

**ASSEMBLY BILL****No. 252**

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**Introduced by Assembly Member Holden**January 19, 2023

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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 introduced, 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 revenue 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, its employees, coaches, and affiliated medical personnel, as defined, from retaliating against a college athlete for filing a complaint or reporting a violation of college athlete rights provided in 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 State Department of Education 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:
- 3 67451. For purposes of ~~this part~~: *Chapter 1 (commencing with*
- 4 *Section 67450) and this chapter, the following definitions apply:*
- 5 (a) "Athletic association" means any organization that is
- 6 responsible for governing intercollegiate athletic programs.

1 (b) “Athletic program” means an intercollegiate athletic program  
2 at any institution of higher education within the meaning of  
3 subdivision (d).

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

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

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

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

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

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

28 ~~67452.3. An institution of higher education may establish a~~  
29 ~~degree completion fund, in accordance with applicable rules and~~  
30 ~~bylaws of the governing body of the institution and applicable~~  
31 ~~rules and bylaws of any athletic association of which the institution~~  
32 ~~is a member.~~

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

34 ~~67454. (a) An institution of higher education shall prepare a~~  
35 ~~notice detailing the following rights:~~

36 ~~(1) A student athlete’s rights pursuant to Title IX of the federal~~  
37 ~~Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.).~~

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

~~(b) The notice developed pursuant to subdivision (a) shall identify the contact information through which a student athlete may file a complaint for a violation of any of the rights identified in the notice, including, but not necessarily limited to, contact information for all of the following:~~

~~(1) The Office for Civil Rights, as well as the appropriate Office for Civil Rights regional enforcement office.~~

~~(2) The Office for Civil Rights Title IX enforcement office.~~

~~(3) The enforcement office of the United States Department of Education for reporting violations of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.~~

~~(c) Every institution of higher education shall post, and keep posted in a conspicuous location in its athletic department that is frequented by student athletes where it is easily accessible and readable during campus business hours, including, but not necessarily limited to, athletic training facilities, the notice developed pursuant to subdivision (a).~~

~~(d) At the beginning of every academic year, the institution of higher education shall provide to every student athlete each of the following:~~

~~(1) A copy of the notice developed pursuant to subdivision (a).~~

~~(2) A current copy of the National Collegiate Athletic Association Concussion Diagnosis and Management of Sports-Related Concussion Best Practices.~~

~~(3) A copy of any written policies related to concussions or other sports medicine practices specific to the institution of higher education.~~

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

~~67455. (a) An institution of higher education shall not intentionally retaliate against a student athlete for any of the following:~~

~~(1) Making or filing a complaint, in good faith, about a violation of student athlete rights granted under any applicable statute, regulation, or policy.~~

~~(2) Testifying or otherwise assisting in any investigation into violations of student athlete rights granted under any applicable statute, regulation, or policy.~~

1 ~~(3) Opposing any practices that the student athlete, in good faith,~~  
2 ~~believes are a violation of student athlete rights granted under any~~  
3 ~~applicable statute, regulation, or policy.~~

4 ~~(b) (1) For purposes of this section, “retaliation” includes, but~~  
5 ~~is not necessarily limited to, each of the following:~~

6 ~~(A) A reduction in or loss of any education benefits, including~~  
7 ~~scholarships and stipends.~~

8 ~~(B) A reduction in or loss of any meal benefits provided to a~~  
9 ~~student athlete.~~

10 ~~(C) A reduction in or loss of any housing benefits provided to~~  
11 ~~a student athlete, including the relocation of a student athlete to~~  
12 ~~different housing owned by the institution of higher education.~~

13 ~~(2) For purposes of subparagraphs (A) to (C), inclusive, of~~  
14 ~~paragraph (1), “retaliation” does not mean an action taken, in good~~  
15 ~~faith, by an institution of higher education on the basis of conduct~~  
16 ~~other than that described in subdivision (a).~~

17 ~~(e) This section shall not be construed to restrict the authority~~  
18 ~~of an institution of higher education to impose interim measures~~  
19 ~~or, upon a finding of responsibility, permanent consequences on~~  
20 ~~a student athlete who has been accused of sexual harassment or~~  
21 ~~violence.~~

22 SEC. 5. Chapter 3 (commencing with Section 67460) is added  
23 to Part 40.3 of Division 5 of Title 3 of the Education Code, to read:  
24

25 CHAPTER 3. THE COLLEGE ATHLETE PROTECTION ACT

26  
27 67460. This chapter shall be known, and may be cited, as the  
28 College Athlete Protection Act.  
29

30 Article 1. Definitions

31  
32 67461. As used in this chapter, unless the context requires  
33 otherwise, the following definitions apply:

34 (a) “Affiliated medical personnel” means individuals who  
35 provide medical, rehabilitation, or athletic training diagnoses,  
36 opinions, or services to college athletes, in collaboration with an  
37 institution of higher education. “Affiliated medical personnel”  
38 include, but are not limited to, physicians, mental health  
39 professionals, physical therapists, and athletic trainers. Individuals

1 do not have to receive compensation from an institution of higher  
2 education to be affiliated medical personnel.

3 (b) “Aggregate athletic grants” means the total amount of  
4 athletic grants that an institution of higher education annually  
5 reports pursuant to the federal Equity in Athletics Disclosure Act  
6 to the United States Department of Education for each  
7 intercollegiate athletics team at the institution.

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

10 (d) “Athletic grant” means an athletics scholarship or grant that  
11 an institution of higher education pays to a college athlete.

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

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

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

18 (h) “CAP Program” means the California Athlete Protection  
19 Program established pursuant to this chapter.

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

25 (j) “Fair market value compensation” means an amount of  
26 compensation for each college athlete who receives an athletic  
27 grant that is determined annually by subtracting the intercollegiate  
28 athletic team’s aggregate athletic grants from one-half of the  
29 intercollegiate athletic team’s revenue and dividing that difference  
30 by the number of athletic grants provided to college athletes on  
31 that team.

32 (k) “Institution of higher education” or “institution” means any  
33 campus of the University of California, the California State  
34 University, the California Community Colleges, an independent  
35 institution of higher education, as defined in Section 66010, or a  
36 private postsecondary educational institution, as defined in Section  
37 94858, that maintains an athletic program.

38 (l) “Intercollegiate athlete” means a California resident who is  
39 enrolled at an out-of-state college or university and is listed as a  
40 member of an intercollegiate athletics team at the out-of-state

1 college or university. A student's participation in club or intramural  
2 sports at an out-of-state college or university does not meet the  
3 definition of intercollegiate athlete.

4 (m) "NIL" means the use of a college athlete's name, image,  
5 and likeness.

6 (n) "Office for Civil Rights" means the Office for Civil Rights  
7 within the United States Department of Education.

8 (o) "Revenue" means annual intercollegiate athletics revenue  
9 reported pursuant to the federal Equity in Athletics Disclosure Act  
10 by an institution of higher education to the United States  
11 Department of Education.

12 (p) "Title IX" means Title IX of the federal Education  
13 Amendments of 1972 (20 U.S.C. 1681 et seq.)

14  
15 Article 2. Findings

16  
17 67462. The Legislature finds and declares all of the following:

18 (a) Safety, transparency, and quality education for college  
19 athletes should be prioritized for athletic programs, conferences,  
20 and associations and the state.

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

26 (c) To increase graduation rates and ensure economic equity,  
27 institutions of higher education need to establish a degree  
28 completion fund for each college athlete with specified rules and  
29 manage that fund as a fiduciary for the college athlete without  
30 charging the college athlete for any costs incurred.

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

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

38 (f) College athletes face intense pressure to return to play when  
39 injured. Intercollegiate sports programs, including coaches and

1 team medical staff, should collaborate to ensure that a college  
2 athlete's interests are always put first.

3 (g) Athletic programs must have a health care model that vests  
4 autonomous medical management decisions in primary athletic  
5 health care providers, such as team physicians and athletic trainers.  
6 These providers, their decisionmaking related to the health and  
7 safety of college athletes, and their health care delivery should be  
8 protected from outside, nonmedical influences.

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

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

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

### 20 21 Article 3. General Provisions 22

23 67463. (a) An institution of higher education shall establish a  
24 degree completion fund for its college athletes who receive athletic  
25 grants but do not receive fair market value compensation in an  
26 academic year.

27 (b) An institution of higher education shall use degree  
28 completion funds to compensate each college athlete who receives  
29 an athletic grant at the institution but does not receive fair market  
30 value compensation in an academic year.

31 (c) A college athlete on the same intercollegiate athletics team  
32 at an institution of higher education during the same academic  
33 year shall be designated an equal payment from that institution's  
34 degree completion fund for that academic year.

35 (d) All degree completion funds of up to twenty-five thousand  
36 dollars (\$25,000) shall be paid to each college athlete for their  
37 participation on the intercollegiate athletics team in an academic  
38 year. Payments described in this subdivision shall be made annually  
39 no later than 60 days after the institution of higher education



1 submits its annual report pursuant to the federal Equity in Athletics  
2 Disclosure Act to the United States Department of Education.

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

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

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

19 (g) An institution of higher education shall accurately account  
20 its aggregate athletic grants and revenue. An institution shall not  
21 undercount or fail to accurately categorize its aggregate athletic  
22 grants or revenue.

23 (h) All degree completion fund payments above the amount  
24 determined pursuant to subdivision (d) designated for a college  
25 athlete shall be forfeited if the college athlete does not complete  
26 a baccalaureate degree program within six years of full-time college  
27 enrollment or submit proof, as determined by the CAP Panel, of  
28 having a severe medical condition that prevents the college athlete  
29 from completing a baccalaureate degree program. All forfeited  
30 funds shall be deposited in the institution's degree completion fund  
31 and used for degree completion fund payments to college athletes  
32 pursuant to this section.

33 (i) (1) In making annual degree completion fund payment  
34 designations pursuant to this section, an institution of higher  
35 education may opt to only use all revenue for an academic year  
36 that exceeds its revenue for the previous academic year. If the  
37 institution uses this option, the institution does not have to pay  
38 any remaining fair market value compensation owed to a college  
39 athlete into the degree completion fund for the academic year in

1 which the institution uses this option so long as both of the  
2 following conditions are met:

3 (A) (i) All of the institution's revenue that was not categorized  
4 by gender or sport in the institution's report pursuant to the federal  
5 Equity in Athletics Disclosure Act to the United States Department  
6 of Education for that academic year that exceeds the institution's  
7 revenue that was not categorized by gender or sport in the  
8 institution's report pursuant to the federal Equity in Athletics  
9 Disclosure Act to the United States Department of Education for  
10 the previous academic year is used to make degree completion  
11 fund payment designations for college athletes and is not used for  
12 any other purpose.

13 (ii) Each college athlete, regardless of sport, at the institution  
14 who qualifies for a degree completion fund payment designation  
15 pursuant to this subparagraph receives an equal share of moneys  
16 calculated pursuant to this subparagraph.

17 (iii) Degree completion fund payment designations made  
18 pursuant to this subparagraph do not result in any college athlete  
19 being designated more than fair market value compensation for  
20 any academic year.

21 (B) (i) All revenue of an intercollegiate athletics team at the  
22 institution for that academic year that exceeds that team's revenue  
23 for the previous academic year is used to make degree completion  
24 fund payment designations for that team's college athletes.

25 (ii) Degree completion fund payment designations made  
26 pursuant to this subparagraph shall not result in any college athlete  
27 being designated more than fair market compensation for any  
28 academic year.

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

32 (j) Degree completion funds are the property of college athletes  
33 and not the property of institutions of higher education. Institutions  
34 of higher education shall have a fiduciary duty to its college  
35 athletes to manage these funds.

36 (k) Notwithstanding any other provision of this section, if an  
37 institution of higher education deems it necessary, the institution  
38 may adjust the amounts of degree completion fund payment  
39 designations only to comply with Title IX financial aid

1 proportionality comparisons in athletics, so long as both of the  
2 following conditions are met:

3 (1) The aggregate total amount of degree completion fund  
4 payment designations made to the institution's college athletes is  
5 not reduced.

6 (2) The institution is in compliance with Title IX financial aid  
7 proportionality comparisons in athletics independent of degree  
8 completion fund payment designations.

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

11 (m) This section shall apply only to an institution of higher  
12 education with an intercollegiate sports team that participated in  
13 a National Collegiate Athletic Association Conference Division I  
14 sport on or after January 1, 2022.

15 67464. (a) An institution of higher education shall distribute  
16 a notice to each college athlete at the institution containing all of  
17 the following information:

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

20 (2) An individual notice stating: "All students have the right to  
21 report a sexual assault, without retaliation, to law enforcement,  
22 the office of the Attorney General, the United States Department  
23 of Education's Office for Civil Rights, (insert name of institution)'s  
24 mandated reporters, (insert name of institution)'s Title IX office,  
25 and the College Athlete Protection Program director."

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

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

30 (5) Additional rights that the state affords specifically to college  
31 athletes.

32 (b) The notice distributed pursuant to subdivision (a) shall  
33 contain sufficient information to enable a college athlete to file a  
34 complaint for a violation of any of the rights identified in the  
35 notice. This information shall include, but is not limited to, all of  
36 the following:

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

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

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

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

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

13 (6) The telephone number of the Attorney General.

14 (c) An institution of higher education shall post on campus in  
15 conspicuous locations frequented by college athletes, including,  
16 but not limited to, the institution’s athletic training facilities, the  
17 notice distributed pursuant to this section.

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

21 67465. (a) The College Athlete Protection (CAP) Program is  
22 hereby established as a program in the department for purposes of  
23 this chapter.

24 (b) The CAP Program shall be administered by the CAP Panel.

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

27 (i) Eleven members appointed by the Governor.

28 (ii) Five members appointed by the Speaker of the Assembly.

29 (iii) Five members appointed by the Senate Committee on Rules.

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

33 (2) CAP Panel members shall be voluntary positions that receive  
34 per diem and paid travel accommodations, as determined by the  
35 CAP Program director. One member shall be appointed by a  
36 majority vote of the CAP Panel’s members to serve as chairperson  
37 of the CAP Panel.

38 (3) The department shall hire and establish compensation for a  
39 CAP Program director. The CAP Program director shall be a  
40 full-time position and serve a six-year term that may be renewed

1 with no term limits. The CAP Program director shall hire additional  
2 staff to assist in the implementation and enforcement of this  
3 chapter.

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

8 (B) All subsequent appointments made after the initial  
9 21-member CAP Panel is appointed shall be six-year terms with  
10 no term limits.

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

14 (5) A CAP Panel member and the CAP Program director shall  
15 not have served at any time as an affiliated medical personnel,  
16 employee, or member of a governing body of an institution of  
17 higher education, an out-of-state college or university that has an  
18 intercollegiate sports program, an intercollegiate sports conference,  
19 or an intercollegiate sports association.

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

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

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

27 (i) One member with expertise in sports medicine and traumatic  
28 brain injury.

29 (ii) One member with expertise in athletic training or physical  
30 therapy in sports.

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

32 (iv) One member with expertise in workplace health and safety  
33 compliance and investigations.

34 (v) One member with expertise in sexual misconduct  
35 investigations.

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

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

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

- 1 (ii) One member with expertise in college sports recruiting.
- 2 (iii) One member with expertise in college athlete publicity
- 3 rights law.
- 4 (iv) One member who is a former college athlete with experience
- 5 in the recruiting process.
- 6 (C) The CAP Certification Subpanel, which shall consist of all
- 7 of the following:
- 8 (i) One member with expertise in sports agent certification.
- 9 (ii) One member with expertise in financial advising standards.
- 10 (iii) One member with expertise in marketing standards.
- 11 (iv) One member who is a former college athlete with experience
- 12 in agreements related to CAP certification duties.
- 13 (D) The General CAP Subpanel, which shall consist of all of
- 14 the following:
- 15 (i) One member with expertise in health care administration,
- 16 medical claims, and the federal Health Insurance Portability and
- 17 Accountability Act of 1996 (Public Law 104–191).
- 18 (ii) One member with expertise in compliance with Title IX in
- 19 athletics.
- 20 (iii) One member who is a certified public accountant with
- 21 expertise in corporate financial audits and corporate compliance
- 22 investigations.
- 23 (iv) One member with expertise in arbitration.
- 24 (v) One member with expertise in grievance and appeals
- 25 processes.
- 26 (vi) One member with expertise in producing educational
- 27 materials.
- 28 (c) The CAP Panel shall have all of the following enforcement
- 29 duties and powers:
- 30 (1) Receive, track, and investigate complaints regarding reported
- 31 violations of this chapter.
- 32 (2) Issue subpoenas, if necessary, to obtain information
- 33 necessary to carry out its duties pursuant to this chapter.
- 34 (3) Require an institution of higher education and out-of-state
- 35 college or university that is subject to this chapter to provide
- 36 athletic grants, make payments for college athlete medical coverage
- 37 and expenses, and provide other remedies that the CAP Panel
- 38 deems necessary to ensure compliance with this chapter.
- 39 (4) (A) Refer individuals, institutions of higher education, and
- 40 out-of-state colleges and universities that are subject to this chapter

1 who do not comply with a CAP Panel penalty or remedy imposed  
2 pursuant to subdivision (d) to the Attorney General for prosecution,  
3 as appropriate.

4 (B) The Attorney General shall have the authority to prosecute  
5 individuals and entities that do not comply with a CAP Panel  
6 penalty or remedy, as appropriate.

7 (5) Determine the best practice guidelines, health and safety  
8 standards, policies, or other informational materials that may  
9 benefit high school athletes, high school sports programs, and the  
10 California Interscholastic Federation, and make them available  
11 and easily accessible to the public.

12 (6) At its discretion, implement collaborative and cost-reduction  
13 efforts with other states, local governments, intercollegiate sports  
14 conferences, intercollegiate sports associations, or other  
15 stakeholders to help protect the well-being of intercollegiate  
16 athletes in other states.

17 (7) Hold quarterly meetings.

18 (8) Distribute, on or before January 15, 2025, and each year  
19 thereafter, an annual report to each institution of higher education,  
20 intercollegiate athletic conference, athletic association, and the  
21 Legislature, pursuant to Section 9795 of the Government Code,  
22 on the state of college athlete protections established pursuant to  
23 this chapter.

24 (9) Communicate with the Legislature about ways to improve  
25 this chapter.

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

28 (d) (1) In addition to any other remedy or penalty authorized  
29 by law, individuals who violate this chapter may be subject to  
30 remedies and penalties established pursuant to regulations adopted  
31 by the CAP Panel. These regulations shall include a system to  
32 appeal the CAP Panel's rulings. Penalties and remedies established  
33 by the CAP Panel may include any, or any combination, of the  
34 following:

35 (A) Training to help prevent future violations.

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

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

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

(A) The number and duration of violations.

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

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

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

(1) Consult with athletic associations, the University of California, the California State University, and the athlete health and safety advocacy community.

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

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

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

(2) Within 90 days of implementation of the CAP Health and Safety Subpanel's health and safety standards developed,



published, and adopted pursuant to subdivision (a), an institution of higher education shall comply with all of the following:

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

(B) Inform college athletes of their rights and protections established pursuant to the standards, and inform college athletes of their right to report suspected violations of the standards to the athletic program personnel of their choice, the Attorney General, and, once the CAP Health and Safety Subpanel commences enforcing the standards adopted pursuant to this section, the CAP Program director.

(C) Designate at least one employee to oversee compliance with this section and to serve as a point of contact for the CAP Health and Safety Subpanel.

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

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

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

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

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

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

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

(7) Require assistance from institutions of higher education to help survey college athletes and athletic program personnel, as 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 wrongdoing, undermines an investigation, or fails to carry out the

responsibilities required by this section may be subject to a penalty imposed by the CAP Health and Safety Subpanel.

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

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

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

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

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

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

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

1 contact”(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 with an  
18 intercollegiate sports team that participated in a National Collegiate  
19 Athletic Association Division 1 sport on or after January 1, 2022,  
20 or becomes a member of a National Collegiate Athletic Association  
21 Division I sport thereafter, and that provides a college athlete with  
22 an athletic grant shall provide the college athlete with an athletic  
23 grant for each subsequent year in which the college athlete is  
24 enrolled at the institution for up to six academic years of total  
25 full-time college attendance, or until the college athlete receives  
26 a baccalaureate degree from the institution, whichever occurs first.  
27 The athletic grant shall be provided regardless of the college  
28 athlete’s lack of participation due to injury or poor athletic  
29 performance on an intercollegiate athletics team at the institution.

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

36 (b) (1) A college athlete who transfers to an institution of higher  
37 education shall receive an athletic grant in an amount determined  
38 pursuant to subdivision (a) for up to one academic year beyond  
39 the college athlete’s remaining intercollegiate athletics eligibility  
40 in which the college athlete is enrolled at the institution, or until

1 the college athlete receives a baccalaureate degree from the  
2 institution, whichever occurs first.

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

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

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

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

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

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

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

25 (c) (1) If the CAP Panel determines in an administrative hearing  
26 that an institution of higher education has eliminated roster slots  
27 on an athletic program's team, reduced aggregate athletic grant  
28 amounts, or eliminated an intercollegiate sport entirely while  
29 paying an athletics administrator or coach an annual salary of five  
30 hundred thousand dollars (\$500,000) or more, the athletic director  
31 or equivalent representative of the institution of higher education  
32 shall be suspended from involvement in intercollegiate athletics  
33 at an institution of higher education for, at minimum, three  
34 academic years, as determined by the CAP Panel.

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

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

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

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

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

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

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

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

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

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



1 (D) Whether or not the institution of higher education or  
2 out-of-state college or university receives any payment or benefit  
3 from an individual or entity in exchange for granting the individual  
4 or entity access to their college athletes or intercollegiate athletes  
5 for any NIL-related purpose.

6 (2) The CAP Panel shall collect the information described in  
7 paragraph (1) and post it on a publicly accessible internet website  
8 for prospective college athletes, college athletes, and intercollegiate  
9 athletes.

10 (b) An institution of higher education shall only use a document  
11 created by the CAP Panel to offer an athletic grant or intercollegiate  
12 athletics participation opportunity to a prospective college athlete.  
13 An out-of-state college or university offering an intercollegiate  
14 athletics grant or intercollegiate athletics participation opportunity  
15 to a California resident shall only use a document created by the  
16 CAP Panel to offer an intercollegiate athletics grant or  
17 intercollegiate athletics participation opportunity to a California  
18 resident. A document developed pursuant to this subdivision shall  
19 include, but is not limited to, all of the following disclosures:

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

24 (2) The total amount of possible annual education-related  
25 compensation allowable in accordance with the United States  
26 Supreme Court decision in *National Collegiate Athletic Association*  
27 *v. Alston* (2021) 141 S.Ct. 2141 and the annual amount of  
28 education-related compensation to be offered to the prospective  
29 college athlete at the institution throughout the prospective college  
30 athlete's intercollegiate athletics eligibility.

31 (3) The amount of an intercollegiate sports grant, if any, that  
32 will be provided to assist the prospective college athlete with  
33 undergraduate and graduate school degree completion at the  
34 institution following the expiration of the college athlete's  
35 intercollegiate athletics eligibility.

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

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

(6) Whether or not the institution will pay for a disability insurance policy for the college athlete in order to cover any future loss of earnings by the athlete due to a sports-related injury or medical condition, and any limits to that policy's benefits or coverage, including the maximum possible benefits based on similarly situated college athletes.

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

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

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

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

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

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

(1) Certify all of the following:

(A) College athlete agents.

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

1 (C) Attorneys that represent college athletes in NIL contracts.  
2 This subparagraph does not replace or preempt any other state or  
3 local regulation of attorneys in the state.

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

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

9 (3) Ensure fair fees are charged to college athletes for  
10 intercollegiate athletics agent, marketing, and financial advising  
11 services.

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

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

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

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

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

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

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

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

12 67472. (a) On or before January 15, 2024, and annually  
13 thereafter, each institution of higher education that was a member  
14 of the National Collegiate Athletic Association on or after January  
15 1, 2022, shall pay an annual fee to the department, in an amount  
16 determined by the CAP Panel pursuant to subdivision (b), to cover  
17 the reasonable regulatory costs of the CAP Program. The annual  
18 fees collected pursuant to this section shall not exceed seven  
19 million dollars (\$7,000,000) in aggregate per year. The CAP Panel  
20 may increase the annual fee limit to account for inflation. The  
21 annual fees shall be deposited in the CAP Fund established  
22 pursuant to Section 67476.

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

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

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

1 (3) Institutions of higher education with athletic revenue between  
2 twenty million dollars (\$20,000,000) and twenty-nine million, nine  
3 hundred ninety-nine thousand, nine hundred ninety-nine dollars  
4 (\$29,999,999), inclusive, shall each pay an annual fee of up to 0.1  
5 percent of their total athletics revenue from the previous year.

6 (4) Institutions of higher education with athletic revenue between  
7 thirty million dollars (\$30,000,000) and fifty-nine million, nine  
8 hundred ninety-nine thousand, nine hundred ninety-nine dollars  
9 (\$59,999,999), inclusive, shall each pay an annual fee of up to 0.3  
10 percent of their total athletics revenue from the previous year.

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

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

18 67473. (a) An institution of higher education shall administer  
19 a financial and life skills development workshop program. An  
20 institution of higher education shall require each college athlete  
21 at the institution to attend the financial and life skills development  
22 workshop program during the college athlete's first and third year  
23 of participation in an athletics program at the institution.

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

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

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

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

33 67474. An institution of higher education shall not uphold any  
34 rule, requirement, standard, or other limitation that prevents a  
35 college athlete at the institution from fully participating in  
36 intercollegiate athletics without penalty for any of the following:

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

39 (b) For receiving payment to cover expenses, direct provisions,  
40 or in-kind benefits from any source for purposes of transportation,

1 room, board, and incidentals at college, or for purposes of meeting  
2 with legislators, providing testimony, or meeting with government  
3 agencies regarding intercollegiate athletics.

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

9 67475. (a) An institution of higher education and the  
10 institution's employees, coaches, and affiliated medical personnel  
11 shall not retaliate against a college athlete for filing a complaint  
12 or reporting a violation of a college athlete's rights under this  
13 chapter.

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

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

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

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

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

28 (5) A reduction in or loss of athletics or team communications,  
29 academic support or records, access to training facilities, or medical  
30 treatment.

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

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

33 67476. The California Athlete Protection Fund (CAP Fund) is  
34 hereby established. The CAP Panel shall administer the CAP Fund.  
35 The CAP Fund shall serve as the repository of all moneys  
36 appropriated or collected pursuant to this chapter, except for  
37 moneys described in Section 67463. Moneys in the fund may be  
38 used, upon appropriation by the Legislature, by the CAP Panel or  
39 a CAP Subpanel established pursuant to Section 67465 for purposes  
40 of implementing and enforcing this chapter. Up to 5 percent of

1 moneys in the CAP Fund, unless otherwise encumbered, may be  
2 used, upon appropriation by the Legislature, by the CAP Panel or  
3 a CAP Subpanel established pursuant to Section 67465 for  
4 administrative costs of implementing and enforcing this chapter.

5 67477. The CAP Panel shall promulgate regulations for  
6 purposes of implementing and enforcing this chapter, as the CAP  
7 Panel deems appropriate or necessary.

8 67478. This chapter does not limit the enforcement authority  
9 of any state or federal agency or shield violators of this chapter  
10 from liability.

11 67479. The provisions of this chapter are severable. If any  
12 provision of this chapter or its application is held invalid, that  
13 invalidity shall not affect other provisions or applications that can  
14 be given effect without the invalid provision or application.

15 SEC. 6. If the Commission on State Mandates determines that  
16 this act contains costs mandated by the state, reimbursement to  
17 local agencies and school districts for those costs shall be made  
18 pursuant to Part 7 (commencing with Section 17500) of Division  
19 4 of Title 2 of the Government Code.