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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;
- provides that a student athlete agreement is not subject to Title 63G, Chapter 2, Government Records and Management Act; and
- 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**, as Utah Code Annotated 1953
- 53B-16-602**, as Utah Code Annotated 1953

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

28 **53B-16-601 . Definitions.**29 As used in this part:30 (1) "Institution" means:31 (a) an institution of higher education described in Section 53B-1-102; or32 (b) a private, nonprofit institution of higher education.33 (2) "Intercollegiate athletics program" means an institution-sponsored athletic program or
34 sporting activity in which a student athlete represents the student athlete's institution in
35 competition against another institution.36 (3) "Prohibited endorsement provision" means a provision that requires or permits the use
37 of a student athlete's name, image, or likeness to promote:38 (a) a tobacco product or e-cigarettes, as those terms are defined in Section 76-10-101,
39 including vaping;40 (b) an alcoholic product, as that term is defined in Section 32B-1-102;41 (c) a seller or dispenser of a controlled substance, including steroids, antibiotics, and
42 marijuana;43 (d) gambling or betting;44 (e) a sexually oriented business, as that term is defined in Section 17-50-331; or45 (f) a firearm that the student athlete cannot legally purchase.46 (4) (a) "Student athlete" means an individual who:47 (i) is enrolled in an institution; and48 (ii) participates as an athlete for the institution in an intercollegiate athletics program.49 (b) "Student athlete" includes an agent or other representative of a student athlete.50 (5) "Student athlete agreement" means a proposed or executed contract:51 (a) between a student athlete and a third party that is not an institution; and52 (b) in which the student athlete and third party agree that the student athlete's name,
53 image, or likeness may be used to promote a business, product, service, or individual
54 in exchange for the student athlete receiving financial compensation or other benefits.55 Section 2. Section **53B-16-602** is enacted to read:56 **53B-16-602 . Use of a student athlete's name, image, or likeness in intercollegiate**
57 **athletics programs -- Contracts -- Exceptions -- Prohibitions.**58 (1) A student athlete may not enter into a student athlete agreement that contains a
59 prohibited endorsement provision.60 (2) Before a student athlete or prospective student athlete enters into a student athlete
61 agreement that exceeds \$600 in value, the student athlete or proposed student athlete

62 shall provide the student athlete agreement to the student athlete's or proposed student
63 athlete's institution.

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

68 (4) A student athlete agreement or any communication, or other material related to a student
69 athlete agreement, including those created before May 1, 2024, is not subject to Title
70 63G, Chapter 2, Government Records Access Management Act.

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

74 Section 3. **Effective date.**

75 This bill takes effect on May 1, 2024.