Current Legislative Landscape

- Gov. Gavin Newsome signed Senate Bill 206, also known as the Fair Pay to Play Act, into law on September 30, 2019. The law prohibits the NCAA, conferences or California-based member schools from enforcing a rule that prevents a student-athlete from being compensated for the use of their name, image or likeness. The proposal also allows a student-athlete to engage an agent. The bill has an effective date of January 2023.

- Thirty additional states have introduced or are expected to introduce name, image and likeness-related legislation. The introduction and consideration of additional state legislative proposals is likely in 2020.

- The effective dates of the state bills vary – some are effective immediately upon enactment, whereas others follow the California legislation and are effective on January 1, 2023.

- Federal legislation related to student-athlete NIL was proposed in March 2019 and there has been increased interest in this matter by the White House and federal policymakers since the passing of CA SB 206. The introduction of additional federal legislation is likely.

- On December 5, 2019, Senators Chris Murphy (D-CT) and Mitt Romney (R-UT) announced the creation of a Congressional working group. The group was developed to facilitate ongoing discussions about student-athlete compensation and related issues and includes Senators Marco Rubio (R-FL), David Perdue (R-GA) and Cory Booker (D-NJ).

- The NCAA released a statement in response to this working group which noted that the NCAA, its member schools and conferences are committed to enhancing its rules while providing the best educational and athletic experience for student-athletes. The statement noted that the Association is aware that continuing its modernization of rules will require some level of federal assistance, and that it looks forward to working with federal legislators as it drives improvements for the next decade.

NCAA Federal and State Legislation Working Group

- This May, the NCAA Board of Governors announced the creation of a working group to study potential processes whereby a student-athlete’s NIL could be monetized in a fashion that would be consistent with the NCAA’s core values, mission and principles.

- The NCAA Board of Governors Federal and State Legislation Working Group, consists of representatives from all three divisions and includes presidents, conference commissioners, directors of athletics and student-athletes. The group is chaired by Val Ackerman, commissioner of the Big East Conference and Gene Smith, director of athletics at The Ohio State University.
The working group was charged with examining possible changes to NCAA bylaws that are tethered to education, maintain a clear line of demarcation between professional and college sports and further align student-athletes with the general student body.

In October 2019, after receiving input from a diverse and broad group of stakeholders, the working group provided a report with recommended actions, Association-wide principles and a regulatory framework to the Board of Governors.

**NCAA Board of Governors Actions**

- On October 29, the NCAA Board of Governors unanimously supported comprehensive recommendations from the Federal and State Legislation Working Group to permit student-athletes to benefit from the use of their name, image and likeness in a manner consistent with the collegiate model.

- The Board simultaneously directed the NCAA’s three divisions to immediately begin the process of considering updates to relevant bylaws and policies.

- Any new rules should take effect no later than January 2021 and be consistent with NCAA values and principles, including maintaining the priority of education for student-athlete success, reaffirming that student-athletes are students first and not employees of a university, ensuring the distinction between college and professional opportunities and safeguarding the recruiting environment.

- Each division has established a process for gathering membership feedback and developing recommendations for consideration. Detailed legislative timelines and additional resources may be found at [www.ncaa.org/NIL](http://www.ncaa.org/NIL).

**Key Facts**

- The NCAA is committed to evolving to meet the needs of NCAA student-athletes and have commenced the process of modernizing bylaws and policies related to name, image and likeness.

- This modernization for the future is a natural extension of the numerous steps NCAA members have taken in recent years to improve support for student-athletes, the opportunity to receive cost of attendance, unlimited meals, multiyear scholarships and medical coverage after graduation.

- Name, image and likeness is a complex matter and its unregulated use can result in potential unintended consequences which would negatively impact the recruiting environment and serve as a slippery slope towards the professionalization of college sports.
• A patchwork of state laws regulating activities within college athletics is not viable, would inhibit fair and uniform competition and would negatively impact the experience of nearly 500,000 student-athletes each year.

• Thoughtful consideration must be given before updating NCAA bylaws to avoid undermining legal precedent and limiting the NCAA’s ability to differentiate college athletics from professional sports.

• The NCAA is committed to educating and working with policymakers and key stakeholders on ongoing efforts to meet the needs of the 21st century student-athlete and preserve a uniquely American phenomenon, which provides access to education, positively impacts local economies and unifies individuals from all walks of life.