

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 25-0665.01 Jacob Baus x2173

HOUSE BILL 25-1041

HOUSE SPONSORSHIP

Smith,

SENATE SPONSORSHIP

Coleman and Amabile,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO SUPPORT A STUDENT ATHLETE IN THE USE**
102 **OF THEIR NAME, IMAGE, OR LIKENESS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, there are requirements of an athletic association, an institution of higher education, and a student athlete regarding a student athlete's compensation for their name, image, or likeness. The bill extends these requirements to an individual who is eligible to engage in or may be eligible in the future to engage in any intercollegiate sport.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
February 14, 2025

The bill allows an institution of higher education or athletic association to compensate a student athlete for the use of the student athlete's name, image, or likeness.

Under current law, a student athlete is prohibited from entering into a contract if it conflicts with a team contract. The bill repeals this prohibition and related provisions.

Under the "Colorado Open Records Act", the bill exempts from the public right of inspection an agreement or contract concerning a student athlete's name, image, or likeness, or any communication or material related to an agreement or a contract concerning a student athlete's name, image, or likeness.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 23-16-301, **amend** (1)(g), (2)(a), and (2)(c); **repeal** (1)(f) and (3); and **add** (2)(c.5) and (7) as follows:

23-16-301. Compensation and representation of student athletes - prohibited acts - contracts - report - definitions. (1) As used in this part 3, unless the context otherwise requires:

(f) ~~"Student" means an individual who is enrolled at an institution.~~

(g) "Student athlete" means ~~a student who competes in intercollegiate athletics for an institution at which the student is enrolled~~
AN INDIVIDUAL WHO ENGAGES IN OR IS ELIGIBLE TO ENGAGE IN AN
INTERCOLLEGIATE SPORT FOR AN INSTITUTION. "STUDENT ATHLETE" DOES
NOT MEAN AN INDIVIDUAL WHO ENGAGES IN A HIGH SCHOOL SPORT.

(2) (a) Except as may be required by the rules or requirements of an athletic association of which an institution is a member, an institution shall not uphold any rule, requirement, standard, or other limitation that prevents a student athlete ~~of the institution~~ from earning compensation from the use of the student athlete's name, image, or likeness. A student athlete's earning of such compensation does not affect the student athlete's

1 scholarship eligibility.

2 (c) ~~Neither an institution nor an athletic association shall:~~

3 ~~(I) Provide compensation to a current or prospective student~~
4 ~~athlete;~~

5 ~~(II) Provide remuneration to a prospective student athlete for the~~
6 ~~prospective student athlete's athletic ability or performance or potential~~
7 ~~athletic ability or performance; or~~

8 ~~(III) Prevent a student athlete from obtaining professional~~
9 ~~representation in relation to contracts or legal matters, including~~
10 ~~representation provided by an athlete advisor and legal representation~~
11 ~~provided by an attorney.~~ AN INSTITUTION OR A COLLEGIATE ATHLETIC
12 ASSOCIATION SHALL NOT PREVENT A STUDENT ATHLETE FROM OBTAINING
13 PROFESSIONAL REPRESENTATION IN RELATION TO CONTRACTS OR LEGAL
14 MATTERS, INCLUDING REPRESENTATION PROVIDED BY AN ATHLETE
15 ADVISOR AND LEGAL REPRESENTATION PROVIDED BY AN ATTORNEY. AN
16 INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS OF AGE MUST BE
17 REPRESENTED IN ANY NEGOTIATION BY A PARENT OR GUARDIAN. THE
18 INDIVIDUAL AND THEIR PARENT OR GUARDIAN MAY ALSO BE REPRESENTED
19 BY AN ATTORNEY OR OTHER COMPETENT REPRESENTATIVE.

20 (c.5) AN INSTITUTION OR A COLLEGIATE ATHLETIC ASSOCIATION
21 MAY PROVIDE COMPENSATION TO A STUDENT ATHLETE FOR THE USE OF
22 THE STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS.

23 (3) (a) ~~A student athlete shall not enter into a contract providing~~
24 ~~compensation to the student athlete if the contract conflicts with a team~~
25 ~~contract of the team for which the student athlete competes.~~

26 (b) ~~A student athlete who enters into a contract providing~~
27 ~~compensation to the student athlete in exchange for the use of the student~~

1 athlete's name, image, or likeness shall disclose the contract to the athletic
2 director of the student athlete's institution within seventy-two hours after
3 the student athlete enters into the contract or before the next scheduled
4 athletic event in which the student athlete may participate, whichever
5 occurs first, as supported by the institution's policy.

6 (c) ~~An institution asserting a conflict described in subsection~~
7 ~~(3)(a) of this section shall disclose to the student athlete or to the student~~
8 ~~athlete's professional or legal representation the relevant contractual~~
9 ~~provisions that are in conflict.~~

10 (d) ~~A team contract of an institution's athletic program entered~~
11 ~~into, modified, or renewed on or after January 1, 2023, may not prohibit~~
12 ~~a student athlete from using the student athlete's name, image, or likeness~~
13 ~~for a commercial purpose when the student athlete is not engaged in~~
14 ~~official team activities.~~

15 (7) (a) ON OR BEFORE JANUARY 15, 2026, AND ON OR BEFORE
16 EACH JANUARY 15 THEREAFTER, EACH INSTITUTION SHALL SUBMIT TO THE
17 DEPARTMENT OF HIGHER EDUCATION A COPY OF THE ANNUAL REPORT
18 THAT EACH INSTITUTION IS REQUIRED TO ANNUALLY SUBMIT TO THE
19 ORGANIZATION WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETICS,
20 CONSISTENT WITH THE REPORTING REQUIREMENTS ADOPTED BY THE
21 ORGANIZATION WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETICS. THE
22 DATA IN THE REPORT INCLUDES GENDER- AND SPORT-BASED SPENDING IN
23 AREAS INCLUDING BUDGETS, SALARIES, PARTICIPATION, FINANCIAL AID,
24 AND, IF OR WHEN REQUIRED, REVENUE SHARING PAYMENTS.

25 (b) THE DEPARTMENT OF HIGHER EDUCATION SHALL PUBLISH AND
26 MAINTAIN THE REPORTS THAT IT RECEIVES PURSUANT TO THIS SUBSECTION
27 (7) ON ITS PUBLIC WEBSITE.

1 **SECTION 2.** In Colorado Revised Statutes, 24-72-204, **add**
2 (3)(a)(XXIV) as follows:

3 **24-72-204. Allowance or denial of inspection - grounds -**
4 **procedure - appeal - definitions - repeal.** (3) (a) The custodian shall
5 deny the right of inspection of the following records, unless otherwise
6 provided by law; except that the custodian shall make any of the
7 following records, other than letters of reference concerning employment,
8 licensing, or issuance of permits, available to the person in interest in
9 accordance with this subsection (3):

10 (XXIV) (A) PERSONALLY IDENTIFIABLE INFORMATION THAT IS
11 CONTAINED WITHIN AN AGREEMENT OR A CONTRACT CONCERNING A
12 STUDENT ATHLETE'S OR A PROSPECTIVE STUDENT ATHLETE'S NAME, IMAGE,
13 OR LIKENESS, OR ANY COMMUNICATION OR MATERIAL RELATED TO AN
14 AGREEMENT OR A CONTRACT CONCERNING A STUDENT ATHLETE'S OR A
15 PROSPECTIVE STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS.

16 (B) AS USED IN THIS SUBSECTION (3)(a)(XXIV), "PERSONALLY
17 IDENTIFIABLE INFORMATION" MEANS INFORMATION THAT COULD
18 REASONABLY BE USED TO IDENTIFY AN INDIVIDUAL, INCLUDING FIRST AND
19 LAST NAME; RESIDENCE OR OTHER PHYSICAL ADDRESS; EMAIL ADDRESS;
20 TELEPHONE NUMBER; BIRTH DATE; LICENSE FEE PAID TO THE STUDENT
21 ATHLETE OR PROSPECTIVE STUDENT ATHLETE FOR THE USE OF THEIR
22 NAME, IMAGE, OR LIKENESS; CREDIT CARD INFORMATION; OR SOCIAL
23 SECURITY NUMBER.

24 (C) AS USED IN THIS SUBSECTION (3)(a)(XXIV), "STUDENT
25 ATHLETE" HAS THE SAME MEANING AS SET FORTH IN SECTION 23-16-301.

26 **SECTION 3. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

- 1 preservation of the public peace, health, or safety or for appropriations for
- 2 the support and maintenance of the departments of the state and state
- 3 institutions.