
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 33 Session of
2015

INTRODUCED BY WILLIAMS, SCHWANK AND SMITH, JANUARY 14, 2015

REFERRED TO EDUCATION, JANUARY 14, 2015

AN ACT

1 Requiring institutions of higher education to provide health
2 insurance coverage, athletic scholarships and life skills
3 workshops to student athletes; and providing for collective
4 bargaining rights and publicity rights for student athletes.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the
9 Intercollegiate Student Athlete Rights Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Athletic association." An organization that is responsible
15 for governing intercollegiate athletic programs.

16 "Athletic program." An intercollegiate athletic program at
17 an institution of higher education.

18 "Graduation success rate." The percentage of student
19 athletes who graduate from an institution of higher education

1 within six years of their initial enrollments, excluding
2 outgoing transfers in good academic standing with athletic
3 eligibility remaining, and including incoming transfers. The
4 rate is calculated by combining the rates of the four most
5 recent classes at the institution of higher education that are
6 available in the exact manner as the rate is calculated under
7 National Collegiate Athletic Association rules.

8 "Institution of higher education." Any of the following:

9 (1) A State-owned institution.

10 (2) A State-related institution.

11 (3) A private university or college in this
12 Commonwealth.

13 "Media rights for intercollegiate athletics." The rights to
14 media coverage of intercollegiate athletics that:

15 (1) are included in contracts entered into by
16 intercollegiate athletic conferences and television networks;
17 and

18 (2) generate monetary payments to individual
19 institutions of higher education.

20 "State-owned institution." An institution that is part of
21 the State System of Higher Education pursuant to Article XX-A of
22 the act of March 10, 1949 (P.L.30, No.14), known as the Public
23 School Code of 1949.

24 "State-related institution." The Pennsylvania State
25 University, the University of Pittsburgh, Temple University and
26 Lincoln University.

27 "Student athlete." A college student who participates in an
28 athletic program.

29 Section 3. Applicability to institutions of higher education.

30 (a) General rule.--Unless otherwise provided under this

1 section or section 7, this act shall apply to all institutions
2 of higher education in this Commonwealth.

3 (b) Exception.--Except as otherwise provided under section
4 8(c), an institution of higher education that receives, as an
5 average, less than \$10,000,000 in annual income derived from
6 media rights for intercollegiate athletics shall not be subject
7 to the requirements of this act.

8 Section 4. Health insurance and injury prevention.

9 (a) Health insurance.--The following shall apply:

10 (1) Unless a student athlete declines the payment of
11 premiums, an athletic program shall be responsible for paying
12 the premiums of each of its student athletes whose household
13 has an income that does not exceed 300% of the Federal
14 poverty level.

15 (2) An athletic program shall be responsible for paying
16 the insurance deductible amount applicable to the claim of
17 any student athlete who:

18 (i) suffers an injury resulting from the student
19 athlete's participation in the athletic program; and

20 (ii) makes a claim relating to the injury.

21 (3) If a student athlete suffers an injury resulting
22 from the student athlete's participation in the athletic
23 program that requires ongoing medical treatment, the athletic
24 program shall provide, for a minimum of two years following
25 the student athlete's graduation or separation from the
26 institution of higher education, one of the following:

27 (i) The necessary medical treatment.

28 (ii) Health insurance that covers the injury and the
29 resulting deductible amounts.

30 (4) An athletic program is not required to provide

1 coverage under this subsection for preexisting medical
2 conditions that predate the student athlete's participation
3 in the athletic program.

4 (b) Injury prevention.--An athletic program shall adopt and
5 implement guidelines to prevent, assess and treat sports-related
6 concussions and dehydration. An athletic program shall adopt and
7 implement exercise and supervision guidelines for any student
8 athlete identified with potentially life-threatening health
9 conditions who participates in an athletic program.

10 Section 5. Athletic scholarships.

11 (a) Equivalent scholarship in case of injury.--The following
12 shall apply:

13 (1) If an athletic program does not renew an athletic
14 scholarship of a student athlete who suffers an
15 incapacitating injury or illness resulting from the student
16 athlete's participation in the athletic program, and the
17 institution of higher education's medical staff determines
18 that the student athlete is medically ineligible to
19 participate in intercollegiate athletics, the institution of
20 higher education shall provide an equivalent scholarship
21 that, combined with the total duration of any previous
22 athletic scholarship or scholarships received by the student
23 athlete, will be provided for a total of up to five academic
24 years or until the student athlete completes a primary
25 undergraduate degree, whichever period is shorter. Additional
26 years may be provided at the discretion of the institution of
27 higher education.

28 (2) If a student athlete takes a temporary leave of
29 absence from an institution of higher education, the duration
30 of the leave of absence shall not count against the five-year

1 limitation on eligibility for a scholarship provided under
2 paragraph (1).

3 (b) Scholarship after athletic eligibility.--An athletic
4 program shall provide an equivalent scholarship to a student
5 athlete who was on an athletic scholarship and is in good
6 standing, but has exhausted the student athlete's athletic
7 eligibility, for up to one year or until the student athlete
8 completes a primary undergraduate degree, whichever is shorter.
9 An athletic program with a graduation success rate that is
10 greater than 60%, disaggregated by team, shall not be subject to
11 the requirements of this subsection.

12 (c) Appeal.--A student athlete whose athletic scholarship is
13 not renewed for cause by an athletic program shall receive no
14 benefits under this section, but may appeal the decision with
15 the institution of higher education or with the athletic
16 conference or association of which the institution of higher
17 education is a member.

18 (d) Disciplinary review.--An institution of higher education
19 shall grant a student athlete the same rights as other students
20 with regard to any and all matters related to possible adverse
21 or disciplinary actions, including actions involving
22 athletically related financial aid.

23 Section 6. Life skills workshop.

24 An athletic program shall conduct a financial and life skills
25 workshop for all of its first-year and third-year student
26 athletes at the beginning of the academic year. This workshop
27 shall include information related to the following:

28 (1) Financial aid.

29 (2) Debt management.

30 (3) A recommended budget for full and partial

1 scholarship student athletes living on or off campus during
2 the academic year and the summer term based on the current
3 academic year's cost of attendance.

4 (4) Time management skills necessary for success as a
5 student athlete.

6 (5) Academic resources available on campus.

7 (6) Academic dishonesty and its consequences.

8 Section 7. Employment status.

9 If a State-owned institution or State-related institution
10 grants an athletic scholarship to a student athlete, the student
11 athlete shall be considered an "employee" of the institution of
12 higher education, as defined in the act of July 23, 1970
13 (P.L.563, No.195), known as the Public Employe Relations Act.

14 Section 8. Right of publicity.

15 (a) Nonexclusivity.--The following shall apply:

16 (1) Notwithstanding a contract provision to the
17 contrary, a student athlete shall have the right to control
18 the use of the student athlete's name and likeness under 42
19 Pa.C.S. § 8316 (related to unauthorized use of name or
20 likeness) when the use is not directly related to an athletic
21 association's or postsecondary institution's athletic
22 program.

23 (2) Notwithstanding a contract provision to the
24 contrary, an athletic association or postsecondary
25 institution may not enforce a contract provision with a
26 student athlete that grants the athletic association or
27 postsecondary institution the exclusive control over a
28 student athlete's use of the student athlete's name or
29 likeness when the use is not directly related to an athletic
30 association's or postsecondary institution's athletic

1 program.

2 (3) A student athlete whose name or likeness was
3 misappropriated by an athletic association or postsecondary
4 institution in violation of this section may exercise a right
5 of action under 42 Pa.C.S. § 8316.

6 (4) An athletic association or postsecondary institution
7 may not penalize a student athlete for the student athlete
8 profiting from use of the student athlete's name or likeness
9 or for recovering damages in any action under 42 Pa.C.S. §
10 8316.

11 (5) When used in this subsection, a use of a student
12 athlete's name or likeness shall be directly related to an
13 athletic association's or postsecondary institution's
14 athletic program if the use includes an imprimatur of an
15 athletic association or postsecondary institution.

16 (b) Immunity.--An athletic association or postsecondary
17 institution shall have immunity from suit under this section and
18 42 Pa.C.S. § 8316 under the following conditions:

19 (1) An athletic association or postsecondary institution
20 has obtained written consent for each use from a student
21 athlete.

22 (2) An athletic association or postsecondary institution
23 does not have any actual knowledge of unauthorized use.

24 (c) Applicability.--Notwithstanding section 3(b), this
25 section shall apply to all institutions of higher education
26 regardless of the amount of annual income received by the
27 institution which was derived from media rights for
28 intercollegiate athletics.

29 Section 9. Use of revenue.

30 An institution of higher education shall rely exclusively on

1 revenue derived from media rights for intercollegiate athletics
2 to defray any costs incurred under this act.

3 Section 10. Applicability.

4 This act shall apply to the 2015-2016 academic year and every
5 academic year thereafter.

6 Section 11. Effective date.

7 This act shall take effect in 60 days.