An Act

ENROLLED HOUSE
BILL NO. 2615

By: Thomsen of the House

and

Halligan of the Senate

An Act relating to schools; providing definitions; prohibiting persons from giving money or a thing of value to a student-athlete or family member for certain purposes; prohibiting persons from entering into or soliciting a transaction with a student-athlete that would result in certain sanctions; providing certain exceptions; establishing penalty; requiring high schools to advise certain students of the provisions of the law and to provide certain information; granting a right of action by a postsecondary institution against certain persons engaging in activity concerning student-athletes; providing for recovery of damages; specifying damages; allowing additional right of action and remedies; providing for codification; and providing an effective date.

SUBJECT: Student-athletes

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 822.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

As used in Sections 2 and 3 of this act:

1. "Immediate family" means a spouse, parent, legal guardian, child, sibling, grandparent, domestic partner or any individual whose close association with the student-athlete is the practical equivalent of a family relationship;

2. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, firm or any other legal or commercial entity;

3. "Student-athlete" means a student at any public or private institution of postsecondary education in this state or a student residing in this state who has applied, is eligible to apply, or may be eligible to apply in the future to a public or private institution of postsecondary education who engages in, is eligible to engage in, or may be eligible to engage in any intercollegiate sporting event, contest, exhibition or program; and

4. "Transaction" means any action or set of actions occurring between two or more persons for the sale or exchange of any property or services.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 822.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Except as provided for in subsection C of this section, no person shall give, offer, promise or attempt to give any money or other thing of value to a student-athlete or member of the immediate family of a student-athlete:

1. To induce, encourage or reward the application, enrollment or attendance of the student-athlete at a public or private institution of postsecondary education in order to have the student-athlete participate in intercollegiate sporting events, contests, exhibitions or programs at that institution; or

2. To induce, encourage or reward the participation in an intercollegiate sporting event, contest, exhibition or program by the student-athlete.

B. No person shall enter into or solicit directly or through an agent a transaction with a student-athlete if the person has, or could be reasonably expected to have, knowledge that the transaction would likely cause the student-athlete to permanently or temporarily lose athletic scholarship eligibility, the ability to participate on an intercollegiate athletic team or the ability to participate in one or more intercollegiate sporting competitions as sanctioned by:

1. A national association for the promotion and regulation of intercollegiate athletics;

2. An athletic conference or other sanctioning body; or

3. The institution of postsecondary education itself as a reasonable self-imposed disciplinary action taken by the institution to mitigate sanctions likely to be imposed by an organization as a result of the transaction or as a violation of the rules of the institution.

C. This section shall not apply to:

1. Any public or private institution of postsecondary education or to any officer or employee of the institution when the institution or the officer or employee of the institution is acting in accordance with an official written policy of the institution which is in compliance with the bylaws of the National Collegiate Athletic Association;

2. Any intercollegiate athletic award approved or administered by the public or private institution of postsecondary education;

3. Grants-in-aid or other full or partial scholarships awarded to a student-athlete or administered by a public or private institution of postsecondary education;

4. Members of the immediate family of the student-athlete; and

5. Money or things of value given by a person to a student-athlete or the immediate family of a student-athlete that do not exceed One Hundred Dollars ($100.00) in value in the aggregate on an annual basis.

D. Any person who violates the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than One Thousand Dollars ($1,000.00) and not more than Five Thousand Dollars ($5,000.00), or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

E. Each public and private high school in this state shall at the beginning of each sports season advise in writing each student who participates in any athletic program sponsored by the school of the provisions of this section and shall provide each student with information concerning the effect of receiving money or other things

of value on the future eligibility of the student to participate in intercollegiate athletics. The provisions of this subsection shall not apply to intramural athletic programs sponsored by the school.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 822.3 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Each public and private institution of postsecondary education located in this state that participates or engages in intercollegiate athletics shall have a right of action against any person who engages in any activity concerning student-athletes that results in:

1. The institution being penalized, disqualified, or suspended from participation in intercollegiate athletics by a national association for the promotion and regulation of intercollegiate athletics, by an athletic conference or other sanctioning body, or by reasonable self-imposed disciplinary action taken by the institution to mitigate sanctions likely to be imposed by the organizations as a result of the activity; or

2. The student-athlete permanently or temporarily losing athletic scholarship eligibility, the ability to participate on an intercollegiate athletic team, or the ability to participate in one or more intercollegiate sporting competitions as sanctioned by a national association for the promotion and regulation of intercollegiate athletics, by an athletic conference or other sanctioning body or by the institution itself as a reasonable self-imposed disciplinary action taken by the institution to mitigate sanctions likely to be imposed by the organizations as a result of engaging in the activity or as a violation of the rules of the institution.

B. An institution shall be entitled to recover all damages which are directly related to or which flow from and are reasonably related to the improper activity as described in this section and to any penalties, disqualifications and suspensions. Damages shall include, but are not limited to, loss of scholarships, loss of television revenue, loss of bowl revenue and legal and other fees associated with the investigation of the activity and the representation of the institution before the sanctioning organizations in connection with the investigation and resolution of the activity. If the institution is the prevailing party in its cause of action, it shall be entitled to an award of court costs,

costs of litigation and reasonable attorney fees. The institution may request and the court may enter an injunction prohibiting any person found liable from having any further contact with the institution, its student-athletes and student-athletes who have expressed or might express an interest in attending the institution. The institution may also request and the court may enter an injunction prohibiting any person found liable from attending athletic contests, exhibitions, games or other events in which one or more student-athletes are participating.

C. The right of action and remedies under this section are in addition to all other rights of action which may be available to the institution.

SECTION 4. This act shall become effective November 1, 2016.

Passed the House of Representatives the 18th day of February, 2016.

Presiding Officer of the House of Representatives

Passed the Senate the 31st day of March, 2016.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 4th day of April, 2016, at 3:16 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 7th day of April, 2016, at 3:14 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 7th day of April, 2016, at 3:43 o'clock P. M.

By: Rod Wall