

AMENDED IN SENATE JUNE 19, 2023

AMENDED IN ASSEMBLY MAY 18, 2023

AMENDED IN ASSEMBLY MARCH 6, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 252

Introduced by Assembly Member Holden

January 19, 2023

An act to amend Section 67451 of, to add Chapter 3 (commencing with Section 67460) to Part 40.3 of Division 5 of Title 3 of, and to repeal Sections 67452.3, 67454, and 67455 of, the Education Code, relating to collegiate athletes.

LEGISLATIVE COUNSEL'S DIGEST

AB 252, as amended, Holden. The College Athlete Protection Act. The Student Athlete Bill of Rights requires intercollegiate athletic programs at 4-year private universities or campuses of the University of California or the California State University that receive, as an average, \$10,000,000 or more in annual income derived from media rights for intercollegiate athletics to comply with prescribed requirements relating to student athlete rights. Existing law authorizes an institution of higher education, as defined, to establish a degree completion fund, in accordance with applicable rules and bylaws. Existing law requires an institution of higher education to post in a conspicuous location in its athletic department that is frequented by student athletes a notice detailing certain student athlete rights. Existing law prohibits an institution of higher education from intentionally retaliating against a student athlete for making or filing a complaint about, testifying or otherwise assisting in any investigation into, or

opposing any practice that the student athlete believes is, a violation of student athlete rights.

This bill would establish the College Athlete Protection (CAP) Act for purposes of providing various rights, benefits, and protections to college athletes. The bill instead would require certain institutions of higher education to establish a degree completion fund for its college athletes, as provided. The bill instead would require an institution of higher education to distribute to each college athlete a notice containing college athlete rights and would require the institution to post this notice in a conspicuous location frequented by college athletes, as specified. The bill instead would prohibit an institution of higher education, and its employees, coaches, and affiliated medical personnel, as defined, from retaliating against a college athlete for filing a complaint or reporting a violation of a college athlete's rights under the CAP Act. By imposing new duties on community college districts, the bill would impose a state-mandated local program.

This bill would establish the College Athlete Protection (CAP) Program as a program in the Office of Planning and Research for purposes of the CAP Act. The bill would establish a 21-member CAP Panel comprised of appointed individuals to serve on 4 CAP Subpanels, as specified, for the administration of the CAP Act, as provided. The bill would establish the California Athlete Protection Fund under the administration of the CAP Panel, with moneys in the fund appropriated to the CAP Panel, upon appropriation of the Legislature, for purposes of the CAP Act, as provided.

This bill would make its provisions severable.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 67451 of the Education Code is amended
- 2 to read:

1 67451. For purposes of Chapter 1 (commencing with Section
2 67450) and this chapter, the following definitions apply:

3 (a) “Athletic association” means any organization that is
4 responsible for governing intercollegiate athletic programs.

5 (b) “Athletic program” means an intercollegiate athletic program
6 at any institution of higher education within the meaning of
7 subdivision (d).

8 (c) “Graduation success rate” means the percentage of student
9 athletes who graduate from an institution of higher education within
10 six years of initial enrollment at that institution, excluding outgoing
11 transfers in good academic standing with athletic eligibility
12 remaining, and including incoming transfers. The rate is to be
13 calculated by combining the rates of the four most recent classes
14 that are available in the exact manner as the rate is calculated under
15 National Collegiate Athletic Association rules.

16 (d) “Institution of higher education” means any campus of the
17 University of California or the California State University, or any
18 four-year private university located in California, that maintains
19 an intercollegiate athletic program.

20 (e) “Media rights” means the rights to media coverage of
21 intercollegiate athletics included in contracts that are entered into
22 by intercollegiate athletic conferences and television networks and
23 that generate monetary payments to individual institutions of higher
24 education.

25 (f) “Office for Civil Rights” means the Office for Civil Rights
26 within the United States Department of Education.

27 (g) “Student athlete” means any college student who participates
28 in an intercollegiate athletic program of an institution of higher
29 education, and includes student athletes who participate in
30 basketball, football, and other intercollegiate sports.

31 SEC. 2. Section 67452.3 of the Education Code is repealed.

32 SEC. 3. Section 67454 of the Education Code is repealed.

33 SEC. 4. Section 67455 of the Education Code is repealed.

34 SEC. 5. Chapter 3 (commencing with Section 67460) is added
35 to Part 40.3 of Division 5 of Title 3 of the Education Code, to read:

36
37 CHAPTER 3. THE COLLEGE ATHLETE PROTECTION ACT

38
39 67460. This chapter shall be known, and may be cited, as the
40 College Athlete Protection Act.

Article 1. Definitions

67461. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(a) “Affiliated medical personnel” means individuals who provide medical, rehabilitation, or athletic training diagnoses, opinions, or services to college athletes, in collaboration with an institution of higher education. “Affiliated medical personnel” include, but are not limited to, physicians, mental health professionals, physical therapists, and athletic trainers. Individuals do not have to receive compensation from an institution of higher education to be affiliated medical personnel.

(b) “Aggregate athletic grants” means the total amount of athletic grants that an institution of higher education annually reports pursuant to the federal Equity in Athletics Disclosure Act to the United States Department of Education for each intercollegiate athletics team at the institution. “Aggregate athletic grants” shall not include any difference in athletic grant amounts based on cost of attendance disparities between an institution’s in-state or out-of-state college athletes.

(c) *“All revenue” includes revenue that is not allocated by sport pursuant to federal Equity in Athletics Disclosure Act reporting standards.*

~~(e)~~

(d) “Athletic association” means any organization that is responsible for governing intercollegiate athletic programs.

~~(d)~~

(e) “Athletic grant” means an athletics scholarship or grant that an institution of higher education pays to a college athlete to cover a portion or all of the institution’s cost of attendance for a full-time, in-state, on-campus undergraduate student determined pursuant to the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1087l). An athletic grant shall not exceed the institution’s cost of attendance.

~~(e)~~

(f) “Athletic program” means an intercollegiate athletic program at an institution of higher education.

~~(f)~~

(g) “CAP Fund” means the California Athlete Protection Fund established pursuant to this chapter.

~~(g)~~

~~(h)~~ “CAP Panel” means the California Athlete Protection Panel established pursuant to this chapter.

~~(h)~~

~~(i)~~ “CAP Program” means the California Athlete Protection Program established pursuant to this chapter.

~~(i)~~

~~(j)~~ “College athlete” means a student who is enrolled at an institution of higher education and is listed as a member of an intercollegiate athletics team at the institution. A student’s participation in club or intramural sports at an institution does not meet the definition of college athlete.

~~(j)~~

~~(k)~~ “Fair market value compensation” means an amount of compensation for each college athlete who receives an athletic grant that is determined annually by subtracting the intercollegiate athletic team’s aggregate athletic grants from one-half of the intercollegiate athletic team’s revenue and dividing that difference by the number of athletic grants provided to college athletes on that team. This fair market value compensation calculation does not include revenue that is not allocated by sport.

~~(l)~~ “Institutional funds” means the amount of an institution of higher education’s revenue that is not derived from any intercollegiate athletics source for an academic year that exceeds the amount of its revenue that did not derive from any intercollegiate athletics source reported for the 2021–22 academic year.

~~(k)~~

~~(m)~~ “Institution of higher education” or “institution” means any campus of the University of California, the California State University, the California Community Colleges, an independent institution of higher education, as defined in Section 66010, or a private postsecondary educational institution, as defined in Section 94858, that maintains an athletic program.

~~(i)~~

~~(n)~~ “Intercollegiate athlete” means a California resident who is enrolled at an out-of-state college or university and is listed as a member of an intercollegiate athletics team at the out-of-state college or university. A student’s participation in club or intramural

1 sports at an out-of-state college or university does not meet the
2 definition of intercollegiate athlete.

3 ~~(m)~~

4 (o) “NCAA” means the National Collegiate Athletic Association.

5 ~~(n)~~

6 (p) “NIL” means the use of a college athlete’s name, image,
7 and likeness.

8 ~~(o)~~

9 (q) “Office for Civil Rights” means the Office for Civil Rights
10 within the United States Department of Education.

11 ~~(p)~~

12 (r) “Revenue” means annual intercollegiate athletics revenue
13 as calculated and reported pursuant to the federal Equity in
14 Athletics Disclosure Act by an institution of higher education to
15 the United States Department of Education. “Revenue” includes
16 *intercollegiate athletics revenue paid directly by an intercollegiate*
17 *athletic conference, an athletic association, or a source designated*
18 *by an institution of higher education, an intercollegiate athletic*
19 *conference, or an athletic association to cover any athletic program*
20 *expense or to compensate a college athlete for participating in*
21 *intercollegiate athletics at the institution.*

22 ~~(q)~~

23 (s) “Title IX” means Title IX of the federal Education
24 Amendments of 1972 (20 U.S.C. 1681 et seq.)

25 Article 2. Findings

26
27 67462. The Legislature finds and declares all of the following:

28 (a) Safety, transparency, and quality education for college
29 athletes should be prioritized for athletic programs, conferences,
30 and associations and the state.

31 (b) Institutions of higher education exist to educate all students.
32 Once athletic recruits sign an agreement to attend a particular
33 university, they should feel confident that they will be able to
34 complete their degrees regardless of sports-related injury or poor
35 athletic performance.

36 (c) To increase graduation rates and ensure economic equity,
37 institutions of higher education need to establish a degree
38 completion fund for each college athlete with specified rules and
39

1 manage that fund as a fiduciary for the college athlete without
2 charging the college athlete for any costs incurred.

3 (d) The state needs to design and enforce vital safety standards
4 and return-to-play protocols to protect college athletes from serious
5 injuries, sexual abuse, and death.

6 (e) Student sexual abuse is an important issue on college
7 campuses. Providing information and notice to college athletes
8 about their rights under Title IX and other pertinent statutes is
9 necessary to ensure their physical and psychological safety.

10 (f) College athletes face intense pressure to return to play when
11 injured. Intercollegiate sports programs, including coaches and
12 team medical staff, should collaborate to ensure that a college
13 athlete's interests are always put first.

14 (g) Athletic programs must have a health care model that vests
15 autonomous medical management decisions in primary athletic
16 health care providers, such as team physicians and athletic trainers.
17 These providers, their decisionmaking related to the health and
18 safety of college athletes, and their health care delivery should be
19 protected from outside, nonmedical influences.

20 (h) To prevent college athletes from being left to pay an
21 excessive financial burden, institutions of higher education should
22 pay medical costs for college athletes' sports-related injuries.

23 (i) Transparency in athletic recruiting is a high priority given
24 the complexities created by various athletic program policies,
25 including the use of a college athlete's NIL. Institutions of higher
26 education should disclose to college athletes the financial benefits
27 and risks associated with NIL agreements.

28 (j) A proper oversight system should be developed to ensure
29 that appropriate safeguards are in place to avoid the exploitation
30 of college athletes.

31 (k) Intercollegiate athletic laws and rules in other states affect
32 the well-being of intercollegiate athletes.

33 (l) In *National Collegiate Athletic Association v. Alston* (2021)
34 141 S.Ct. 2141, the United States Supreme Court ruled
35 unanimously that NCAA educational-related compensation limits
36 imposed on college athletes violated federal antitrust law, and
37 acknowledged that the NCAA did not dispute that NCAA college
38 athlete compensation limits decrease college athletes'
39 compensation.

Article 3. General Provisions

67463. (a) An institution of higher education shall establish a degree completion fund for its college athletes who receive athletic grants ~~but do not receive fair market value compensation in an academic year.~~ *pursuant to this section.*

(b) An institution of higher education shall use degree completion funds to compensate each college athlete who receives an athletic grant at the institution, ~~but does not receive fair market value compensation in an academic year, in a total amount that provides fair market compensation to the college athlete for the academic year.~~ *institution pursuant to this section.*

(c) College athletes on the same intercollegiate athletics team at an institution of higher education during the same academic year shall be designated an equal payment from that institution's degree completion fund for that academic year.

(d) (1) All degree completion funds of up to twenty-five thousand dollars (\$25,000) shall be paid to each college athlete for their participation on the intercollegiate athletics team in an academic year.

(2) Commencing on or before March 15, 2024, and on or before every March 15 thereafter, payments described in paragraph (1) shall be made in an amount based on the institution's revenue reported for the previous academic year.

(e) An institution shall not use payment designations in its degree completion fund as a reason to reduce or cancel athletic grants provided to any college athlete.

(f) (1) All degree completion fund payments above the amount determined pursuant to subdivision (d) designated for a college athlete shall be paid within 60 days of the college athlete earning a baccalaureate degree or submitting proof, as determined by the CAP Panel, of having a severe medical condition that prevents the college athlete from completing a baccalaureate degree program.

(2) All degree completion fund payments designated for a college athlete who transferred to another institution of higher education or an out-of-state college or university shall be paid within 60 days of the athlete earning a baccalaureate degree or submitting proof, as determined by the CAP Panel, of having a severe medical condition that prevents the athlete from completing a baccalaureate degree program.

1 (g) (1) An institution of higher education shall accurately
2 account its aggregate athletic grants and revenue. An institution
3 shall not undercount, overcount, or fail to accurately categorize
4 its aggregate athletic grants or revenue.

5 (2) The CAP Panel may audit an institution of higher education's
6 aggregate athletic grant and revenue accounting methods, materials,
7 and information to ensure compliance with this section. This audit
8 may include review of the institution's aggregate athletic grant
9 and revenue accounting methods reported by the institution in its
10 previous revenue reports. This paragraph shall be implemented
11 only in a manner that protects the personally identifiable
12 information of college athletes consistent with state and federal
13 privacy laws.

14 (h) All degree completion fund payments above the amount
15 determined pursuant to subdivision (d) designated for a college
16 athlete shall be forfeited if the college athlete does not complete
17 a baccalaureate degree program within six years of full-time college
18 enrollment or submit proof, as determined by the CAP Panel, of
19 having a severe medical condition that prevents the college athlete
20 from completing a baccalaureate degree program. All forfeited
21 funds shall be deposited in the institution's degree completion fund
22 and used for degree completion fund payments to college athletes
23 pursuant to this section.

24 (i) (1) (A) In making annual degree completion fund payment
25 designations pursuant to this section, an institution of higher
26 education ~~may opt to only~~ shall use all revenue reported for an
27 academic year that exceeds all revenue reported for the 2021–22
28 academic year. ~~As used in this subdivision, "all revenue" includes~~
29 ~~revenue that is not allocated by sport pursuant to federal Equity~~
30 ~~in Athletics Disclosure Act reporting standards. Notwithstanding~~
31 ~~subdivision (b), if the institution uses this option, the~~ The institution
32 does not have to pay any remaining fair market value compensation
33 owed to a college athlete into the degree completion fund ~~for the~~
34 ~~academic year in which the institution uses this option so long as~~
35 ~~all of the conditions in this paragraph and subdivision (k) are~~
36 ~~satisfied.~~

37 (B) ~~The~~ Except as provided in subparagraph (F), the institution
38 shall use the difference in revenue calculated pursuant to
39 subparagraph (A), in its entirety, to make degree completion fund
40 payment designations pursuant to this paragraph. ~~designations.~~

~~(C) The institution shall determine, for an academic year, the percentage of the total fair market compensation that college athletes on an intercollegiate athletics team at the institution represent of the total fair market compensation owed to all college athletes at the institution, regardless of sport. College athletes on the same intercollegiate team, regardless of sport, shall collectively receive this percentage of the difference in revenue calculated pursuant to subparagraph (A) for the academic year.~~

~~(D) Each college athlete on the same intercollegiate team, regardless of sport, at the institution who qualifies for a degree completion fund payment designation pursuant to this paragraph shall receive an equal share of moneys calculated pursuant to this paragraph.~~

~~(E) Degree completion fund payment designations made pursuant to this paragraph shall not result in any college athlete being designated more than fair market value compensation for any academic year.~~

~~(F) The institution of higher education shall not reduce any discretionary revenue during the academic year below the discretionary revenue reported for the 2021–22 academic year.~~

(C) The institution shall make, in aggregate, for an academic year, one-half of the total amount of degree completion fund payment designations for its female college athletes, and one-half of the total amount of degree completion fund payment designations for its male college athletes.

(D) From the portion of the total amount allocated for female college athletes pursuant to subparagraph (C), the institution shall make degree completion fund payment designations for female college athletes on each women's intercollegiate athletics team who have not received fair market value compensation for the academic year. In making the degree completion fund payment designations, the institution shall comply with all of the following:

(i) Determine the percentage of the total fair market value compensation owed to female college athletes on each women's intercollegiate athletics team at the institution that represents the total fair market compensation owed to all female college athletes at the institution, regardless of sport.

(ii) Ensure that female college athletes on the same women's intercollegiate athletics team, regardless of sport, collectively receive the percentage determined pursuant to clause (i) of the

1 total amount designated for female college athletes pursuant to
2 subparagraph (C).

3 (iii) If the portion of the total amount allocated for female
4 college athletes pursuant to subparagraph (C) exceeds the total
5 aggregate fair market value compensation owed to all female
6 college athletes on women's intercollegiate athletics teams at the
7 institution, regardless of sport, the institution shall pay each of its
8 female college athletes who receive an athletic grant an equal
9 amount of the portion for female college athletes pursuant to
10 subparagraph (C).

11 (E) From the portion of the total amount allocated for male
12 college athletes pursuant to subparagraph (C), the institution shall
13 make degree completion fund payment designations for male
14 college athletes on each men's intercollegiate athletics team who
15 have not received fair market compensation. In making the degree
16 completion fund payment designations, the institution shall comply
17 with all of the following:

18 (i) Determine the percentage of the total fair market
19 compensation owed to male college athletes on each men's
20 intercollegiate athletics team at the institution that represents the
21 total fair market compensation owed to all male college athletes
22 at the institution, regardless of sport.

23 (ii) Ensure that male college athletes on the same men's
24 intercollegiate athletics team, regardless of sport, collectively
25 receive the percentage determined pursuant to clause (i) of the
26 total amount designated for male college athletes pursuant to
27 subparagraph (C).

28 (iii) If the portion of the total amount allocated for male college
29 athletes pursuant to subparagraph (C) exceeds the total aggregate
30 fair market value compensation owed to all male college athletes
31 on men's intercollegiate athletics teams at the institution,
32 regardless of sport, the institution shall pay each of its male college
33 athletes who receive an athletic grant an equal amount of the
34 portion for male college athletes pursuant to subparagraph (C).

35 (F) Except to comply with subparagraphs (D) and (E), and
36 subdivision (k), degree completion fund payment designations
37 shall not result in any college athlete being designated more than
38 fair market value compensation for any academic year.

39 (G) Notwithstanding subparagraph (B), an institution of higher
40 education that gives fair market compensation to all of its male

1 *and female college athletes and complies with this section may*
2 *use any remaining revenue for other purposes as determined by*
3 *the institution.*

4 ~~(G)~~

5 ~~(H)~~ The institution may spend ~~additional~~ institutional funds on
6 intercollegiate athletic expenses without the funds counting as
7 revenue if, within the academic year, the ~~additional institutional~~
8 funds are exhausted or the ~~additional institutional~~ funds are unused
9 and do not remain in an athletic team's or athletic program's
10 budget. This subparagraph authorizes an institution to increase
11 athletics spending for athletic program needs without including it
12 in revenue directed to degree completion funds pursuant to this
13 section.

14 ~~(H)~~

15 ~~(I)~~ The amount of funds that the institution paid for any athletic
16 team's expenses for the 2021–22 academic year shall be included
17 as revenue for that academic year, even if the institution did not
18 count the funds as revenue for that academic year.

19 ~~(I)~~

20 ~~(J)~~ Notwithstanding subparagraph ~~(H)~~; ~~(I)~~, the amount of funds
21 that an institution paid for any athletic team's nonregular capital
22 expenses for the 2021–22 academic year shall not be included as
23 revenue for that academic year, even if the institution counted the
24 funds as revenue for that academic year.

25 (2) An institution may opt to pay CAP Program fees pursuant
26 to this chapter before using revenue described in paragraph (1) for
27 degree completion fund payment designations for college athletes.

28 ~~(3) (A) On or before June 15, 2025, and on or before every~~
29 ~~June 15 thereafter, each institution of higher education shall~~
30 ~~disclose publicly on its internet website, to its college athletes, to~~
31 ~~prospective college athletes it is recruiting for intercollegiate~~
32 ~~athletics, and to the CAP Recruiting Transparency Subpanel~~
33 ~~established pursuant to Section 67465 whether the institution, for~~
34 ~~college athlete degree completion fund payment designations in~~
35 ~~the subsequent academic year, will use revenue calculated pursuant~~
36 ~~to this subdivision or provide fair market value compensation to~~
37 ~~qualifying college athletes pursuant to subdivision (b).~~

38 ~~–(B) Each institution of higher education shall include the~~
39 ~~information disclosed pursuant to subparagraph (A) in all of its~~
40 ~~written athletic grant agreement offers.~~

1 ~~(C) On or before February 1, 2024, each institution of higher~~
2 ~~education shall disclose, for college athlete degree completion~~
3 ~~fund payment designations in the 2023–24 academic year, whether~~
4 ~~the institution will use revenue calculated pursuant to this~~
5 ~~subdivision or provide fair market value compensation to qualifying~~
6 ~~college athletes pursuant to subdivision (b).~~

7 (j) Degree completion funds are the property of college athletes
8 and not the property of institutions of higher education. Institutions
9 of higher education shall have a fiduciary duty to its college
10 athletes to manage these funds.

11 (k) Notwithstanding any other provision of this section, if an
12 institution of higher education deems it necessary, the institution
13 ~~may shall~~ adjust the amounts of degree completion fund payment
14 ~~designations only to comply with Title IX financial aid~~
15 ~~proportionality comparisons in athletics, so long as all of the~~
16 ~~following conditions are met: athletics. For any adjustment made~~
17 ~~pursuant to this subdivision, the institution shall comply with all~~
18 ~~of the following requirements:~~

19 (1) The aggregate total amount of degree completion fund
20 payment designations made to the institution's college athletes ~~is~~
21 ~~shall not be reduced.~~

22 (2) ~~The institution is in compliance shall comply~~ with Title IX
23 financial aid proportionality comparisons in athletics independent
24 of degree completion fund payment designations.

25 (3) On or before March 15, 2024, and on or before every March
26 15 thereafter, the institution ~~publishes shall publish~~ on its internet
27 website and ~~submits submit~~ to the CAP Panel a written explanation
28 about why an adjustment made pursuant to this subdivision is
29 necessary to comply with Title IX proportionality comparisons in
30 athletics, and ~~includes include~~ both of the following in this written
31 explanation:

32 (A) Published communications, determinations, and rulings by
33 the Office for Civil Rights used as the basis for the adjustment, as
34 applicable.

35 (B) The amount of funds in aggregate and per college athlete
36 directed from college athletes in one sport to college athletes in
37 another sport, the names of each sport involved in the adjustment,
38 and the corresponding fair market value compensation paid to
39 college athletes in each sport involved in the adjustment. This
40 subparagraph shall be implemented only in a manner that protects

1 the personally identifiable information of college athletes consistent
2 with state and federal privacy laws.

3 (l) Degree completion fund payment designations or payments
4 shall not serve as evidence of an employment relationship.

5 (m) Within 15 days of making degree completion fund payment
6 designations pursuant to this section, each institution of higher
7 education shall submit annually to the CAP Panel a list of all
8 college athletes qualifying for a degree completion fund payment
9 designation, each qualifying college athlete's intercollegiate team,
10 the amount paid to each qualifying college athlete, and the
11 aggregate amount paid to qualifying college athletes by team. This
12 subdivision shall be implemented only in a manner that protects
13 the personally identifiable information of college athletes consistent
14 with state and federal privacy laws.

15 (n) An institution of higher education and its personnel shall
16 not make, or attempt to make, formal or informal agreements,
17 policies, or practices with other institutions of higher education,
18 out-of-state colleges and universities, athletic conferences, and
19 athletic associations or their personnel, or other entities with
20 intercollegiate athletics governance powers, to determine degree
21 completion fund payment amounts to college athletes.

22 (o) This section shall apply only to an institution of higher
23 education with an intercollegiate sports team that participated in
24 ~~a an NCAA Conference~~ Division I sport on or after January 1,
25 2022.

26 67464. (a) An institution of higher education shall distribute
27 a notice to each college athlete at the institution containing all of
28 the following information:

29 (1) A college athlete's rights pursuant to Title IX of the federal
30 Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.).

31 (2) An individual notice stating: "All students have the right to
32 report a sexual assault, without retaliation, to law enforcement,
33 ~~the office of the Attorney General, United States Department of~~
34 *Justice*, the United States Department of Education's Office for
35 Civil Rights, (insert name of institution)'s mandated reporters,
36 (insert name of institution)'s Title IX office, and the College
37 Athlete Protection Program director."

38 (3) A college athlete's rights pursuant to the federal Jeanne
39 Clery Disclosure of Campus Security Policy and Campus Crime
40 Statistics Act (20 U.S.C. Sec. 1092(f)).

1 (4) A college athlete's rights under this chapter.

2 (5) Additional rights that the state affords specifically to college
3 athletes.

4 (b) The notice distributed pursuant to subdivision (a) shall
5 contain sufficient information to enable a college athlete to file a
6 complaint for a violation of any of the rights identified in the
7 notice. This information shall include, but is not limited to, all of
8 the following:

9 (1) The telephone number used by the Office for Civil Rights
10 for complaint reporting intake, and the telephone number of the
11 Office for Civil Rights' regional enforcement office.

12 (2) The internet website address of the Office for Civil Rights'
13 online complaint form for Title IX complaint reporting.

14 (3) The internet website address used by the United States
15 Department of Education for reporting violations of the federal
16 Jeanne Clery Disclosure of Campus Security Policy and Campus
17 Crime Statistics Act (20 U.S.C. Sec. 1092(f)).

18 (4) A list of the job classifications employed by the institution
19 that are deemed mandated reporters pursuant to Section 11165.7
20 of the Penal Code and the obligations of these mandated reporters.

21 (5) The telephone number and internet website address for the
22 CAP Program, once the program is operational pursuant to this
23 chapter.

24 (6) The telephone number of the ~~Attorney General~~. *United States*
25 *Department of Justice*.

26 (c) An institution of higher education shall post on campus in
27 conspicuous locations frequented by college athletes, including,
28 but not limited to, the institution's athletic training facilities, the
29 notice distributed pursuant to this section.

30 (d) Upon the commencement of each academic year, the
31 institution of higher education shall provide each college athlete
32 a copy of the notice described in this section.

33 67465. (a) The College Athlete Protection (CAP) Program is
34 hereby established as a program in the Office of Planning and
35 Research for purposes of this chapter.

36 (b) The CAP Program shall be administered by the CAP Panel.
37 The CAP Panel shall be housed in the Office of Planning and
38 Research.

39 (1) (A) The 21-member CAP Panel shall be appointed as
40 follows:

- 1 (i) Eleven members appointed by the Governor.
- 2 (ii) Five members appointed by the Speaker of the Assembly.
- 3 (iii) Five members appointed by the Senate Committee on Rules.

4 (B) The 21-member CAP Panel shall consist of at least four
5 former college athletes with experience in college athlete protection
6 advocacy.

7 (2) CAP Panel members shall be voluntary positions that receive
8 per diem and paid travel accommodations, as determined by the
9 CAP Program director. One member shall be appointed by a
10 majority vote of the CAP Panel's members to serve as chairperson
11 of the CAP Panel.

12 (3) (A) The Office of Planning and Research shall hire and
13 establish compensation for a CAP Program director. The CAP
14 Program director shall be a full-time position and serve a six-year
15 term that may be renewed with no term limits. The CAP Program
16 director shall hire additional staff to assist in the implementation
17 and enforcement of this chapter. The CAP Program director, within
18 10 days of being hired, shall initiate staff hiring activities with the
19 goal of completing hiring activities by April 15, 2024.

20 (B) The CAP Program director shall provide CAP Panel
21 members with the information necessary to fulfill their duties
22 pursuant to this chapter.

23 (C) The CAP Panel shall consult with the CAP Program director
24 when establishing CAP Program regulations, standards, and
25 policies pursuant to this chapter.

26 (D) The CAP Program director may engage with intercollegiate
27 athletics stakeholders, including state and federal legislators and
28 agencies, to provide information and encourage policies and action
29 to support the implementation, operation, and expansion of college
30 athlete rights and protections pursuant to this chapter.

31 (4) (A) A CAP Panel member on the initial 21-member board
32 shall serve a four-year, five-year, or six-year term, as determined
33 by the appointing authority. It is the intent of the Legislature that
34 the 21-member CAP Panel's members serve staggered terms.

35 (B) All subsequent appointments made after the initial
36 21-member CAP Panel is appointed shall be six-year terms with
37 no term limits.

38 (C) A CAP Panel member and the CAP Program director may
39 be reappointed to their position or appointed to a new position
40 pursuant to this subdivision.

1 (5) A CAP Panel member and the CAP Program director shall
2 not have served, within five years of being appointed as a CAP
3 Panel member or hired as the CAP Program director, respectively,
4 as an affiliated medical personnel, employee, or member of a
5 governing body of an institution of higher education, an out-of-state
6 college or university that has an intercollegiate sports program, an
7 intercollegiate sports conference, or an intercollegiate sports
8 association.

9 (6) The racial, ethnic, gender, and geographic diversity of
10 California shall be considered by the appointing authority when
11 appointing CAP Panel members.

12 (7) The CAP Panel shall consist of members who shall serve
13 on the following CAP Subpanels, according to their expertise:

14 (A) The CAP Health and Safety Subpanel, which shall consist
15 of all of the following:

16 (i) One member with expertise in sports medicine and traumatic
17 brain injury.

18 (ii) One member with expertise in athletic training or physical
19 therapy in sports.

20 (iii) One member with expertise in mental health.

21 (iv) One member with expertise in workplace health and safety
22 compliance and investigations.

23 (v) One member with expertise in sexual misconduct
24 investigations.

25 (vi) Two members who are former college athletes with
26 experience in athlete health and safety issues.

27 (B) The CAP Recruiting Transparency Subpanel, which shall
28 consist of all of the following:

29 (i) One member with expertise in contract law.

30 (ii) One member with expertise in college sports recruiting.

31 (iii) One member with expertise in college athlete publicity
32 rights law.

33 (iv) One member who is a former college athlete with experience
34 in the recruiting process.

35 (C) The CAP Certification Subpanel, which shall consist of all
36 of the following:

37 (i) One member with expertise in sports agent certification.

38 (ii) One member with expertise in financial advising standards.

39 (iii) One member with expertise in marketing standards.

1 (iv) One member who is a former college athlete with experience
2 in agreements related to CAP certification duties.

3 (D) The General CAP Subpanel, which shall consist of all of
4 the following:

5 (i) One member with expertise in health care administration,
6 medical claims, and the federal Health Insurance Portability and
7 Accountability Act of 1996 (Public Law 104–191).

8 (ii) One member with expertise in compliance with Title IX in
9 athletics.

10 (iii) One member who is a certified public accountant with
11 expertise in corporate financial audits and corporate compliance
12 investigations.

13 (iv) One member with expertise in arbitration.

14 (v) One member with expertise in grievance and appeals
15 processes.

16 (vi) One member with expertise in producing educational
17 materials.

18 (c) The CAP Panel shall have all of the following enforcement
19 duties and powers:

20 (1) Receive, track, and investigate complaints regarding reported
21 violations of this chapter.

22 (2) Issue subpoenas, if necessary, to obtain information
23 necessary to carry out its duties pursuant to this chapter.

24 (3) Require an institution of higher education and out-of-state
25 college or university that is subject to this chapter to provide
26 athletic grants, make payments for college athlete medical coverage
27 and expenses, and provide other remedies that the CAP Panel
28 deems necessary to ensure compliance with this chapter.

29 (4) (A) Refer individuals, institutions of higher education, and
30 out-of-state colleges and universities that are subject to this chapter
31 who do not comply with a CAP Panel penalty or remedy imposed
32 pursuant to subdivision (d) to the Attorney General for prosecution,
33 as appropriate.

34 (B) The Attorney General may prosecute individuals and entities
35 that do not comply with a CAP Panel penalty or remedy, as
36 appropriate.

37 (5) Determine the best practice guidelines, health and safety
38 standards, policies, or other informational materials that may
39 benefit high school athletes, high school sports programs, and the

1 California Interscholastic Federation, and make them available
2 and easily accessible to the public.

3 (6) At its discretion, implement collaborative and cost-reduction
4 efforts with other states, local governments, intercollegiate sports
5 conferences, intercollegiate sports associations, or other
6 stakeholders to help protect the well-being of intercollegiate
7 athletes in other states.

8 (7) Hold quarterly meetings.

9 (8) Distribute, on or before January 15, 2025, and each year
10 thereafter, an annual report to each institution of higher education,
11 intercollegiate athletic conference, athletic association, and the
12 Legislature, pursuant to Section 9795 of the Government Code,
13 on the state of college athlete protections established pursuant to
14 this chapter.

15 (9) Communicate with the Legislature about ways to improve
16 this chapter.

17 (10) Upon appropriation by the Legislature, use funds in the
18 CAP Fund to execute its duties and powers under this chapter.

19 (d) (1) In addition to any other remedy or penalty authorized
20 by law, individuals who violate this chapter may be subject to
21 remedies and penalties established pursuant to regulations adopted
22 by the CAP Panel. These regulations shall include a system to
23 appeal the CAP Panel's rulings. Penalties and remedies established
24 by the CAP Panel may include any, or any combination, of the
25 following:

26 (A) Training to help prevent future violations.

27 (B) Temporary or permanent prohibition from being involved
28 in intercollegiate athletics at any institution of higher education.

29 (C) Other penalties and remedies imposed by the CAP Panel.

30 (2) The CAP Panel shall consider all of the following factors
31 when imposing penalties and remedies for a violation of this
32 chapter:

33 (A) The number and duration of violations.

34 (B) Whether the violation was the result of an intentional or
35 negligent action.

36 (C) The nature and extent of harm caused by the violation.

37 67466. (a) An institution of higher education shall meet the
38 health and safety standards that are developed, published, adopted,
39 and enforced by the CAP Health and Safety Subpanel established
40 pursuant to Section 67465. In developing the health and safety

1 standards, the CAP Health and Safety Subpanel shall do all of the
2 following:

3 (1) Consult with athletic associations, the University of
4 California, the California State University, the California
5 Community Colleges, and the athlete health and safety advocacy
6 community.

7 (2) Consider existing health and safety guidelines of relevant
8 entities, including, but not limited to, the National Collegiate
9 Athletic Association, intercollegiate athletic conferences,
10 professional sports leagues, and the National Athletic Trainers'
11 Association.

12 (3) Develop health and safety standards to prevent serious
13 sports-related injuries, abuse, health conditions, and death,
14 including, but not limited to, those related to traumatic brain injury,
15 sexual harassment and abuse, athlete mistreatment, interpersonal
16 violence, mental health, heat illnesses, sickle cell trait,
17 rhabdomyolysis, asthma, cardiac health, weight management, and
18 pain management.

19 (b) (1) All reports of suspected health and safety violations at
20 an institution of higher education that occur on or after January 1,
21 2023, but before the CAP Health and Safety Subpanel adopts the
22 health and safety standards pursuant to this section, shall be
23 submitted to the Department of Justice. The Department of Justice
24 shall forward the reports of suspected health and safety violations
25 to the CAP Program director established pursuant to Section 67465
26 once the CAP Health and Safety Subpanel commences enforcing
27 the health and safety standards adopted pursuant to this section.

28 (2) Within 90 days of implementation of the CAP Health and
29 Safety Subpanel's health and safety standards developed,
30 published, and adopted pursuant to subdivision (a), an institution
31 of higher education shall comply with all of the following:

32 (A) Inform its athletic program employees and affiliated medical
33 personnel of their responsibilities established pursuant to the
34 standards.

35 (B) Inform college athletes of their rights and protections
36 established pursuant to the standards, and inform college athletes
37 of their right to report suspected violations of the standards to the
38 athletic program personnel of their choice, the Attorney General,
39 and, once the CAP Health and Safety Subpanel commences

1 enforcing the standards adopted pursuant to this section, the CAP
2 Program director.

3 (C) Designate at least one employee to oversee compliance with
4 this section and to serve as a point of contact for the CAP Health
5 and Safety Subpanel and submit to the CAP Health and Safety
6 Subpanel the point of contact's email address, telephone number,
7 and mailing address. If the institution of higher education fails to
8 designate the point of contact for the CAP Health and Safety
9 Subpanel, the institution's athletic director shall serve as the point
10 of contact.

11 (3) Notwithstanding paragraph (2), the CAP Health and Safety
12 Subpanel may require institutions of higher education to comply
13 with the health and safety standards earlier than 90 days after they
14 are adopted if the CAP Health and Safety Subpanel determines,
15 in its discretion, that such compliance is important to prevent great
16 harm to college athletes.

17 (c) The CAP Health and Safety Subpanel shall have all of the
18 following duties and powers:

19 (1) Require transparency from institutions of higher education
20 on injury treatment options for college athletes.

21 (2) Provide up-to-date information about sports-related health
22 risks.

23 (3) Ensure that physician, physical therapy, and athletic training
24 records for all treatments of a college athlete by athletic program
25 personnel in the course of the college athlete's participation in an
26 athletic program are maintained for a period of 10 years after the
27 college athlete leaves the athletic program. These records shall be
28 provided to the college athlete or former college athlete in a timely
29 manner upon request.

30 (4) Ensure college athletes, athletic program personnel, and
31 affiliated medical personnel are informed about their rights and
32 responsibilities under this section.

33 (5) Prevent deceptive or fraudulent practices that harm college
34 athletes.

35 (6) Calibrate mandates in consideration of athletic program size
36 and resources when it deems it appropriate or necessary.

37 (7) Require assistance from institutions of higher education to
38 help survey college athletes and athletic program personnel, as
39 necessary, under the CAP Program.

(8) Conduct site visits and audits of athletic departments, as necessary, to verify compliance with this section.

(9) Maintain and make publicly available on its internet website a list of individuals who are banned pursuant to subdivision (e) from being involved in intercollegiate athletics at institutions of higher education.

(10) Adopt regulations to implement and enforce this section.

(d) All athletic program personnel, including employees, coaches, and affiliated medical personnel, shall report suspected violations of this section to the president or chancellor of the institution, the athletic director of the institution, and the CAP Program director.

(e) (1) An individual shall be banned for life from being involved in intercollegiate athletics at any institution of higher education if the individual has been found by the CAP Health and Safety Subpanel or a court of law to have done any of the following:

(A) Caused a life-threatening medical condition, sexual abuse, or death due to noncompliance with a health and safety standard adopted pursuant to this section.

(B) Caused a life-threatening medical condition, sexual abuse, or death by failing to address noncompliance with a health and safety standard adopted pursuant to this section.

(C) Threatened or retaliated against a college athlete or any individual or entity that reported noncompliance with a standard adopted pursuant to this section that caused a life-threatening medical condition, sexual abuse, or death.

(D) Obstructed or knowingly provided false information related to an investigation of noncompliance with a health and safety standard adopted pursuant to this section that caused a life-threatening medical condition, sexual abuse, or death.

(2) Before a ban may be imposed pursuant to paragraph (1), the individual shall be provided adequate notice and an opportunity for an administrative hearing conducted by an administrative law judge at which the individual shall have the right to defend themselves against any allegation of a violation described in paragraph (1).

(f) (1) Any individual or entity designated by an institution of higher education to investigate allegations of a violation of this section that knowingly omits evidence, conceals or obscures

1 wrongdoing, undermines an investigation, or fails to carry out the
2 responsibilities required by this section may be subject to a penalty
3 imposed by the CAP Health and Safety Subpanel.

4 (2) Before a penalty may be imposed pursuant to paragraph (1),
5 the individual or entity shall be provided adequate notice and an
6 opportunity for an administrative hearing conducted by an
7 administrative law judge at which the individual or entity shall
8 have the right to defend themselves against any allegation of a
9 violation described in paragraph (1).

10 (g) Except as determined by a college athlete, affiliated medical
11 personnel shall have the autonomous, unchallengeable authority
12 to determine medical management and return-to-play decisions
13 for the college athlete. Coaches and athletic program personnel
14 who are not affiliated medical personnel shall not give the college
15 athlete medical advice or attempt to influence or disregard affiliated
16 medical personnel decisions.

17 (h) Affiliated medical personnel shall be supervised and held
18 accountable to comply with the health and safety standards adopted
19 pursuant to this section by an institution of higher education's
20 office or department that is independent of the institution's athletic
21 department.

22 67467. (a) (1) An institution of higher education that reports
23 twenty million dollars (\$20,000,000) or more in annual revenue
24 to the United States Department of Education shall be financially
25 responsible for the out-of-pocket sports-related medical expenses
26 of each college athlete at the institution, and during the two-year
27 period beginning on the date on which the college athlete officially
28 becomes a former college athlete.

29 (2) Paragraph (1) shall not apply to a college athlete who
30 transfers to another institution of higher education or out-of-state
31 college or university and participates on an intercollegiate athletics
32 team at that institution.

33 (3) Paragraph (1) shall not apply to a college athlete's medical
34 expenses for medical conditions unrelated to the college athlete's
35 intercollegiate sports participation that arise after the expiration
36 of the college athlete's intercollegiate athletics eligibility.

37 (b) (1) An institution of higher education that reports fifty
38 million dollars (\$50,000,000) or more in annual revenue to the
39 United States Department of Education shall comply with both of
40 the following:

1 (A) Offer nationally portable primary medical insurance to each
2 college athlete who is enrolled at the institution. This insurance
3 shall be paid for by the institution. The institution shall not
4 discourage a college athlete from accepting this insurance.

5 (B) Pay the out-of-pocket sports-related medical expenses of
6 each college athlete at the institution, and during the four-year
7 period beginning on the date the college athlete officially becomes
8 a former college athlete.

9 (2) Paragraph (1) shall not apply to a college athlete that
10 transfers to another institution of higher education or out-of-state
11 college or university and participates on an intercollegiate athletics
12 team at that institution.

13 (3) Paragraph (1) shall not apply to a college athlete's medical
14 expenses for medical conditions unrelated to the college athlete's
15 intercollegiate sports participation that arise after the expiration
16 of the college athlete's intercollegiate athletics eligibility.

17 (c) If a college athlete at an institution of higher education that
18 is responsible for the college athlete's medical expenses pursuant
19 to subdivision (a) or (b) chooses to receive medical care that is not
20 provided pursuant to subdivision (a) or (b) or is not otherwise
21 provided or paid for by the institution, the institution shall offer
22 to the college athlete to pay an amount that is the lesser of the
23 following:

24 (1) The out-of-pocket expenses for that medical care.

25 (2) The amount the institution would have paid if the college
26 athlete had received the medical care provided or paid for by the
27 institution.

28 (d) (1) An institution of higher education shall pay for a college
29 athlete to obtain an independent second opinion on an athletic
30 program-related injury or medical condition endured by the college
31 athlete.

32 (2) Institution of higher education personnel and affiliated
33 medical personnel shall not withhold a college athlete's medical
34 or athletic training records if the college athlete requests that those
35 records be released to obtain an independent second opinion
36 pursuant to paragraph (1), or otherwise impede a college athlete's
37 right to obtain an independent second opinion pursuant to
38 paragraph (1).

39 (e) (1) No later than three days after the end of a college
40 athlete's team's season in the final year of the college athlete's

1 intercollegiate athletics eligibility, or in the case of a transfer, no
2 later than three days after the institution's receipt of a college
3 athlete's notice of intent to transfer to another college or university,
4 an institution of higher education shall provide the college athlete
5 notice of, and an opportunity to undergo, a physical examination
6 within or independent of the institution for the purpose of
7 diagnosing an athletic program-related injury or medical condition.

8 (2) Institution of higher education personnel and affiliated
9 medical personnel shall not discourage a college athlete or former
10 college athlete from obtaining a physical examination pursuant to
11 paragraph (1).

12 (3) A former college athlete shall be provided no less than 60
13 days to complete a physical examination pursuant to paragraph
14 (1).

15 67468. (a) On or before July 1 of each year, an institution shall
16 comply with both of the following:

17 (1) Complete an evaluation of its compliance with Title IX in
18 athletics and the Office for Civil Rights' Title IX in athletics
19 regulations. The evaluation shall include an aggregate analysis to
20 determine all of the following:

21 (A) Whether financial aid is provided on a substantially
22 proportional basis to the number of the institution's male and
23 female college athletes.

24 (B) Whether the institution's male and female college athletes
25 receive equivalent nonfinancial aid athletic treatment, benefits,
26 and opportunities.

27 (C) Whether the interests and abilities of the institution's male
28 and female college athletes are equally effectively accommodated.
29 Evaluation pursuant to this subparagraph shall include measures
30 of the institution's performance on each part of the three-part test
31 described in the Office for Civil Rights' Title IX in athletics
32 regulations published on December 11, 1979.

33 (D) The institution's determination about whether it is in
34 compliance with Title IX in athletics and the specific indicators
35 that provide evidence of its compliance or noncompliance.

36 (2) Publish the evaluation on a publicly accessible internet
37 website of the institution.

38 (b) At the beginning of the evaluation published pursuant to
39 subdivision (a), the institution shall include the following
40 statement: "To submit a Title IX complaint, you may contact"

1 (contact information of the Office for Civil Rights and the
2 institution's Title IX coordinator) and state the appropriate contact
3 information of the Office for Civil Rights and the institution's Title
4 IX coordinator.

5 (c) (1) An individual who is determined by the CAP Panel in
6 an administrative hearing to have knowingly refused to comply
7 with this section, or knowingly provided misleading information
8 or knowingly omitted information that created an inaccuracy in
9 an evaluation published pursuant to subdivision (a), shall be banned
10 from being involved in intercollegiate athletics at any institution
11 of higher education.

12 (2) Before a ban may be imposed pursuant to paragraph (1), an
13 individual shall be provided adequate notice and an opportunity
14 for an administrative hearing conducted by an administrative law
15 judge to defend themselves against any allegation of a violation
16 described in paragraph (1).

17 67469. (a) (1) An institution of higher education that provides
18 a college athlete with an athletic grant shall provide the college
19 athlete with an athletic grant for each subsequent year in which
20 the college athlete is enrolled at the institution for up to six
21 academic years of total full-time college attendance, or until the
22 college athlete receives a baccalaureate degree from the institution,
23 whichever occurs first. The athletic grant shall be provided
24 regardless of the college athlete's lack of participation due to injury
25 or poor athletic performance on an intercollegiate athletics team
26 at the institution.

27 (2) The amount of an athletic grant provided to a college athlete
28 each subsequent award year shall be no less than the sum of the
29 amount of the athletic grant provided to the college athlete for the
30 previous year plus the amount of any increase in the cost of
31 attendance at the institution from the previous year to the
32 subsequent award year.

33 (b) (1) A college athlete who transfers to an institution of higher
34 education shall receive an athletic grant in an amount determined
35 pursuant to subdivision (a) for up to one academic year beyond
36 the college athlete's remaining intercollegiate athletics eligibility
37 in which the college athlete is enrolled at the institution, or until
38 the college athlete receives a baccalaureate degree from the
39 institution, whichever occurs first.

(2) Unless a college athlete is granted a leave of absence in accordance with the institution of higher education's leave of absence policies that apply to the general student body, subdivision (a) shall only apply to a college athlete who is enrolled as a full-time student for each regular academic term of an award year.

(3) Subdivision (a) shall not apply to a college athlete who provides a written notice of voluntary withdrawal from an intercollegiate athletics team at the institution, or who fails to consistently participate in mandatory team athletics activities for nonmedical reasons after having been fully informed that their participation in those activities is mandatory.

(4) Subdivision (a) shall not apply to a college athlete who meets any of the following:

(A) Is found by the institution of higher education to have committed academic fraud or other misconduct that would ordinarily result in expulsion.

(B) Earns a grade point average of less than the grade point average required for the college athlete to maintain intercollegiate athletics eligibility for two or more semesters.

(C) Fails to meet intercollegiate athletic association progress toward degree completion requirements.

(D) Is found guilty of a criminal act by a court.

~~(e) (1) If the CAP Panel determines in an administrative hearing that an institution of higher education has reduced aggregate funds for a college athlete's academic, medical, mental health, athletic training, or nutritional support, eliminated roster slots on an athletic program's team, reduced aggregate athletic grant amounts, or eliminated an intercollegiate sport entirely, the athletic director or the representative of the institution of higher education who is primarily responsible for directing the athletic program shall be suspended from involvement in intercollegiate athletics at an institution of higher education for, at minimum, three academic years, as determined by the CAP Panel.~~

~~(2) Before a suspension may be imposed pursuant to paragraph (1), the individual shall be provided adequate notice and an opportunity for an administrative hearing conducted by an administrative law judge to defend themselves against any allegation of a violation described in paragraph (1).~~

(c) Subdivisions (a) and (b) shall apply only to an institution of higher education with an intercollegiate sports team that

1 *participated in an NCAA Division I sport on or after January 1,*
2 *2022.*

3 (d) An individual employed by or volunteering for an athletic
4 program at an institution of higher education shall not do either of
5 the following:

6 (1) Attempt to discourage or in any way punish a college athlete
7 from selecting a course or an academic major unless it prevents
8 the college athlete from intercollegiate athletic association progress
9 towards baccalaureate or postgraduate degree completion.

10 (2) Punish, reduce intercollegiate athletics eligibility, or
11 otherwise retaliate against a college athlete based on the college
12 athlete's selection of any course, academic major, or baccalaureate
13 or postgraduate degree program at the institution.

14 (e) An individual employed by an athletic program at an
15 institution of higher education shall not interfere with or discourage
16 any college athlete from securing employment or internships,
17 participating in student groups or events, or serving as a volunteer
18 so long as those activities do not interfere with mandatory class
19 time, examination periods, or the athletic program's mandatory
20 team activities.

21 (f) An institution of higher education shall not comply with any
22 athletic association's or athletic conference's policy that does not
23 count completed high school financial education and personal
24 finance coursework toward athletic eligibility standards for
25 incoming college athletes.

26 ~~(g) This section shall apply only to an institution of higher~~
27 ~~education with an intercollegiate sports team that participated in~~
28 ~~a NCAA Conference Division I sport on or after January 1, 2022.~~

29 (g) *An institution of higher education shall not reduce any*
30 *discretionary revenue during the academic year below the*
31 *discretionary revenue reported for the 2021–22 academic year.*

32 (h) *An institution of higher education shall not reduce any*
33 *aggregate funds for any college athlete's academic, medical,*
34 *mental health, athletic training, or nutritional support, eliminate*
35 *roster slots on any intercollegiate athletics team, reduce aggregate*
36 *athletic grant amounts, or eliminate any intercollegiate athletics*
37 *sport entirely that existed during the 2021–22 academic year.*

38 (i) *Subdivisions (g) and (h) shall not apply to an institution of*
39 *higher education that is unable to generate, for an academic year,*
40 *all revenue in an amount that meets or exceeds all revenue reported*

1 *for the 2021–22 academic year due to war, civil unrest, or fire,*
2 *flood, or other unforeseen disaster or cause beyond the institution’s*
3 *control as determined by the CAP Panel.*

4 67470. (a) (1) An institution of higher education or an
5 out-of-state college or university conducting college athlete
6 recruiting activities in the state shall submit, as determined by the
7 CAP Recruiting Transparency Subpanel, all of the following
8 information to the CAP Recruiting Transparency Subpanel:

9 (A) A complete list of companies and industries that the
10 institution prohibits a prospective college athlete from entering
11 into an NIL agreement with as a college athlete or intercollegiate
12 athlete.

13 (B) Whether or not the institution of higher education or
14 out-of-state college or university may interfere with or otherwise
15 attempt to influence a prospective college athlete’s, college
16 athlete’s, or intercollegiate athlete’s choice of athlete
17 representation.

18 (C) Whether or not the institution of higher education or
19 out-of-state college or university may limit a prospective athlete’s,
20 college athlete’s, or intercollegiate athlete’s representation to NIL
21 activities.

22 (D) Whether or not the institution of higher education or
23 out-of-state college or university receives any payment or benefit
24 from an individual or entity in exchange for granting the individual
25 or entity access to their college athletes or intercollegiate athletes
26 for any NIL-related purpose.

27 (2) The CAP Recruiting Transparency Subpanel shall solicit
28 the information described in paragraph (1) and post information
29 obtained on a publicly accessible internet website for prospective
30 college athletes, college athletes, and intercollegiate athletes. The
31 information described in paragraph (1) shall be ~~posted on or before~~
32 ~~October 1, 2024, and regularly updated thereafter.~~ *updated.*

33 (b) An institution of higher education shall only use a document
34 created by the CAP Recruiting Transparency Subpanel to offer an
35 athletic grant or intercollegiate athletics participation opportunity
36 to a prospective college athlete. An out-of-state college or
37 university offering an intercollegiate athletics grant or
38 intercollegiate athletics participation opportunity to a California
39 resident shall only use a document created by the CAP Recruiting
40 Transparency Subpanel to offer an intercollegiate athletics grant

1 or intercollegiate athletics participation opportunity to a California
2 resident. A document developed pursuant to this subdivision may
3 be annually updated by the CAP Recruiting Transparency Subpanel
4 and shall include, but is not limited to, all of the following
5 disclosures:

6 (1) The amount of intercollegiate sports grants to be offered to
7 the prospective college athlete, relative to the most recent cost of
8 attendance at the institution, for each academic year of the
9 prospective athlete's intercollegiate athletics eligibility.

10 (2) The total amount of possible annual education-related
11 compensation allowable in accordance with the United States
12 Supreme Court decision in *National Collegiate Athletic Association*
13 *v. Alston* (2021) 141 S.Ct. 2141 and the annual amount of
14 education-related compensation to be offered to the prospective
15 college athlete at the institution throughout the prospective college
16 athlete's intercollegiate athletics eligibility.

17 (3) The amount of an intercollegiate sports grant, if any, that
18 will be provided to assist the prospective college athlete with
19 undergraduate and graduate school degree completion at the
20 institution following the expiration of the college athlete's
21 intercollegiate athletics eligibility.

22 (4) The percentage of comprehensive medical coverage,
23 including any minimum required coverage to participate in
24 intercollegiate athletics and enroll as a student at the institution,
25 that will be paid for by the institution throughout the college
26 athlete's intercollegiate athletics eligibility.

27 (5) The percentage of any out-of-pocket sports-related medical
28 expenses, including deductibles, copays, and coinsurance, that will
29 be paid by the institution during the college athlete's intercollegiate
30 athletics eligibility, and the duration for which those expenses will
31 be covered after the prospective athlete's intercollegiate athletics
32 eligibility expires. The percentage of out-of-pocket sports-related
33 medical expenses covered by the institution's in-network and
34 out-of-network services shall be stated on the CAP Panel's internet
35 website pursuant to this section.

36 (6) Whether or not the institution will pay for a disability
37 insurance policy for the college athlete in order to cover any future
38 loss of earnings by the athlete due to a sports-related injury or
39 medical condition, and any limits to that policy's benefits or

1 coverage, including the maximum possible benefits based on
2 similarly situated college athletes.

3 (7) A list of all colleges and universities, if any, that the
4 institution will not allow the athlete to freely transfer to once the
5 agreement to attend the institution is executed.

6 (8) The disclosures described in subdivision (a), as determined
7 by the CAP Recruiting Transparency Subpanel, at the beginning
8 of the first page of a document provided to a college athlete
9 pursuant to this subdivision.

10 (c) This section does not prohibit an institution of higher
11 education or out-of-state college or university ~~this~~ *that* is subject
12 to this section from providing protections or benefits that exceed
13 those required by this section.

14 67471. (a) The CAP Certification Subpanel established
15 pursuant to Section 67465 shall certify an individual or entity to
16 provide intercollegiate athletics agent, marketing, and financial
17 advising services to college athletes.

18 (b) No later than six months after the launch of the CAP
19 Certification Subpanel's certification operations, an individual or
20 entity shall not provide intercollegiate athletics agent, marketing,
21 or financial advising services to college athletes without the CAP
22 Certification Subpanel's certified approval or receipt of other
23 certification to provide those services established under law.

24 (c) The CAP Certification Subpanel shall develop and adopt
25 standards for it to do all of the following:

26 (1) Certify all of the following:

27 (A) College athlete agents.

28 (B) Agencies and entities that employ college athlete agents.

29 (C) Attorneys that represent college athletes in NIL contracts.

30 This subparagraph does not replace or preempt any other state or
31 local regulation of attorneys in the state.

32 (D) Individuals and entities that provide financial advising or
33 marketing services to college athletes. This subparagraph does not
34 replace or preempt any federal, state, or local regulation of financial
35 advising or marketing services in the state.

36 (2) Revoke certifications provided pursuant to paragraph (1).

37 (3) Protect college athletes from unfair fees and conditions for
38 intercollegiate athletics agent, marketing, and financial advising
39 services.

(d) (1) The CAP Certification Subpanel may assess certification fees, certification renewal fees, fines, and penalties on individuals and entities that do not comply with the standards developed and adopted pursuant to subdivision (c). Fees assessed by the CAP Certification Subpanel pursuant to this paragraph shall not exceed the reasonable regulatory costs incurred by the CAP Certification Subpanel incident to issuing certifications, performing investigations, inspections, and audits related to certification, and the administrative enforcement and adjudication of the certification process.

(2) The CAP Certification Subpanel shall develop an appeals process for an individual or entity to challenge a certification denial or revocation or any fee, fine, or penalty levied against the individual or entity pursuant to paragraph (1).

(3) Fees and fines collected pursuant to subdivision (d) shall be deposited in the CAP Fund established pursuant to Section 67476.

(e) The CAP Certification Subpanel shall not adopt a standard pursuant to this section that requires an individual to have a baccalaureate degree, an associate's degree, or a graduate degree to provide athletic agency, marketing, or financial advising services to college athletes.

(f) Notwithstanding any other provision of this section, the CAP Certification Subpanel may authorize individuals and entities who have college athlete representation certifications issued by other states or entities to operate as college athlete representatives without obtaining certification from the CAP Certification Subpanel or paying certification fees assessed by the CAP Certification Subpanel.

(1) The CAP Certification Subpanel may enter into collaborative college athlete certification program agreements with other states or entities.

(2) To prevent conflicts of interest, the CAP Certification Subpanel shall not certify college athlete representation provided by an institution of higher education, an out-of-state college or university, an intercollegiate athletic conference, or an athletic association.

(g) The CAP Certification Subpanel shall promulgate regulations for purposes of implementing and enforcing this section, as necessary.

67472. (a) On or before January 15, 2024, and annually thereafter, each institution of higher education that was a member of the NCAA on or after January 1, 2022, shall pay an annual fee to the Office of Planning and Research, in an amount determined by the CAP Panel pursuant to subdivision (b), to cover the reasonable regulatory costs of the CAP Program. The annual fees collected pursuant to this section shall not exceed seven million dollars (\$7,000,000) in aggregate per year. The CAP Panel may increase the annual fee limit to account for inflation. The annual fees shall be deposited in the CAP Fund established pursuant to Section 67476.

(b) The CAP Panel shall base the annual fees on each institution's total athletics revenue in the most recently published report that was submitted pursuant to the federal Equity in Athletics Disclosure Act to the United States Department of Education. The CAP Panel shall establish the annual fees pursuant to all of the following requirements, and may adjust these fees, without exceeding the annual aggregate limit determined pursuant to subdivision (a):

(1) Institutions of higher education with athletic revenue of less than two million four hundred ninety-nine thousand nine hundred ninety-nine dollars (\$2,499,999) shall each pay an annual fee of up to one hundred dollars (\$100).

(2) Institutions of higher education with athletic revenue between two million five hundred thousand dollars (\$2,500,000) and nineteen million nine hundred ninety-nine thousand nine hundred ninety-nine dollars (\$19,999,999), inclusive, shall each pay an annual fee of up to 0.01 percent of their total athletics revenue from the previous year.

(3) Institutions of higher education with athletic revenue between twenty million dollars (\$20,000,000) and twenty-nine million nine hundred ninety-nine thousand nine hundred ninety-nine dollars (\$29,999,999), inclusive, shall each pay an annual fee of up to 0.1 percent of their total athletics revenue from the previous year.

(4) Institutions of higher education with athletic revenue between thirty million dollars (\$30,000,000) and fifty-nine million nine hundred ninety-nine thousand nine hundred ninety-nine dollars (\$59,999,999), inclusive, shall each pay an annual fee of up to 0.3 percent of their total athletics revenue from the previous year.

(5) Institutions of higher education with athletic revenue of at least sixty million dollars (\$60,000,000) shall each pay an annual fee of up to 1.3 percent of their total athletics revenue from the previous year.

(6) Notwithstanding paragraphs (1) to (5), inclusive, two-year institutions of higher education shall each pay an annual fee of up to one hundred dollars (\$100).

(c) (1) Notwithstanding subdivisions (a) and (b), for the first year in which an annual fee is assessed on institutions of higher education, an institution of higher education's annual fee shall be the maximum amount that may be assessed to the institution pursuant to subdivision (b).

(2) (A) If the total amount of annual fees collected pursuant to paragraph (1) exceeds the reasonable regulatory costs of the CAP Program, up to seven million dollars (\$7,000,000), the CAP Program director shall return from the fund, upon appropriation by the Legislature, one-half of the annual fee paid by institutions of higher education pursuant to the following priority schedule until the total amount exceeding the reasonable regulatory costs of the CAP Program, up to seven million dollars (\$7,000,000), is returned:

(i) Institutions described in paragraphs (1) and (6) of subdivision (b) shall receive first priority.

(ii) Institutions described in paragraph (2) of subdivision (b) shall receive second priority.

(iii) Institutions described in paragraph (3) of subdivision (b) shall receive third priority.

(iv) Institutions described in paragraph (4) of subdivision (b) shall receive fourth ~~priority~~, *priority*.

(v) Institutions described in paragraph (5) of subdivision (b) shall receive fifth priority.

(B) It is the intent of the Legislature that the CAP Program director return annual fees pursuant to this paragraph within 60 days of being hired.

67473. (a) An institution of higher education shall administer a financial and life skills development workshop program. An institution of higher education shall require each college athlete at the institution to attend the financial and life skills development workshop program during the college athlete's first and third year of participation in an athletics program at the institution.

(b) A program developed pursuant to this section shall include, but is not limited to, information on both of the following:

(1) The rights of college athletes under this chapter.

(2) State and federal tax information, including NIL-related taxes, time management skills, personal budgeting, debt management, credit management, and interest rates information.

(c) A program developed pursuant to this section shall not include any marketing, advertising, referral, or solicitation by providers of commercial products or services.

67474. An institution of higher education shall not uphold any rule, requirement, standard, or other limitation that prevents a college athlete at the institution from fully participating in intercollegiate athletics without penalty for any of the following:

(a) For receiving food, shelter, medical expenses, or medical or disability insurance from any source.

(b) For receiving payment to cover expenses, direct provisions, or in-kind benefits from any source for purposes of transportation, room, board, and incidentals at college, or for purposes of meeting with legislators, providing testimony, or meeting with government agencies regarding intercollegiate athletics.

(c) For a college athlete's family member or friend receiving payment, direct provisions, or in-kind benefits from any source for transportation, room, board, and incidentals to support the college athlete during any period in which the college athlete is addressing a physical or mental health concern.

67475. (a) An institution of higher education and the institution's employees, coaches, and affiliated medical personnel shall not retaliate against a college athlete for filing a complaint or reporting a violation of a college athlete's rights under this chapter.

(b) For purposes of this chapter, "retaliation" shall include all of the following:

(1) A reduction in or loss of playing time that is not justified by objective measures of athletic performance or compliance with team or the institution of higher education's policies that do not conflict with this chapter or any federal or state laws.

(2) A reduction in or loss of any education benefits, including athletic grants, merit-based scholarships, or any other compensation.

1 (3) A reduction in or loss of any meal benefits provided to the
2 college athlete.

3 (4) A reduction in or loss of any housing benefits provided to
4 the college athlete, including the relocation of the college athlete's
5 housing owned by the institution of higher education.

6 (5) A reduction in or loss of athletics or team communications,
7 academic support or records, access to training facilities, or medical
8 treatment.

9 (6) Pressure to not file a complaint or to withdraw a complaint.

10 (7) Threats, ridicule, or physical punishment.

11 67476. The California Athlete Protection Fund (CAP Fund) is
12 hereby established. The CAP Panel shall administer the CAP Fund.
13 The CAP Fund shall serve as the repository of all moneys
14 appropriated or collected pursuant to this chapter, except for
15 moneys described in Section 67463. Moneys in the fund may be
16 used, upon appropriation by the Legislature, by the CAP Panel or
17 a CAP Subpanel established pursuant to Section 67465 for purposes
18 of implementing and enforcing this chapter. Up to 5 percent of
19 moneys in the CAP Fund, unless otherwise encumbered, may be
20 used, upon appropriation by the Legislature, by the CAP Panel or
21 a CAP Subpanel established pursuant to Section 67465 for
22 administrative costs of implementing and enforcing this chapter.

23 67477. The CAP Panel shall promulgate regulations for
24 purposes of implementing and enforcing this chapter, as the CAP
25 Panel deems appropriate or necessary.

26 67478. This chapter does not limit the enforcement authority
27 of any state or federal agency or shield violators of this chapter
28 from liability.

29 67479. The provisions of this chapter are severable. If any
30 provision of this chapter or its application is held invalid, that
31 invalidity shall not affect other provisions or applications that can
32 be given effect without the invalid provision or application.

33 SEC. 6. If the Commission on State Mandates determines that
34 this act contains costs mandated by the state, reimbursement to
35 local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.