

Jordan D. Teuscher proposes the following substitute bill:

Student Athlete Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- defines terms;
- makes technical and conforming changes;
- 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;
- provides certain protections to institutions and student athletes; and
- creates an audit requirement for the Utah Board of Higher Education.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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
 30 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
 33 Rocky Mountain Center for Occupational and Environmental Health;
- 34 (c) the report described in Section 53B-7-101 by the board on recommended
 35 appropriations for higher education institutions, including the report described in
 36 Section 53B-8-104 by the board on the effects of offering nonresident partial tuition
 37 scholarships;
- 38 (d) the report described in Section 53B-7-704 by the Department of Workforce Services
 39 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
 42 Scholarship Program;
- 43 (g) the report described in Section 53B-8d-104 by the Division of Child and Family
 44 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
 46 Program;
- 47 (i) the report described in Section 53B-16-602 by the board on a state institution
 48 compensating a student athlete for the use of the student athlete's name, image, or
 49 likeness;
- 50 [(+)] (j) the report described in Section 53B-17-201 by the University of Utah regarding
 51 the Miners' Hospital for Disabled Miners;
- 52 [(+)] (k) the report described in Section 53B-26-202 by the Medical Education Council on
 53 projected demand for nursing professionals;
- 54 [(*)] (l) the report described in Section 53B-35-202 regarding the Higher Education and
 55 Corrections Council; and
- 56 [(+)] (m) the report described in Section 53E-10-308 by the State Board of Education and
 57 board on student participation in the concurrent enrollment program.
- 58 (2) In accordance with applicable provisions and Section 68-3-14, the following occasional
 59 reports are due to the Higher Education Appropriations Subcommittee:
- 60 (a) upon request, the information described in Section 53B-8a-111 submitted by the
 61 Utah Educational Savings Plan;
- 62 (b) a proposal described in Section 53B-26-202 by an eligible program to respond to

- 63 projected demand for nursing professionals; and
- 64 (c) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board on
- 65 the fire and rescue training program described in Section 53B-29-202.
- 66 (3) In accordance with applicable provisions, the Higher Education Appropriations
- 67 Subcommittee shall complete the following:
- 68 (a) an appropriation recommendation described in Section 53B-1-118 regarding
- 69 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
- 71 Section 53B-7-703;
- 72 (c) an appropriation recommendation described in Section 53B-26-202 to fund a
- 73 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
- 75 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.**

78 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
- 81 organization with authority over intercollegiate athletics.
- 82 (3) "Institution" means:
- 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
- 86 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
- 92 or sporting activity in which a student athlete represents the student athlete's institution
- 93 in competition against another institution.
- 94 [~~(3)~~] (6) "Prohibited endorsement provision" means a provision that requires or permits the
- 95 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,

- 97 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
100 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;

110 and

111 (b) in which the student athlete and ~~[third]~~ other party agree that the student athlete's
112 name, image, or likeness may be used to promote a business, person, product,
113 service, or individual in exchange for the student athlete receiving financial
114 compensation or other benefits.

115 (9) "Third-party entity" means an individual or organization, other than an athletic entity,
116 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**
119 **athletics programs -- Contracts -- Exceptions -- Prohibitions.**

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

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

124 (a) funds the Legislature appropriates; or

125 (b) a fee a student attending an institution pays to the institution.

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

128 ~~[(2) Before a student athlete or prospective student athlete enters into a student athlete~~
129 ~~agreement that exceeds \$600 in value, the student athlete or proposed student athlete~~
130 ~~shall provide the student athlete agreement to the student athlete's or proposed student~~

131 athlete's institution.]

132 [(3) An institution that receives a student athlete agreement under Subsection (2) shall
133 provide the student athlete or prospective student athlete with a written acknowledgment
134 regarding whether the student athlete agreement conflicts with the institution's policies
135 or the provisions in this part.]

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

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

142 (4) A student athlete attending an institution is not an employee of the institution through:

- 143 (a) the student athlete's participation in an athletic program the institution offers; or
144 (b) the institution compensating the student athlete for use of the student athlete's name,
145 image, or likeness.

146 (5) The board shall:

- 147 (a) beginning fiscal year 2028 and every five years thereafter, conduct an audit of each
148 state institution that evaluates:
149 (i) money an institution expends to directly compensate a student athlete for the use
150 of the student athlete's name, image, or likeness; and
151 (ii) the implementation and use of payments by an institution to a student athlete for a
152 student athlete's name, image, or likeness; and
153 (b) prepare and submit a written report for the audit described in Subsection (5)(a) to the
154 Education Interim Committee and the Higher Education Appropriations
155 Subcommittee.

156 (6) An athletic entity may not:

- 157 (a) prevent a student athlete of an institution from fully participating in intercollegiate
158 athletics because the student athlete:
159 (i) earns compensation through the student athlete's name, image, or likeness; or
160 (ii) obtains professional representation from an athlete agent or attorney;
161 (b) prevent an institution from becoming a member of an athletic entity or from
162 participating in intercollegiate athletics that an athletic entity sponsors because a
163 student athlete of an institution or college participating in intercollegiate athletics:
164 (i) earns compensation from the use of the student athlete's name, image, or likeness;

- 165 or
- 166 (ii) obtains professional representation from an athlete agent or attorney; or
- 167 (c) prevent an institution, institutional marketing associate, or third-party entity from
- 168 creating and supporting opportunities for a student athlete to earn compensation for
- 169 use of the student athlete's name, image, or likeness.

170 Section 4. **Effective Date.**

171 This bill takes effect on May 7, 2025.