**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “FAIR PAY TO PLAY ACT” BY ADDING SECTION 59‑101‑188 SO AS TO PROVIDE STUDENT ATHLETES AT PUBLIC INSTITUTIONS OF HIGHER LEARNING MAY EARN COMPENSATION FOR USE OF THEIR NAMES, IMAGES, OR LIKENESSES, TO PROVIDE RELATED REQUIREMENTS OF PUBLIC INSTITUTIONS OF HIGHER LEARNING AND INTERCOLLEGIATE ATHLETICS’ GOVERNING ASSOCIATIONS, AND TO PROVIDE RELATED REQUIREMENTS CONCERNING STUDENT ATHLETE SCHOLARSHIPS.

Whereas, according to a 2012 study by the National College Players Association and Drexel University Sports Management Program, for the 2010‑2011 academic year, the average annual scholarship shortfall as a result of out‑of‑pocket expenses for each Football Bowl Subdivision (FBS) full scholarship athlete was $3,285; and

Whereas, the study concluded that eighty‑two percent of full scholarship athletes who live on campus and ninety percent of full scholarship athletes who live off campus live at or below the federal poverty level; and

Whereas, the study found that, during the 2010‑2011 academic year, the fair market value of the labor of the average FBS football and men’s basketball player was approximately $137,357 and $289,829, respectively; and

Whereas, according to the study, the ten FBS football players with the highest estimated fair market values in 2009‑2010 lived below the federal poverty level with scholarship shortfalls despite the fact that they had fair market values that ranged from $345,000 to $514,000 and their head coaches were paid an average of $3,500,000 each, excluding bonuses; and

Whereas, according to a 2014 report by the College Sport Research Institute at the University of South Carolina, revenue‑producing male athletes graduate at a rate of 17.5 percentage points below other male students; and

Whereas, the study found that, from 2011 to 2015, inclusive, FBS football and men’s basketball players forfeited an estimated $6,200,000,000. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act must be known and may be cited as the ‘Fair Pay to Play Act’.

SECTION 2. Article 1, Chapter 101, Title 59 of the 1976 Code is amended by adding:

“Section 59‑101‑188. (A) A public institution of higher learning in this State that participates in intercollegiate athletic competition as a member institution of an athletic association, conference, or other group or organization with authority over intercollegiate athletics including, but not limited to, the National Collegiate Athletic Association, may not enforce or uphold any rule, requirement, standard, or other limitation that prevents a student who participates on such an intercollegiate athletics team from earning compensation as a result of the use of his name, image, or likeness. The athletic association, conference, or other group or organization with authority over intercollegiate athletics may not prevent the student from earning compensation as a result of the use of his name, image, or likeness.

(B) A scholarship from a public institution of higher learning that provides a student with the cost of attending that institution may not be:

(1) considered compensation for purposes of this section; or

(2) revoked as a result of earning compensation pursuant to this section.”

SECTION 3. This act takes effect upon approval by the Governor.

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