

Representative Jordan D. Teuscher proposes the following substitute bill:

STUDENT ATHLETE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Chris H. Wilson

LONG TITLE

General Description:

This bill enacts provisions relating to the use of the name, image, or likeness of a student athlete who participates in an institution's intercollegiate athletic program.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides for certain allowed and prohibited uses of a student athlete's name, image, or likeness;
- ▶ prohibits an Institution of Higher Education from using appropriated funds for purposes related to a student athlete agreement.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53B-16-601, Utah Code Annotated 1953

53B-16-602, Utah Code Annotated 1953



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

Section 1. Section **53B-16-601** is enacted to read:

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.

57 Section 2. Section 53B-16-602 is enacted to read:

58 **53B-16-602. Use of a student athlete's name, image, or likeness in intercollegiate**
59 **athletics programs -- Contracts -- Exceptions -- Prohibitions.**

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

62 (2) Before a student athlete or prospective student athlete enters into a student athlete
63 agreement that exceeds \$600 in value, the student athlete or proposed student athlete shall
64 provide the student athlete agreement to the student athlete's or proposed student athlete's
65 institution.

66 (3) An institution that receives a student athlete agreement under Subsection (2) shall
67 provide the student athlete or prospective student athlete with a written acknowledgment
68 regarding whether the student athlete agreement conflicts with the institution's policies or the
69 provisions in this part.

70 (4) A student athlete agreement or any communication, or other material related to a
71 student athlete agreement is not subject to Title 63G, Chapter 2, Government Records Access
72 Management Act.

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

76 Section 3. **Effective date.**

77 This bill takes effect on May 1, 2024.