

Effective 10/14/2025

Part 2 Athletics

53H-6-201 Definitions.

As used in this part:

- (1) "Athlete agent" means the same as that term is defined in Section 58-87-102.
- (2) "Athletic entity" means an athletic association, athletic conference, or other group or organization with authority over intercollegiate athletics.
- (3)
 - (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.
 - (b) "Institutional marketing associate" does not include:
 - (i) an institution;
 - (ii) an athletic entity; or
 - (iii) a staff member, employee, officer, director, manager, or owner of an institution.
- (4) "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.
- (5) "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 electronic cigarette, as those terms are defined in Section 76-9-1101, 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.
- (6)
 - (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.
- (7) "Student athlete agreement" means a proposed or executed contract:
 - (a) between a student athlete and another party; and
 - (b) in which the student athlete and 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.
- (8) "Third-party entity" means an individual or organization, other than an athletic entity, with authority over intercollegiate athletics.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-6-202 Use of a student athlete's name, image, or likeness in intercollegiate athletics programs -- Contracts -- Exceptions -- Prohibitions.

- (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.

- (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:
 - (a) funds the Legislature appropriates; or
 - (b) a fee a student attending an institution pays to the institution.
- (3)
 - (a) A student athlete may not enter into a student athlete agreement that contains a prohibited endorsement provision.
 - (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 and Management Act.
- (4) A student athlete attending an institution is not an employee of the institution through:
 - (a) the student athlete's participation in an athletic program the institution offers; or
 - (b) the institution compensating the student athlete for use of the student athlete's name, image, or likeness.
- (5) The board shall:
 - (a) beginning fiscal year 2028 and every five years thereafter, conduct an audit of each institution that evaluates:
 - (i) money an institution expends to directly compensate a student athlete for the use of the student athlete's name, image, or likeness; and
 - (ii) the implementation and use of payments by an institution to a student athlete for a student athlete's name, image, or likeness; and
 - (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.
- (6) An athletic entity may not:
 - (a) prevent a student athlete of an institution from fully participating in intercollegiate athletics because the student athlete:
 - (i) earns compensation through the student athlete's name, image, or likeness; or
 - (ii) obtains professional representation from an athlete agent or attorney;
 - (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:
 - (i) earns compensation from the use of the student athlete's name, image, or likeness; or
 - (ii) obtains professional representation from an athlete agent or attorney; or
 - (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.

Renumbered and Amended by Chapter 8, 2025 Special Session 1

53H-6-203 Abusive coaching policies.

- (1) As used in this section:
 - (a)
 - (i) "Abusive coaching practice" means conduct by a coach or member of the coaching staff that creates a harmful environment for a student athlete.
 - (ii) "Abusive coaching practice" includes conduct by a coach or coaching staff with a student athlete that results in:
 - (A) harmful or offensive physical contact;
 - (B) sexual misconduct or harassment;

- (C) inappropriate sexual language; or
- (D) conduct that a reasonable person would find to be psychologically abusive.
- (b) "Athletic department" means the division of a degree-granting institution responsible for overseeing intercollegiate athletic programs.
- (2) A degree-granting institution shall:
 - (a) address abusive coaching practices by requiring a degree-granting institution's athletic department to adopt a policy by November 7, 2025, that:
 - (i) allows an individual to submit a complaint to the athletic department alleging a violation of the policies described in this Subsection (2)(a);
 - (ii) prohibits coaches and coaching staff from encouraging or advising a student athlete to tolerate an abusive coaching practice;
 - (iii) prohibits coaches and coaching staff from discouraging a report for an abusive coaching practice;
 - (iv) establishes reporting requirements for a volunteer, coach, or member of the coaching staff who learns of an abusive coaching practice;
 - (v) mandates training for athletic department staff on recognizing and preventing an abusive coaching practice;
 - (vi) establishes a procedure for the athletic department to follow when responding to a complaint of an abusive coaching practice; and
 - (vii) institutes disciplinary action for individuals found in violation of the policies described in this Subsection (2)(a);
 - (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
 - (c) establish procedures to:
 - (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;
 - (ii) initiate an investigation of the complaint no later than 30 days after the receipt of a complaint;
 - (iii) require the degree-granting institution to ensure the investigation is as thorough and expeditious as possible; and
 - (iv) where appropriate, act immediately to stop a program under an athletic department until the degree-granting institution is able to restore an environment that is not harmful.
- (3)
 - (a) A degree-granting institution's board of trustees shall:
 - (i) review the policies a degree-granting institution creates in accordance with Subsection (2)(a); and
 - (ii) approve the policies a degree-granting institution creates if the policies meet the policy requirements listed in Subsection (2)(a).
 - (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.

Renumbered and Amended by Chapter 8, 2025 Special Session 1