

HB0449S01 compared with HB0449

~~{Omitted text}~~ shows text that was in HB0449 but was omitted in HB0449S01

inserted text shows text that was not in HB0449 but was inserted into HB0449S01

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1

Student Athlete Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor:

2

3 LONG TITLE

4 General Description:

5 This bill creates provisions related to an institution compensating a student athlete for the
6 use of the student athlete's name, image, or likeness.

7 Highlighted Provisions:

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ makes technical and conforming changes;
- 11 ▶ allows an institution of higher education to use certain funds to compensate a student athlete
12 directly for the use of the student athlete's name, image, or likeness;
- 13 ▶ provides certain protections to institutions and student athletes; and
- 14 ▶ creates an audit requirement for the Utah Board of Higher Education.

15 Money Appropriated in this Bill:

16 None

17 Other Special Clauses:

18 None

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20 AMENDS:

21 **53B-1-301** , as last amended by Laws of Utah 2024, Chapter 3 , as last amended by Laws of Utah
2024, Chapter 3

22 **53B-16-601** , as enacted by Laws of Utah 2024, Chapter 49 , as enacted by Laws of Utah 2024,
Chapter 49

23 **53B-16-602** , as enacted by Laws of Utah 2024, Chapter 49 , as enacted by Laws of Utah 2024,
Chapter 49

24

25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **53B-1-301** is amended to read:

27 **53B-1-301. Reports to and actions of the Higher Education Appropriations Subcommittee.**

29 (1) In accordance with applicable provisions and Section 68-3-14, the following recurring reports are
due to the Higher Education Appropriations Subcommittee:

31 (a) the reports described in Sections 53B-1-116, 53B-1-117, and 53B-1-118;

32 (b) the reports described in Sections 34A-2-202.5, 53B-30-206, and 59-9-102.5 by the Rocky Mountain
Center for Occupational and Environmental Health;

34 (c) the report described in Section 53B-7-101 by the board on recommended appropriations for higher
education institutions, including the report described in Section 53B-8-104 by the board on the
effects of offering nonresident partial tuition scholarships;

38 (d) the report described in Section 53B-7-704 by the Department of Workforce Services and the
Governor's Office of Economic Opportunity on targeted jobs;

40 (e) the reports described in Section 53B-7-705 by the board on performance;

41 (f) the report described in Section 53B-8-201 by the board on the Opportunity Scholarship Program;

43 (g) the report described in Section 53B-8d-104 by the Division of Child and Family Services on tuition
waivers for wards of the state;

45 (h) the report described in Section 53B-13a-103 by the board on the Utah Promise Program;

47 (i) the report described in Section 53B-16-602 by the board on a state institution compensating a student
athlete for the use of the student athlete's name, image, or likeness;

50 [(i)] (j) the report described in Section 53B-17-201 by the University of Utah regarding the Miners'
Hospital for Disabled Miners;

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- [~~(j)~~] (k) the report described in Section 53B-26-202 by the Medical Education Council on projected demand for nursing professionals;
- 54 [~~(k)~~] (l) the report described in Section 53B-35-202 regarding the Higher Education and Corrections Council; and
- 56 [(~~h~~)] (m) the report described in Section 53E-10-308 by the State Board of Education and board on student participation in the concurrent enrollment program.
- 58 (2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are due to the Higher Education Appropriations Subcommittee:
- 60 (a) upon request, the information described in Section 53B-8a-111 submitted by the Utah Educational Savings Plan;
- 62 (b) a proposal described in Section 53B-26-202 by an eligible program to respond to projected demand for nursing professionals; and
- 64 (c) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board on the fire and rescue training program described in Section 53B-29-202.
- 66 (3) In accordance with applicable provisions, the Higher Education Appropriations Subcommittee shall complete the following:
- 68 (a) an appropriation recommendation described in Section 53B-1-118 regarding compliance with Subsections 53B-1-118(5) and (14);
- 70 (b) as required by Section 53B-7-703, the review of performance funding described in Section 53B-7-703;
- 72 (c) an appropriation recommendation described in Section 53B-26-202 to fund a proposal responding to projected demand for nursing professionals; and
- 74 (d) review of the report described in Section 63B-10-301 by the University of Utah on the status of a bond and bond payments specified in Section 63B-10-301.
- 76 Section 2. Section **53B-16-601** is amended to read:
- 77 **53B-16-601. Definitions.**
- As used in this part:
- 79 (1) "Athlete agent" means the same as that term is defined in Section 58-87-102.
- 80 (2) "Athletic entity" means an athletic association, athletic conference, or other group or organization with authority over intercollegiate athletics.
- 82 (3) "Institution" means:

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- 83 (a) an institution of higher education described in Section 53B-1-102; or
84 (b) a private, nonprofit institution of higher education.
- 85 (4)
(a) "Institutional marketing associate" means a third-party entity that enters into a contract with, or acts on behalf of, an institution or intercollegiate athletics program.
- 87 (b) "Institutional marketing associate" does not include:
88 (i) an institution;
89 (ii) an athletic entity; or
90 (iii) a staff member, employee, officer, director, manager, or owner of an institution.
- 91 ~~[(2)]~~ (5) "Intercollegiate athletics program" means an institution-sponsored athletic program or sporting activity in which a student athlete represents the student athlete's institution in competition against another institution.
- 94 ~~[(3)]~~ (6) "Prohibited endorsement provision" means a provision that requires or permits the use of a student athlete's name, image, or likeness to promote:
96 (a) a tobacco product or e-cigarettes, as those terms are defined in Section 76-10-101, including vaping;
98 (b) an alcoholic product, as that term is defined in Section 32B-1-102;
99 (c) a seller or dispenser of a controlled substance, including steroids, antibiotics, and marijuana;
101 (d) gambling or betting;
102 (e) a sexually oriented business, as that term is defined in Section 17-50-331; or
103 (f) a firearm that the student athlete cannot legally purchase.
- 104 ~~[(4)]~~ (7)
(a) "Student athlete" means an individual who:
105 (i) is enrolled in an institution; and
106 (ii) participates as an athlete for the institution in an intercollegiate athletics program.
- 107 (b) "Student athlete" includes an agent or other representative of a student athlete.
- 108 ~~[(5)]~~ (8) "Student athlete agreement" means a proposed or executed contract:
109 (a) between a student athlete and ~~[a third party that is not an institution]~~ another party; and
110 (b) in which the student athlete and ~~[third]~~ other party agree that the student athlete's name, image, or likeness may be used to promote a business, person, product, service, or individual in exchange for the student athlete receiving financial compensation or other benefits.

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(9) "Third-party entity" means an individual or organization, other than an athletic entity, with authority over intercollegiate athletics.

117 Section 3. Section **53B-16-602** is amended to read:

118 **53B-16-602. Use of a student athlete's name, image, or likeness in intercollegiate athletics programs -- Contracts -- Exceptions -- Prohibitions.**

118 (1) An institution may{:}, except as provided in Subsection (2), compensate a student athlete directly for use of the student athlete's name, image, or likeness.

119 ~~{(a) {except as provided in Subsection (2), compensate a student athlete directly for use of the student athlete's name, image, or likeness; and}}~~

121 ~~{(b) {provide funds, assets, resources, or benefits to an institutional marketing associate or third-party entity to incentivize the institutional marketing associate or third-party entity to facilitate opportunities for a student athlete to earn compensation for use of the student athlete's name, image, or likeness.}}~~

125 (2) An institution may not compensate a student athlete or prospective student athlete for use of the student athlete's name, image, or likeness through:

127 ~~{(a) {state funds;}}~~

128 ~~{(b)}~~ (a) funds the Legislature appropriates;or

129 ~~{(e)}~~ (b) a fee a student attending an institution pays to the institution{:or}.

130 ~~{(d) {a fee an individual pays to the institution on behalf of a student attending an institution.}}~~

132 ~~{(3) {A contract between an institution and a student athlete that provides a student athlete with compensation for the use of the student athlete's name, image, or likeness is a public record subject to Title 63G, Chapter 2, Government Records Access and Management Act.}}~~

136 ~~{(4)}~~ (3)

(a) A student athlete may not enter into a student athlete agreement that contains a prohibited endorsement provision.

138 ~~[(2){} {(b)}] Before a student athlete or prospective student athlete enters into a student athlete agreement that exceeds \$600 in value, the student athlete or proposed student athlete shall provide the student athlete agreement to the student athlete's or proposed student athlete's institution.]~~

142 ~~[(3){} {(e)}] An institution that receives a student athlete agreement under Subsection {f} (2){} (4) (b)] shall provide the student athlete or prospective student athlete with a written acknowledgment~~

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~~regarding whether the student athlete agreement conflicts with the institution's policies or the provisions in this part.]~~

146 [(4)] ~~{(d)}~~ (b) A student athlete agreement or any communication, or other material related to a student athlete agreement, including those created before May 1, 2024, is not subject to Title 63G, Chapter 2, Government Records Access Management Act.

149 [(5) ~~An institution may not use funds appropriated by the Legislature for any purpose related to a student athlete's or prospective student athlete's student athlete agreement that the student athlete or prospective student athlete submits to the institution.]~~

152 ~~{(5)}~~ (4) A student athlete attending an institution is not an employee of the institution through:

153 (a) the student athlete's participation in an athletic program the institution offers; or

154 (b) the institution compensating the student athlete for use of the student athlete's name, image, or likeness.

156 ~~{(6)}~~ (5) The board shall:

157 (a) beginning fiscal year 2028 and every five years thereafter, conduct an audit of each state institution that evaluates:

159 (i) money an institution expends to directly compensate a student athlete for the use of the student athlete's name, image, or likeness; and

161 (ii) the implementation and use of payments by an institution to a student athlete for a student athlete's name, image, or likeness; and

163 (b) prepare and submit a written report for the audit described in Subsection ~~{(6)(a)}~~ (5)(a) to the Education Interim Committee and the Higher Education Appropriations Subcommittee.

166 ~~{(7)}~~ (6) An athletic entity may not:

167 (a) prevent a student athlete of an institution from fully participating in intercollegiate athletics because the student athlete:

169 (i) earns compensation through the student athlete's name, image, or likeness ~~{or any other compensation related to the student athlete's position on the roster of an intercollegiate athletics team}~~ ; or

172 (ii) obtains professional representation from an athlete agent or attorney;

173 (b) prevent an institution from becoming a member of an athletic entity or from participating in intercollegiate athletics that an athletic entity sponsors because a student athlete of an institution or college participating in intercollegiate athletics:

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- 176 (i) earns compensation from the use of the student athlete's name, image, or likeness ~~{or any other~~
~~compensation related to the student athlete's position on the roster of an intercollegiate athletics~~
~~team}~~; or
- 179 (ii) obtains professional representation from an athlete agent or attorney;or
- 180 ~~{(e) {consider a complaint, initiate an investigation, or take any adverse action against an institution,~~
~~institutional marketing associate, or third-party entity for engaging in conduct authorized under this~~
~~section;}}~~
- 183 ~~{(d) {penalize or prevent an institution or student athlete from participating in intercollegiate athletics~~
~~because an individual or third-party entity, whose purpose includes supporting or benefiting the~~
~~institution or student athlete, violates a rule or regulation of the athletic entity that addresses~~
~~compensation for use of a student athlete's name, image, or likeness;}}~~
- 188 ~~{(e)}~~ (c) prevent an institution, institutional marketing associate, or third-party entity from~~{:~~ creating
and supporting opportunities for a student athlete to earn compensation for use of the student
athlete's name, image, or likeness.
- 189 ~~{(i) {creating and supporting opportunities for a student athlete to earn compensation for use of the~~
~~student athlete's name, image, or likeness; or}}~~
- 191 ~~{(ii) {{compensating a student athlete for use of the student athlete's name, image, or likeness; and}}~~
- 193 ~~{(f) {prevent any other compensation.}}~~

170 Section 4. **Effective date.**

This bill takes effect on May 7, 2025.

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