

CHAPTER 38

EDUCATION - POSTSECONDARY

HOUSE BILL 25-1041

BY REPRESENTATIVE(S) Smith, Bird, Duran, McCormick, Valdez, Zokaie;
also SENATOR(S) Coleman and Amabile, Snyder.

AN ACT

CONCERNING MEASURES TO SUPPORT A STUDENT ATHLETE IN THE USE OF THEIR 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 scholarship eligibility.

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

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

~~(b) A student athlete who enters into a contract providing compensation to the student athlete in exchange for the use of the student athlete's name, image, or likeness shall disclose the contract to the athletic director of the student athlete's institution within seventy-two hours after the student athlete enters into the contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, as supported by the institution's policy.~~

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

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

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

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

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

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

(XXV) (A) PERSONALLY IDENTIFIABLE INFORMATION THAT IS CONTAINED WITHIN AN AGREEMENT OR A CONTRACT CONCERNING A STUDENT ATHLETE'S OR A PROSPECTIVE STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS, OR ANY COMMUNICATION OR MATERIAL RELATED TO AN AGREEMENT OR A CONTRACT CONCERNING A STUDENT ATHLETE'S OR A PROSPECTIVE STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS.

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

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

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: March 28, 2025