
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 632 Session of
2021

INTRODUCED BY GAINNEY, D. MILLER, HILL-EVANS, LEE, A. DAVIS,
SANCHEZ, KINKEAD, MADDEN, SCHLOSSBERG, INNAMORATO, DELLOSO
AND HOWARD, MARCH 4, 2021

REFERRED TO COMMITTEE ON EDUCATION, MARCH 4, 2021

AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, in higher education, providing for intercollegiate
3 athletics.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 24 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 67

9 INTERCOLLEGIATE ATHLETICS

10 Sec.

11 6701. Scope of chapter.

12 6702. Legislative intent.

13 6703. Definitions.

14 6704. Compensation regarding college athlete's name, image or
15 likeness rights or athletic reputation.

16 6705. Professional representation.

17 6706. Scholarships.

18 6707. Contracts.

1 6708. Violations and claims.

2 6709. Settlements.

3 6710. Conflicts.

4 6711. Severability.

5 § 6701. Scope of chapter.

6 This chapter relates to college athlete compensation and
7 professional representation.

8 § 6702. Legislative intent.

9 The General Assembly finds and declares as follows:

10 (1) The Commonwealth seeks to help ensure that college
11 athletes have equal rights and economic freedoms afforded to
12 all students and residents in this Commonwealth.

13 (2) The Commonwealth recognizes the disproportionate
14 negative impact that economic and legal restrictions have on
15 female college athletes and athletes of color.

16 (3) The commercial exploitation of college athletes'
17 name, image or likeness rights is not required for school-
18 based athletics. It is an optional, lucrative activity for
19 which college athletes should be fairly compensated by third
20 parties.

21 (4) College athletics are a \$15 billion industry with
22 highly compensated coaches and lucrative apparel deals, which
23 in turn require college athletes to involuntarily advertise
24 their talents to support their schools' commercial interests.

25 (5) Rules prohibiting college athlete compensation for
26 the use of name, image or likeness rights or athletic
27 reputation do not bring forth competitive equity and cannot
28 justify denying college athletes equal rights and economic
29 freedom.

30 (6) College athletes' representation should be

1 independent from athletic associations, athletic conferences
2 and colleges to avoid a conflict of interest.

3 § 6703. Definitions.

4 The following words and phrases when used in this chapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Athlete agent." As defined in 5 Pa.C.S. § 3102 (relating to
8 definitions).

9 "College athlete." An individual who participates or
10 participated in intercollegiate athletics for an institution of
11 higher education located in this Commonwealth. The term does not
12 apply to an individual whose participation is or was in a
13 college intramural sport or in a professional sport outside of
14 intercollegiate athletics.

15 "Institution of higher education." As follows:

16 (1) Any of the following:

17 (i) A university within the State System of Higher
18 Education.

19 (ii) The Pennsylvania State University, the
20 University of Pittsburgh, Temple University, Lincoln
21 University or any other institution designated as State-
22 related by the Commonwealth.

23 (iii) The Thaddeus Stevens College of Technology.

24 (iv) A college established under Article XIX-G of
25 the act of March 10, 1949 (P.L.30, No.14), known as the
26 Public School Code of 1949.

27 (v) An institution of higher education located in
28 and incorporated or chartered by the Commonwealth and
29 entitled to confer degrees as specified in section 6505
30 (relating to power to confer degrees) and as provided for

1 by the standards and qualifications prescribed by the
2 State Board of Education under Chapter 65 (relating to
3 private colleges, universities and seminaries).

4 (vi) A private school licensed under the act of
5 December 15, 1986 (P.L.1585, No.174), known as the
6 Private Licensed Schools Act.

7 (vii) A foreign corporation approved to operate an
8 educational enterprise under 22 Pa. Code Ch. 36 (relating
9 to foreign corporation standards).

10 (2) The term does not include a community college
11 operating under Article XIX-A of the Public School Code of
12 1949.

13 "NCAA." The National Collegiate Athletic Association.

14 § 6704. Compensation regarding college athlete's name, image or
15 likeness rights or athletic reputation.

16 (a) Prohibition regarding institutions of higher
17 education.--An institution of higher education may not uphold a
18 rule, requirement, standard or other limitation that discourages
19 or prevents a college athlete of the institution of higher
20 education from receiving food, shelter, medical expenses or
21 insurance from a third party or from fully participating in
22 intercollegiate athletics and earning compensation as a result
23 of the use of the college athlete's name, image or likeness
24 rights or athletic reputation. The following apply:

25 (1) An institution of higher education may not arrange
26 third party compensation for a college athlete relating to
27 the use of the college athlete's name, image or likeness
28 rights or athletic reputation or use any similar type of
29 arrangement as an inducement to recruit a prospective college
30 athlete.

1 (2) An institution of higher education may not
2 discourage or prohibit a college athlete from wearing
3 footwear of the college athlete's choice during official and
4 mandatory team activities, so long as the footwear does not
5 have reflective fabric or lights or pose a health risk to any
6 college athlete.

7 (3) A person that produces a college team jersey, a
8 college team video game or college team trading cards for the
9 purpose of making a profit shall make a royalty payment to
10 each college athlete whose name, image, likeness, jersey
11 number or other individually identifiable feature is used.

12 (b) Prohibitions regarding intercollegiate athletic
13 entities.--An athletic association, conference or other group or
14 organization with authority over intercollegiate athletics,
15 including the NCAA, may not:

16 (1) Prevent a college athlete from fully participating
17 in intercollegiate athletics and earning compensation through
18 the use or license of the college athlete's name, image or
19 likeness rights or athletic reputation.

20 (2) Prevent an institution of higher education from
21 fully participating in intercollegiate athletics as a result
22 of a college athlete's use of the college athlete's name,
23 image or likeness rights or athletic reputation to seek
24 compensation.

25 § 6705. Professional representation.

26 (a) Prohibitions.--

27 (1) An institution of higher education, athletic
28 association, conference or other group or organization with
29 authority over intercollegiate athletics, including the NCAA,
30 may not interfere with or prevent a college athlete from

1 fully participating in intercollegiate athletics for
2 obtaining professional representation in relation to
3 contracts or legal matters, including representation provided
4 by athlete agents or financial advisors or legal
5 representation provided by attorneys.

6 (2) An athletic association, conference or other group
7 or organization with authority over intercollegiate
8 athletics, including the NCAA, may not prevent an institution
9 of higher education from fully participating in
10 intercollegiate athletics without penalty as a result of a
11 college athlete obtaining professional representation in
12 relation to contracts or legal matters, including
13 representation provided by athlete agents or financial
14 advisors or legal representation provided by attorneys.

15 (b) Qualifications.--Professional representation obtained by
16 a college athlete shall be from a person:

17 (1) acting as an athlete agent in accordance with 5
18 Pa.C.S. Ch. 33 (relating to registration);

19 (2) acting as a financial advisor in accordance with the
20 laws of this Commonwealth; or

21 (3) admitted to practice law by a court of record of
22 this Commonwealth.

23 (c) Limitation.--A person that represents an institution of
24 higher education or has represented an institution of higher
25 education in the previous four years may not represent a college
26 athlete in any business agreement.

27 § 6706. Scholarships.

28 (a) Eligibility.--Earning compensation from the use of a
29 college athlete's name, image or likeness rights or athletic
30 reputation shall not affect the college athlete's scholarship

1 eligibility, amount, duration or renewal.

2 (b) Compensation.--

3 (1) For purposes of this chapter, an athletics grant-in-
4 aid or stipend scholarship from an institution of higher
5 education in which a college athlete is enrolled is not
6 compensation for use of a college athlete's name, image or
7 likeness rights or athletic reputation.

8 (2) An athletics grant-in-aid or stipend scholarship may
9 not be revoked or reduced as a result of a college athlete
10 earning compensation under this chapter.

11 § 6707. Contracts.

12 (a) Conflict with team contract.--

13 (1) A college athlete may not enter into an apparel
14 contract providing compensation to the college athlete for
15 use of the college athlete's name, image or likeness rights
16 that requires the college athlete to display a sponsor's
17 apparel or otherwise advertise for the sponsor in person
18 during official team activities, if a provision of the
19 contract is in conflict with a provision of the college
20 athlete's team contract.

21 (2) An institution of higher education asserting a
22 conflict described in paragraph (1) shall disclose to the
23 college athlete or the college athlete's professional
24 representative or other agent, if applicable, the full
25 contract that the institution of higher education asserts to
26 be in conflict.

27 (b) Disclosure.--A college athlete who enters into a
28 contract providing compensation to the college athlete for use
29 of the college athlete's name, image or likeness rights shall
30 disclose the contract to an official of the institution of

1 higher education, to be designated by the institution of higher
2 education.

3 (c) Periods of official team activities.--

4 (1) Subject to paragraph (2), a team contract applicable
5 to an institution of higher education's athletic program
6 shall not prevent a college athlete from receiving
7 compensation for using the college athlete's name, image or
8 likeness rights for a commercial purpose when the college
9 athlete is not engaged in official team activities.

10 (2) Paragraph (1) shall apply only to contracts entered
11 into, modified or renewed on or after the effective date of
12 this subsection.

13 § 6708. Violations and claims.

14 (a) Protections and right to adjudicate.--A college athlete,
15 institution of higher education, conference or State or local
16 prosecutor seeking to prosecute a person violating this chapter
17 shall not be deprived of any protections provided under State
18 law with respect to a controversy that arises in this
19 Commonwealth and shall have the right to adjudication in this
20 Commonwealth a claim that arises in this Commonwealth.

21 (b) Private civil action.--A college athlete shall have the
22 right to pursue a private civil action against any person that
23 violates this chapter. The court shall award costs and
24 reasonable attorney fees to a prevailing plaintiff in an action
25 brought against a person violating this chapter.

26 § 6709. Settlements.

27 Legal settlements made on or after the effective date of this
28 section shall not permit noncompliance with this chapter.

29 § 6710. Conflicts.

30 Any provision of an existing statute that conflicts with a

1 provision of this chapter shall be void.

2 § 6711. Severability.

3 The provisions of this chapter shall be severable. If any
4 provision of this chapter or the application of any provision of
5 this chapter is held to be invalid, that invalidity shall not
6 affect any other provision or application of any other provision
7 that can be given effect without the invalid provision or
8 application.

9 Section 2. This act shall take effect in 60 days.