

SB 1505 A STAFF MEASURE SUMMARY

House Committee On Business and Labor

Prepared By: Tyler Larson, LPRO Analyst

Meeting Dates: 2/16, 2/21

WHAT THE MEASURE DOES:

Requires person that produces intercollegiate sports team jersey, video game, or trading card for profit to make royalty payment to student athlete for use of the student athlete's name, image, or likeness. Modifies definition of "athlete agent" to exclude student of the educational institution participating in a clinic, studio, lab, or other program created by the institution for educational, training, or support purposes. Declares emergency, effective on July 1, 2022.

Senate vote: Ayes, 22; Nays, 0; Absent, 1--Heard; Excused, 7--Boquist, Kennemer, Lawrence Spence, Linthicum, Robinson, Steiner Hayward, Thatcher

No fiscal impact; no revenue impact

ISSUES DISCUSSED:

- History of NCAA policies and impact on student athletes
- Concerns that college athletes are actually misclassified employees
- Impact of Senate Bill 5 (2021) on Oregon's student athletes
- Provisions of the measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In a 2021 decision, the Supreme Court of the United States upheld a lower court decision which found that National Collegiate Athletic Association (NCAA) rules restricting non-cash education-related benefits to student athletes violated the Sherman Act, a federal antitrust law that prohibits contracts, combinations, or conspiracies that restrain free trade or interstate commerce. *NCAA v. Alston*, 141 S.Ct. 2141 (2021). Following the decision, the NCAA adopted a new policy allowing collegiate athletes to benefit from their name, image, and likeness but preserving requirements to avoid pay-for-play and improper recruiting inducements.

The National Conference of State Legislatures reports that 28 states have enacted laws allowing student athletes to earn compensation. Senate Bill 5 (2021) permits Oregon's student athletes to be compensated for the use of the student's name, image, or likeness, and to obtain professional representation.

Senate Bill 1505 A requires producers of intercollegiate sports team jerseys, video games, or trading cards to pay royalties to Oregon's student athletes for the use of their name, image, or likeness. The measure also excludes certain college students from the definition of "athlete agent" under Oregon's Revised Uniform Athlete Agents Act.