

Effective 5/1/2024

Part 6

Use of Student Athlete's Name, Image, and Likeness in Collegiate Athletics

53B-16-601 Definitions.

As used in this part:

- (1) "Institution" means:
 - (a) an institution of higher education described in Section 53B-1-102; or
 - (b) a private, nonprofit institution of higher education.
- (2) "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.
- (3) "Prohibited endorsement provision" means a provision that requires or permits the use of a student athlete's name, image, or likeness to promote:
 - (a) a tobacco product or e-cigarettes, as those terms are defined in Section 76-10-101, including vaping;
 - (b) an alcoholic product, as that term is defined in Section 32B-1-102;
 - (c) a seller or dispenser of a controlled substance, including steroids, antibiotics, and marijuana;
 - (d) gambling or betting;
 - (e) a sexually oriented business, as that term is defined in Section 17-50-331; or
 - (f) a firearm that the student athlete cannot legally purchase.
- (4)
 - (a) "Student athlete" means an individual who:
 - (i) is enrolled in an institution; and
 - (ii) participates as an athlete for the institution in an intercollegiate athletics program.
 - (b) "Student athlete" includes an agent or other representative of a student athlete.
- (5) "Student athlete agreement" means a proposed or executed contract:
 - (a) between a student athlete and a third party that is not an institution; and
 - (b) in which the student athlete and third party agree that the student athlete's name, image, or likeness may be used to promote a business, product, service, or individual in exchange for the student athlete receiving financial compensation or other benefits.

Enacted by Chapter 49, 2024 General Session

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

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

- (4) 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.
- (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.

Enacted by Chapter 49, 2024 General Session