

HB0479S01 compared with HB0479

{Omitted text} shows text that was in HB0479 but was omitted in HB0479S01

inserted text shows text that was not in HB0479 but was inserted into HB0479S01

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1

Student Athlete Revisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sahara Hayes

Senate Sponsor: Michael K. McKell

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LONG TITLE

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General Description:

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This bill { ~~requires degree-granting institutions of higher education to adopt~~ } mandates policies { ~~concerning~~ } on abusive coaching { ~~practices~~ } and addresses student-athlete compensation for name, image, or likeness.

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Highlighted Provisions:

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This bill:

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▸ defines terms;

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▸ makes technical and conforming changes;

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▸ allows an institution of higher education to use certain funds to compensate a student athlete directly for the use of the student athlete's name, image, or likeness;

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▸ provides certain protections to institutions and student athletes;

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▸ creates an audit requirement for the Board of Higher Education;

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▸ requires a degree-granting institution to:

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• adopt a policy addressing abusive coaching practices; and

12

• report to the Education Interim Committee; and

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13 ▸ requires a degree-granting institution's board of trustees to review and approve a degree-granting
institution's policy on abusive coaching practices.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

25 **AMENDS:**

26 **53B-1-301 , as last amended by Laws of Utah 2024, Chapter 3 , as last amended by Laws of
Utah 2024, Chapter 3**

27 **53B-16-601 , as enacted by Laws of Utah 2024, Chapter 49 , as enacted by Laws of Utah
2024, Chapter 49**

28 **53B-16-602 , as enacted by Laws of Utah 2024, Chapter 49 , as enacted by Laws of Utah
2024, Chapter 49**

29 **53E-1-201 , as last amended by Laws of Utah 2024, Chapters 3, 460 and 525 , as last amended by
Laws of Utah 2024, Chapters 3, 460 and 525**

30 **ENACTS:**

31 **53B-16-701 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

32

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

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

35 **53B-1-301. Reports to and actions of the Higher Education Appropriations Subcommittee.**

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

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

40 (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;

42 (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;

46 (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;

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- 48 (e) the reports described in Section 53B-7-705 by the board on performance;
- 49 (f) the report described in Section 53B-8-201 by the board on the Opportunity Scholarship Program;
- 51 (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;
- 53 (h) the report described in Section 53B-13a-103 by the board on the Utah Promise Program;
- 55 (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;
- 58 ~~(j)~~ (j) the report described in Section 53B-17-201 by the University of Utah regarding the Miners'
Hospital for Disabled Miners;
- 60 ~~(k)~~ (k) the report described in Section 53B-26-202 by the Medical Education Council on projected
demand for nursing professionals;
- 62 ~~(l)~~ (l) the report described in Section 53B-35-202 regarding the Higher Education and Corrections
Council; and
- 64 ~~(m)~~ (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.
- 66 (2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are
due to the Higher Education Appropriations Subcommittee:
- 68 (a) upon request, the information described in Section 53B-8a-111 submitted by the Utah Educational
Savings Plan;
- 70 (b) a proposal described in Section 53B-26-202 by an eligible program to respond to projected demand
for nursing professionals; and
- 72 (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.
- 74 (3) In accordance with applicable provisions, the Higher Education Appropriations Subcommittee shall
complete the following:
- 76 (a) an appropriation recommendation described in Section 53B-1-118 regarding compliance with
Subsections 53B-1-118(5) and (14);
- 78 (b) as required by Section 53B-7-703, the review of performance funding described in Section
53B-7-703;
- 80 (c) an appropriation recommendation described in Section 53B-26-202 to fund a proposal responding to
projected demand for nursing professionals; and

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82 (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.

84 Section 2. Section 53B-16-601 is amended to read:

85 **53B-16-601. Definitions.**

As used in this part:

87 (1) "Athlete agent" means the same as that term is defined in Section 58-87-102.

88 (2) "Athletic entity" means an athletic association, athletic conference, or other group or organization
with authority over intercollegiate athletics.

90 (3) "Institution" means:

91 (a) an institution of higher education described in Section 53B-1-102; or

92 (b) a private, nonprofit institution of higher education.

93 (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.

95 (b) "Institutional marketing associate" does not include:

96 (i) an institution;

97 (ii) an athletic entity; or

98 (iii) a staff member, employee, officer, director, manager, or owner of an institution.

99 [~~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.

102 [~~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:

104 (a) a tobacco product or e-cigarettes, as those terms are defined in Section 76-10-101, including vaping;

106 (b) an alcoholic product, as that term is defined in Section 32B-1-102;

107 (c) a seller or dispenser of a controlled substance, including steroids, antibiotics, and marijuana;

109 (d) gambling or betting;

110 (e) a sexually oriented business, as that term is defined in Section 17-50-331; or

111 (f) a firearm that the student athlete cannot legally purchase.

112 [~~4~~] (7)

(a) "Student athlete" means an individual who:

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- 113 (i) is enrolled in an institution; and
114 (ii) participates as an athlete for the institution in an intercollegiate athletics program.
115 (b) "Student athlete" includes an agent or other representative of a student athlete.
116 ~~[(5)]~~ (8) "Student athlete agreement" means a proposed or executed contract:
117 (a) between a student athlete and ~~[a third party that is not an institution]~~ another party; and
119 (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.
123 (9) "Third-party entity" means an individual or organization, other than an athletic entity, with authority
over intercollegiate athletics.

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

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

- 128 (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.
130 (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:
132 (a) funds the Legislature appropriates; or
133 (b) a fee a student attending an institution pays to the institution.
134 (3)
(a) A student athlete may not enter into a student athlete agreement that contains a prohibited
endorsement provision.
136 ~~[(2) 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.]~~
140 ~~[(3) An institution that receives a student athlete agreement under Subsection (2) shall provide the
student athlete or prospective student athlete with a written acknowledgment regarding whether the
student athlete agreement conflicts with the institution's policies or the provisions in this part.]~~
144 ~~[(4)]~~ (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.

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- 147 ~~[(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.]~~
- 150 (4) A student athlete attending an institution is not an employee of the institution through:
- 151 (a) the student athlete's participation in an athletic program the institution offers; or
- 152 (b) the institution compensating the student athlete for use of the student athlete's name, image, or
likeness.
- 154 (5) The board shall:
- 155 (a) beginning fiscal year 2028 and every five years thereafter, conduct an audit of each state institution
that evaluates:
- 157 (i) money an institution expends to directly compensate a student athlete for the use of the student
athlete's name, image, or likeness; and
- 159 (ii) the implementation and use of payments by an institution to a student athlete for a student athlete's
name, image, or likeness; and
- 161 (b) prepare and submit a written report for the audit described in Subsection (5)(a) to the Education
Interim Committee and the Higher Education Appropriations Subcommittee.
- 164 (6) An athletic entity may not:
- 165 (a) prevent a student athlete of an institution from fully participating in intercollegiate athletics because
the student athlete:
- 167 (i) earns compensation through the student athlete's name, image, or likeness; or
- 168 (ii) obtains professional representation from an athlete agent or attorney;
- 169 (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:
- 172 (i) earns compensation from the use of the student athlete's name, image, or likeness; or
- 174 (ii) obtains professional representation from an athlete agent or attorney; or
- 175 (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.

178 Section 4. Section 4 is enacted to read:

179 **53B-16-701. Abusive coaching policies.**

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- 28 (1) As used in this section:
- 29 (a)
- 30 (i) "Abusive coaching practice" means conduct by a coach or member of the coaching staff that creates
- 31 {[~~an unsafe or~~] a {potentially} harmful environment for a {student-athlete} ~~student athlete~~.
- 32 (ii) "Abusive coaching practice" includes conduct by a coach or coaching staff with a student athlete
- 33 that results in:
- 34 (A) harmful or offensive physical contact{[~~with~~][a][~~student-athlete~~]};
- 35 ~~(B)~~{ ~~h~~→ {} ~~(B)~~} **sexual misconduct or harassment;**
- 36 ~~(C)~~~~(C)~~ **inappropriate sexual language; or**
- 37 ~~(D)~~~~(D)~~ **conduct that a reasonable person would find to be psychologically abusive.**
- 38 {~~(B)~~ psychological abuse of a student-athlete; or}
- 39 {~~(C)~~ failure to act in a manner consistent with the health, safety, and well-being of][a student-
- 40 athlete.]}
- 41 (b) "Athletic department" means the division of a degree-granting institution responsible for overseeing
- 42 intercollegiate athletic programs.
- 43 (2) A degree-granting institution shall:
- 44 (a) address abusive coaching practices by requiring a degree-granting institution's athletic department to
- 45 adopt a policy by November 7, 2025, that:
- 46 (i) allows an individual to submit a complaint to the athletic department alleging a violation of the
- 47 policies described in this Subsection (2)(a);
- 48 (ii) prohibits coaches and coaching staff from encouraging or advising a {student-athlete} ~~student~~
- 49 ~~athlete~~ to tolerate an abusive coaching practice;
- 50 (iii) prohibits coaches and coaching staff from discouraging a report for an abusive coaching practice;
- 51 (iv) establishes reporting requirements for a volunteer, coach, or member of the coaching staff who
- 52 learns of an abusive coaching practice;
- 53 (v) mandates training for athletic department staff on recognizing and preventing an abusive coaching
- 54 practice;
- 55 (vi) establishes a procedure for the athletic department to follow when responding to a complaint of an
- 56 abusive coaching practice; and
- 57 (vii) institutes disciplinary action for individuals found in violation of the policies described in this
- 58 Subsection (2)(a); and

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- 56 (b) submit the policy described in Subsection (2)(a) to the board and Education Interim Committee
before the Education Interim Committee's November 2025 meeting; and
- 58 (c) establish procedures to:
- 59 (i) notify an individual of the receipt of the complaint the individual submits under Subsection (2)(a)(i),
within five business days after the submission of the complaint;
- 62 (ii) initiate an investigation of the complaint no later than 30 days after the receipt of a complaint;
- 64 (iii) require an institution to ensure the investigation is as thorough and expeditious as possible; and
- 66 (iv) where appropriate, act immediately to stop a program under an athletic department until the
institution is able to restore {fa-safe} an environment that is not harmful.
- 68 (3)
- (a) A degree-granting institution's board of trustees shall:
- 69 (i) review the policies a degree-granting institution creates in accordance with Subsection (2)(a);
and
- 71 (ii) approve the policies a degree-granting institution creates if the policies meet the policy
requirements listed in Subsection (2)(a).
- 73 (b) Upon approval of the policies by a degree granting institution's board of trustees a degree-granting
institution shall send the adopted policies to the board.
- 228 Section 5. Section **53E-1-201** is amended to read:
- 229 **53E-1-201. Reports to and action required of the Education Interim Committee.**
- 77 (1) In accordance with applicable provisions and Section 68-3-14, the following recurring reports are
due to the Education Interim Committee:
- 79 (a) the report described in Section 9-22-109 by the STEM Action Center Board, including the
information described in Section 9-22-113 on the status of the computer science initiative and
Section 9-22-114 on the Computing Partnerships Grants Program;
- 83 (b) the prioritized list of data research described in Section 53B-33-302 and the report on research and
activities described in Section 53B-33-304 by the Utah Data Research Center;
- 86 (c) the report described in Section 53B-1-402 by the Utah Board of Higher Education on career and
technical education issues and addressing workforce needs;
- 88 (d) the annual report of the Utah Board of Higher Education described in Section 53B-1-402;
- 90 (e) the reports described in Section 53B-28-401 by the Utah Board of Higher Education regarding
activities related to campus safety;

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- 92 (f) the State Superintendent's Annual Report by the state board described in Section 53E-1-203;
- 94 (g) the annual report described in Section 53E-2-202 by the state board on the strategic plan to improve student outcomes;
- 96 (h) the report described in Section 53E-8-204 by the state board on the Utah Schools for the Deaf and the Blind;
- 98 (i) the report described in Section 53E-10-703 by the Utah Leading through Effective, Actionable, and Dynamic Education director on research and other activities;
- 100 (j) the report described in Section 53F-2-522 regarding mental health screening programs;
- 102 (k) the report described in Section 53F-4-203 by the state board and the independent evaluator on an evaluation of early interactive reading software;
- 104 (l) the report described in Section 63N-20-107 by the Governor's Office of Economic Opportunity on UPSTART;
- 106 (m) the reports described in Sections 53F-5-214 and 53F-5-215 by the state board related to grants for professional learning and grants for an elementary teacher preparation assessment;
- 109 (n) upon request, the report described in Section 53F-5-219 by the state board on the Local Innovations Civics Education Pilot Program;
- 111 (o) the report described in Section 53F-5-405 by the state board regarding an evaluation of a partnership that receives a grant to improve educational outcomes for students who are low income;
- 114 (p) the report described in Section 53B-35-202 regarding the Higher Education and Corrections Council;
- 116 (q) the report described in Section 53G-7-221 by the state board regarding innovation plans;
- 118 (r) the reports described in Section 53F-6-412 regarding the Utah Fits All Scholarship Program.
- 120 (2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are due to the Education Interim Committee:
- 122 (a) in 2027, 2030, 2033, and 2035, the reports described in Sections 53B-1-116, 53B-1-117, and 53B-1-118;
- 124 (b) in 2025, the report described in Section 53B-16-701 by a degree-granting institution regarding policies on abusive coaching practices;
- 126 [(b)] (c) if required, the report described in Section 53E-4-309 by the state board explaining the reasons for changing the grade level specification for the administration of specific assessments;
- 129

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132 [~~(e)~~] (d) if required, the report described in Section 53E-5-210 by the state board of an adjustment to the minimum level that demonstrates proficiency for each statewide assessment;

134 [~~(e)~~] (e) the report described in Section 53E-10-702 by Utah Leading through Effective, Actionable, and Dynamic Education;

137 [~~(e)~~] (f) if required, the report described in Section 53F-2-513 by the state board evaluating the effects of salary bonuses on the recruitment and retention of effective teachers in high poverty schools;

140 [~~(f)~~] (g) upon request, a report described in Section 53G-7-222 by an LEA regarding expenditure of a percentage of state restricted funds to support an innovative education program;

142 [~~(g)~~] (h) the reports described in Section 53G-11-304 by the state board regarding proposed rules and results related to educator exit surveys; and

142 [~~(h)~~] (i) the report described in Section 26B-5-113 by the Office of Substance Use and Mental Health, the state board, and the Department of Health and Human Services regarding recommendations related to Medicaid reimbursement for school-based health services.

299 Section 6. **Effective date.**

Effective Date.

This bill takes effect on May 7, 2025.

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