student is enrolled that provides the student with the cost of attendance at the institution is not compensation for purposes of 4)-9). (Ed. Code, § 67457(a)(1) & (d).)
- 4) Prohibits an athletic association, conference, or other group or organization with authority over intercollegiate athletics, including the NCAA, from preventing a postsecondary educational institution or a student of a postsecondary educational institution from participating in intercollegiate athletics as a result of a student athlete of that institution receiving compensation for the use of the student's NIL. (Ed. Code, § 67456(a)(2), (3).)
- 5) Prohibits a postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics from providing a prospective student with compensation in relation to the athlete's NIL. (Ed. Code, § 67456(b).)
- 6) Prohibits a postsecondary educational institution, athletic association, conference, or other group with authority over intercollegiate athletics from preventing a California student participating in intercollegiate athletics from obtaining professional representation in relation to contracts or legal matters, including, but not limited to, representation by agents or attorneys, provided the representatives satisfy specified licensing and legal requirements. (Ed. Code, § 67456(c).)
- 7) Prohibits a student athlete from entering into a contract providing compensation for the student's NIL if a provision of the contract is in conflict with a provision of the student athlete's team contract; the student athlete must disclose an NIL contract to the institution, as specified, and an institution asserting a conflict must disclose to the athlete or their legal representation the relevant contractual provisions that are in conflict. (Ed. Code, § 67456(e).)
- 8) Prohibits a team contract of a postsecondary educational institution from preventing a student athlete from using the athlete's NIL for a commercial purpose when the athlete is not engaged in commercial team activities. (Ed. Code, § 67456(f).)

This bill:

- 1) Requires an entity that provides compensation or any item of value or service in excess of \$5,000 to a student athlete pursuant to 4)-9), above, or to a student athlete's immediate family in anticipation of the student participating in a postsecondary educational institution's athletic program, shall disclose to the student athlete's postsecondary educational institution all of the following information:
  - a) The amount of compensation and the value of the item or service provided to the student athlete or the student athlete's immediate family.

- b) The athletic team for which the student athlete currently plays or the team for which it is anticipated the student athlete will play.
  - c) The student athlete's gender identity.
  - d) The total amount of compensation and the value of the items and services provided to all student athletes at the postsecondary institution each academic year disaggregated by athletic sport or gender.
- 2) Requires a postsecondary educational institution to make the following information publicly available:
- a) The total amount of compensation and the value of the items and services provided to student athletes at the postsecondary educational institution each academic year as reported pursuant to 1)(d), disaggregated by sport and gender.
- 3) Requires a postsecondary educational institution that provides material support or services to a student athlete in relation to the athlete receiving compensation or items of value or services for the use of the athlete's NIL to make publicly available the total value of that material support and services provided each academic year, disaggregated by athletic sport and gender.

### COMMENTS

1. Author's comment

According to the author:

Prior to the enactment of my legislation, SB 206, the Fair Pay to Play Act, in 2019, student athletes were shut out financially from the multibillion-dollar business of college sports. With SB 206, California became the first state in the nation to open the door for college athletes to receive compensation for the use of their name, image, and likeness (NIL). SB 206 sparked a national movement and today every college athlete in the country can earn NIL money.

But with the rapid growth of NIL nationwide, there is anecdotal evidence that so-called "collectives" and other strategies employed by college sports boosters are primarily benefitting men and shortchanging women athletes. However, because collectives and other NIL entities have, to date, operated primarily in secret, the extent to which NIL is contributing to gender inequity in California college sports is not clearly known.

SB 906 is designed to pull back the veil on NIL in California and raise awareness about gender equity in the burgeoning NIL marketplace.

## 2. The road to Title IX

As explained by the U.S. Department of Justice:

Congress passed Title IX in response to the marked educational inequalities faced prior to the 1970s. Before Title IX, women were often excluded from or had only limited access to educational programs. Elite colleges and universities set quotas for the admission of women or prohibited them from attending altogether; those that accepted applications from women often required higher test scores and grades for their admission. Once admitted to schools, women had less access to scholarships; were excluded from “male” programs, such as medicine, and faced more restrictive rules, such as early curfews, than their male peers. Discrimination extended beyond students; women faculty were more frequently denied tenure than their male counterparts, required to take pregnancy and maternity leaves, or prohibited from entering faculty clubs.<sup>2</sup>

Title IX, which passed with bipartisan support and was signed by President Richard Nixon in 1972, prohibits discrimination on the basis of sex<sup>3</sup> in educational programs and activities offered by entities receiving federal financial assistance.<sup>4</sup> Title IX applies to a range of activities offered by schools, including athletic programs.<sup>5</sup> Its impact on women’s sports was “[a]bsolutely huge because women’s sports started with so little.”<sup>6</sup> Thanks in part to Title IX, women’s participation in college sports increased from under 500,000 women in the 1971-1972 to over 3,000,000 in 2010-2011.<sup>7</sup> Unfortunately, however, some blame Title IX’s requirements for schools’ decisions to cut men’s sports,

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<sup>2</sup> United States Department of Justice, Equal Access to Education: Forty Years of Title IX (Jun. 23, 2012), p. 2 (internal citations omitted), *available at* <https://www.justice.gov/sites/default/files/crt/legacy/2012/06/20/titleixreport.pdf>. All links in this analysis are current as of April 11, 2024.

<sup>3</sup> Title IX also prohibits discrimination on the basis of sexual orientation and gender identity. (See 86 Fed. Reg. 32637-01 et seq. (Jun. 22, 2021).) The NCAA’s current policy permits some, but not all, transgender athletes to participate on the teams that match their gender identity; nonbinary athletes may compete with a team under the same terms as transgender athletes if they desire to compete on a team that does not match the gender which they were assigned at birth, or with the team that matches the gender which they were assigned at birth. (NCAA, Transgender Student-Athlete Participation Policy (updated Apr. 17, 2023), *available at* <https://www.ncaa.org/sports/2022/1/27/transgender-participation-policy.aspx>.)

<sup>4</sup> Equal Access to Education: Forty Years of Title IX, *supra*, at p. 1; Powell, *How Title IX transformed colleges, universities over past 50 years*, Harvard Gazette (Jun. 22, 2022), *available at* <https://news.harvard.edu/gazette/story/2022/06/how-title-ix-transformed-colleges-universities-over-past-50-years/>. The NCAA was opposed to Title IX, however, “because it feared that it would upset their money-making arrangements.” (Powell, *supra*.)

<sup>5</sup> Equal Access to Education: Forty Years of Title IX, *supra*, p. 3.

<sup>6</sup> Powell, *supra*.

<sup>7</sup> Equal Access to Education: Forty Years of Title IX, *supra*, p. 4.

even as men's football and basketball programs function as basically semiprofessional minor leagues for the NFL and NBA.<sup>8</sup>

### 3. The road to NIL rights

From the start, American colleges and universities have had a complicated relationship with sports and money.<sup>9</sup> The NCAA first purported to clamp down on college athletes receiving compensation in 1948, though to others, this effort “marked the beginning of the NCAA behaving as an effective cartel, by enabling its member schools to set and enforce rules that limit the price they have to pay for their inputs (mainly the student athletes).”<sup>10</sup> Yet even as the NCAA insisted players should not be paid, college sports grew into a massive business; as of 2021, the president of the NCAA earned nearly \$4 million per year, annual salaries for top Division I football coaches were over \$10 million, and the broadcast rights for certain college athletic events were worth hundreds of millions, or even over a billion, dollars.<sup>11</sup> Or, in the words of Justice Brett Kavanaugh:

The bottom line is that the NCAA and its member colleges are suppressing the pay of student athletes who collectively generate *billions* of dollars in revenues for colleges every year. Those enormous sums of money flow to seemingly everyone except the student athletes. College presidents, athletic directors, coaches, conference commissioners, and NCAA executives take in six- and seven-figure salaries. Colleges build lavish new facilities. But the student athletes who generate the revenues, many of whom are African American and from lower-income backgrounds, end up with little or nothing.<sup>12</sup>

In its role as a self-proclaimed monopsony,<sup>13</sup> the NCAA limited student-athletes' ability to profit from their own labor in a number of ways. One such limitation was a prohibition on the athletes' right to receive any compensation for licensing their NIL.<sup>14</sup> The NCAA, however, remained able to profit from student athletes' NIL – for example, by licensing the NCAA name to EA Sports, which created NCAA video games that used exact likenesses of uncompensated college players.<sup>15</sup> In *O'Bannon v. National Collegiate Athletic Association*, the Ninth Circuit Court of Appeals held that the NCAA's

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<sup>8</sup> Powell, *supra*.

<sup>9</sup> *Alston, supra*, 594 U.S. at p. 74.

<sup>10</sup> *Id.* at p. 78.

<sup>11</sup> *Id.* at pp. 79-80.

<sup>12</sup> *Id.* at p. 110 (conc. opn. of Kavanaugh, J.).

<sup>13</sup> *Id.* at p. 90.

<sup>14</sup> *O'Bannon v. National Collegiate Athletic Association* (9th Cir. 2015) 802 F.3d 1049, 1055.

<sup>15</sup> *Ibid.*

NIL prohibition violated federal antitrust law, but refused to endorse the possibility of student athletes being able to enter into their own NIL deals.<sup>16</sup>

Following *O'Bannon*, the California Legislature took action. As explained in the Senate Education Committee's analysis of this bill:

On September 30, 2019, California became the first state to enact legislation to prohibit [institutions of higher education], amateur athletic associations and athletic conferences, and any other organization with authority over intercollegiate athletics from preventing student-athletes from earning compensation in connection with the use of the athlete's NIL (see EC § 67456 et seq.). California began a nationwide conversation and initiative to address primarily NCAA bylaws that have historically prohibited student-athletes from using or permitting others to use their NIL to earn compensation or promote the athlete's athletic skills and abilities.

California's NIL law, SB 206 (Skinner, Ch. 383, Stats. 2019) was originally set to take effect on January 1, 2023, but the implementation date was moved up to September 1, 2021, after numerous other states adopted NIL laws and the NCAA announced its plan to modify its NIL rules.<sup>17</sup>

#### 4. The rise of NIL collectives and the implications for Title IX

In the wake of the NCAA's rule change on NIL payments, many students signed NIL deals directly with companies that allow the companies to use their NIL for promotional purposes. For example, Nike has signed NIL deals with college basketball players Caitlin Clark, Haley Jones, D.J. Wagner, Juju Watkins, and Bronny James.<sup>18</sup>

But NIL payments are also coming from so-called NIL collectives – organizations formed to distribute pooled donor funds to student athletes.<sup>19</sup> As explained by the Senate Education Committee's analysis of this bill, NIL collectives can be organized as for-profit or 501(c)(3) nonprofit organizations, and generally fit into one of three categories:

- a) Marketplaces Collectives: This organization sets out to create a meeting place for athletes and businesses to connect and create opportunities. Sometimes, this collective can even serve as the agent

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<sup>16</sup> *Id.* at pp. 1076-1080.

<sup>17</sup> See SB 26 (Skinner, Ch. 159, Stats. 2021); Ed. Code, § 67456(h).

<sup>18</sup> Zagora, *Nike Signs Bronny James, D.J. Wagner, Caitlin Clark, Haley Jones, Juju Watkins to NIL Deals* (Oct. 22, 2022), <https://www.forbes.com/sites/adamzagoria/2022/10/10/nike-signs-bronny-james-dj-wagner-caitlin-clark-haley-jones-juju-watkins-to-nil-deals/?sh=717d752473ea>.

<sup>19</sup> Dellinger, *Big Money Donors Have Stepped Out of the Shadows to Create 'Chaotic' NIL Market*, Sports Illustrated (May 2, 2022), <https://www.si.com/college/2022/05/02/nil-name-image-likeness-experts-divided-over-boosters-laws-recruiting>.



representative for the athlete. Donations are typically earmarked to help support logistics – examples of this collective [framework] are Marketpryce Florida, Division Street, Happy Valley Talent, and TigerImpact.

- b) Donor-Driven Collective: In these collectives, athletic booster money is pooled and then given out to that school's athletes in exchange for sponsorship or endorsement agreement that may include some specific activities that the athletes are to undertake. Examples of this collective [model] are The Wildcats' Den, The Foundation, The Fund, The Grove Collective, and Spyre Sports Group.
- c) Dual Collectives: These collectives feature a marketplace and a place for supporters to place their donations. Examples of this model include The Gator Collective, Rising Spear, and Classic City Collective.

At some of the universities with the highest-profile football programs, NIL collectives with donor components are “well-organized and creative millionaires’ clubs bankrolling at least a portion of a team.”<sup>20</sup> The best-funded NIL collectives are able to guarantee each member of the supported team with an “NIL deal” of a certain amount, which functions effectively like a salary for each player.<sup>21</sup> Evidence indicates that the schools themselves are using the existence of NIL collective payments to recruit players, treating the NIL collective payments as part and parcel of the benefit of attending that school.<sup>22</sup>

The prospect of student athletes earning a salary is not, in and of itself, problematic; the question of whether student-athletes should be paid is a live legal issue.<sup>23</sup> But if these NIL collectives are, in effect, working as a recruiting arm of the colleges and universities, the amounts changing hands from NIL collectives may implicate Title IX. According to the Senate Education Committee’s analysis of this bill, male athletes receive an estimated 77 percent of NIL revenue, even though male athletes make up only 61 percent of college athletes. And while Title IX does not require that a school spend exactly equal sums on men’s and women’s teams – Title IX’s regulations require only equal opportunities for men and women<sup>24</sup> – the significant gap between the number of women players and the percentage of NIL revenue they receive gives rise to a question of whether school-connected NIL collectives are a violation of Title IX.

A lawsuit filed in December of 2023 alleges exactly that. Varsity members of the women’s beach volleyball team at the University of Oregon sued the school for

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<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> See, e.g., *Alston, supra, passim*; *NLRB v. University of Southern California, et al.*, NLRB Region 31, Case No. 31-CA-290326; AB 252 (Holden, 2023).

<sup>24</sup> 34 C.F.R. § 106.41.

depriving its female athletes of equal treatment in its intercollegiate athletics program.<sup>25</sup> The Complaint presents a grim picture of the school's treatment of its male teams vs. its female teams, comparing photos of, for example, the men's football team's luxury players' lounge:<sup>26</sup>



with photos of the public park the women's volleyball team must use for practice and to host competitions:<sup>27</sup>



<sup>25</sup> See *Schroeder, et al. v. University of Oregon* (D.Or.) Case No. 6:23-cv-1806.

<sup>26</sup> Complaint, Dkt. No. 1, *Schroeder, et al. v. University of Oregon* (D.Or.) Case No. 6:23-cv-1806 (Dec. 1, 2023) p. 79.

<sup>27</sup> *Id.* at p. 86.

The Complaint specifically alleges that the University of Oregon’s NIL collective, which has been called “the third most ambitious in the nation,” may be responsible for the inequitable treatment.<sup>28</sup> The University of Oregon recently filed an answer in the case, denying that it has any control over the NIL collective and stating that it “has been fundraising” for a new women’s beach volleyball campus.<sup>29</sup>

5. This bill imposes reporting requirements relating to NIL payments to student athletes and their families

This bill is intended to provide the Legislature and the public with very basic information about NIL payments made to student athletes at postsecondary institutions in California: the value of NIL payments and other things of value provided to students at each school, disaggregated by sport and by gender. To achieve this goal, the bill imposes three requirements.

First, each entity that provides compensation or an item of value in excess of \$5,000 to a student athlete, or to the student athlete’s family in anticipation of the student participating in the school’s athletic program, must disclose to the school the following information:

- The amount of compensation and the value of the item of value or service provided to the student athlete or their family;
- The athletic team for which the student athlete currently plays or for which it is anticipated the student athlete will play;
- The student athlete’s gender identity; and
- The total amount of compensation and the value of the items and services provided to all student athletes at the school each academic year, disaggregated by athletic sport and gender.

The author has agreed to amendments to clarify that the disclosure should set forth the gender of the team the student plays for (generally men’s, women’s, or mixed), and to prohibit the disclosure from including the names or any personal identifying information of the student athlete or their family. These measures are intended to ensure that the correct information is collected without unnecessarily intruding on the privacy of the student athletes or their families.

Second, the school must make public the total amount of compensation and the value of the items and services provided to student athletes at the school each year, using the total amounts reported by the reporting entities, disaggregated by athletic sport and gender.

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<sup>28</sup> *Id.* at p. 96.

<sup>29</sup> Answer, *Schroeder, et al. v. University of Oregon* (D.Or.) Case No. 6:23-cv-1806, Dkt. No. 16 (Mar. 4, 2024) pp. 3, 7.

Third, a school that provides material support or services to a student athlete in connection with the athlete's receipt of compensation or items of value or services for their NIL must disclose the total value of the material support or services provided to student athletes for each academic year, disaggregated by athletic sport and gender. The material support and services covered may include formal support such as seminars on how to obtain NIL deals, as well as informal support such as one-on-one discussions with student athletes. The author has agreed to amendments to clarify this requirement.

With this information, the Legislature and the postsecondary institutions will be able to better gauge whether NIL payments are being distributed unevenly in a way that implicates Title IX. If it turns out that there is a significant disparity in NIL payments, it does not necessarily follow that Title IX is being violated; in such a case, it will be necessary to conduct a further investigation to determine whether the schools themselves (or entities that work in coordination with the schools) are directing NIL payments and other benefits unevenly. The information provided pursuant to this bill should help guide the Legislature on whether, and how, to proceed further.

## 6. Amendments

As discussed above, the author has agreed to amendments to clarify the bill and add further protections for student privacy. The amendments are as follows, with deletions in strikethrough and additions in bold and underline, subject to any nonsubstantive changes the Office of Legislative Council may make:

At pages 4, lines 27-40, and page 5, lines 1-24, modify subdivision (g) as follows:

(g)(1)~~(A)~~ Any **person or** entity that provides compensation or any item of value or service in excess of five thousand dollars (\$5,000) to a student athlete pursuant to this section or to the **student athlete or the** student athlete's immediate family in connection with, or in anticipation of, the student athlete's immediate family in connection with, or in anticipation of, the student athlete's participation in a postsecondary educational institution's athletic program, shall disclose to the student athlete's postsecondary institution, **or anticipated postsecondary institution,** all of the following information:

~~(A)~~**(i)** The amount of compensation ~~and~~ **or** the value of the item or service provided to the student athlete or the student athlete's immediate family.

~~(B)~~**(ii)** The athletic team for which the student athlete currently plays or the team for which it is anticipated the student athlete will play, **including whether the team is a men's team, women's team, or mixed gender team.**

~~(C)~~ The student athlete's gender identity.

~~(D)~~**(iii)** The total amount of compensation and the value of the items and services provided to all student athletes at the postsecondary educational institution each academic year disaggregated by athletic sport and gender **of the team.**

**(B) The person or entity making the disclosures required pursuant to subparagraph (A) shall not include the name or any personally identifying information of a student athlete or their immediate family.**

(2)(A) The postsecondary educational institution shall make the information described in subparagraph (B) publicly available.

(B) The total amount of compensation and the value of the items and services provided to student athletes at the postsecondary educational institutional institution each academic year as reported pursuant to **clause (iii) of** subparagraph ~~(D)~~ **(A)** of paragraph (1) disaggregated by athletic sport and gender **of the team.**

~~(h)(1)~~ A postsecondary educational institution that provides material support or services to a student athlete ~~in relation to the student athlete receiving~~ **connection with the athlete's receipt, or potential receipt, of** compensation or items of value or services for the use of the athlete's name, image, likeness, or athletic reputation shall make ~~the information described in paragraph (2)~~ publicly available.

~~(2)~~ The **available the** total value of the material support or services provided to **all of the postsecondary educational institution's student athletes** ~~in relation to those athletes receiving compensation or items of value or services for the use of the athlete's name, image, likeness, or athletic reputation~~ each academic year, disaggregated by athletic sport and gender **of the team.**

### **SUPPORT**

California Broadcasters Association  
California News Publishers Association  
Media Alliance

### **OPPOSITION**

None received

### **RELATED LEGISLATION**

Pending Legislation: AB 252 (Holden, 2023) Establishes the College Athlete Protection (CAP) Act for the purpose of providing various rights, benefits, and protections to college athletes. AB 252 is pending before the Senate Education Committee.

Prior Legislation:

SB 661 (Bradford, Ch. 265, Stats. 2023) expanded the Student Bill of Rights to apply at institutions of higher education that receive, on average, less than \$10,000,000 in annual income derived from media rights for intercollegiate athletics, except for schools that compete in Division III of the NCAA; and removed the requirement that institutions rely exclusively on revenue derived from media rights for intercollegiate athletics to defray any costs from affording specified benefits to student athletes.

SB 26 (Skinner, Ch. 159, Stats. 2021) expanded the existing authority for a collegiate student athlete to receive compensation to also include compensation earned from the use of the student's athletic reputation, and moved up the implementation date of existing statutes relative to compensation earned from the use of a student athlete's NIL.

SB 206 (Skinner, Ch. 383, Stats. 2019) permitted, beginning January 1, 2023, college student athletes to earn NIL compensation, obtain professional representation in relation to their college athletics, and provided protections for student athletes who engage in the compensation and representation activities provided for.

AB 1573 (Holden, Ch. 382, Stats. 2019) authorized schools to establish degree completion funds; directed schools to develop, post, and disseminate specified information regarding existing student athlete rights; and prohibited schools from retaliating against student athletes who report violations of student athletes' rights.

AB 1435 (Gonzalez Fletcher, 2018) would have established the College Athlete Protection Program, until January 1, 2023, for the protection of college or university athletes participating in intercollegiate athletic programs offered by institutions of higher education located in California.

**PRIOR VOTES:**

Senate Education Committee (Ayes 6, Noes 0)

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