

Michael K. McKell proposes the following substitute bill:

Student Athlete Revisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sahara Hayes

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill mandates policies on abusive coaching and addresses student-athlete compensation for name, image, or likeness.

Highlighted Provisions:

This bill:

- defines terms;
- makes technical and conforming changes;
- allows an institution of higher education to use certain funds to compensate a student athlete directly for the use of the student athlete's name, image, or likeness;
- provides certain protections to institutions and student athletes;
- creates an audit requirement for the Board of Higher Education;
- requires a degree-granting institution to:
 - adopt a policy addressing abusive coaching practices; and
 - report to the Education Interim Committee; and
- requires a degree-granting institution's board of trustees to review and approve a degree-granting institution's policy on abusive coaching practices.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53B-1-301, as last amended by Laws of Utah 2024, Chapter 3

53B-16-601, as enacted by Laws of Utah 2024, Chapter 49

53B-16-602, as enacted by Laws of Utah 2024, Chapter 49

53E-1-201, as last amended by Laws of Utah 2024, Chapters 3, 460 and 525
ENACTS:

53B-16-701, Utah Code Annotated 1953

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

Section 1. Section 53B-1-301 is amended to read:

**53B-1-301 . Reports to and actions of the Higher Education Appropriations
Subcommittee.**

- (1) In accordance with applicable provisions and Section 68-3-14, the following recurring reports are due to the Higher Education Appropriations Subcommittee:
- (a) the reports described in Sections 53B-1-116, 53B-1-117, and 53B-1-118;
 - (b) the reports described in Sections 34A-2-202.5, 53B-30-206, and 59-9-102.5 by the Rocky Mountain Center for Occupational and Environmental Health;
 - (c) the report described in Section 53B-7-101 by the board on recommended appropriations for higher education institutions, including the report described in Section 53B-8-104 by the board on the effects of offering nonresident partial tuition scholarships;
 - (d) the report described in Section 53B-7-704 by the Department of Workforce Services and the Governor's Office of Economic Opportunity on targeted jobs;
 - (e) the reports described in Section 53B-7-705 by the board on performance;
 - (f) the report described in Section 53B-8-201 by the board on the Opportunity Scholarship Program;
 - (g) the report described in Section 53B-8d-104 by the Division of Child and Family Services on tuition waivers for wards of the state;
 - (h) the report described in Section 53B-13a-103 by the board on the Utah Promise Program;
 - (i) the report described in Section 53B-16-602 by the board on a state institution compensating a student athlete for the use of the student athlete's name, image, or likeness;
 - ~~[(f)]~~ (j) the report described in Section 53B-17-201 by the University of Utah regarding the Miners' Hospital for Disabled Miners;
 - ~~[(j)]~~ (k) the report described in Section 53B-26-202 by the Medical Education Council on projected demand for nursing professionals;
 - ~~[(k)]~~ (l) the report described in Section 53B-35-202 regarding the Higher Education and

Corrections Council; and

~~[(f)]~~ (m) the report described in Section 53E-10-308 by the State Board of Education and board on student participation in the concurrent enrollment program.

(2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are due to the Higher Education Appropriations Subcommittee:

(a) upon request, the information described in Section 53B-8a-111 submitted by the Utah Educational Savings Plan;

(b) a proposal described in Section 53B-26-202 by an eligible program to respond to projected demand for nursing professionals; and

(c) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board on the fire and rescue training program described in Section 53B-29-202.

(3) In accordance with applicable provisions, the Higher Education Appropriations Subcommittee shall complete the following:

(a) an appropriation recommendation described in Section 53B-1-118 regarding compliance with Subsections 53B-1-118(5) and (14);

(b) as required by Section 53B-7-703, the review of performance funding described in Section 53B-7-703;

(c) an appropriation recommendation described in Section 53B-26-202 to fund a proposal responding to projected demand for nursing professionals; and

(d) review of the report described in Section 63B-10-301 by the University of Utah on the status of a bond and bond payments specified in Section 63B-10-301.

Section 2. Section **53B-16-601** is amended to read:

53B-16-601 . 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)~~ "Institution" means:

(a) an institution of higher education described in Section 53B-1-102; or

(b) a private, nonprofit institution of higher education.

~~(4)~~(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;

- 97 (ii) an athletic entity; or
98 (iii) a staff member, employee, officer, director, manager, or owner of an institution.
- 99 [(2)] (5) "Intercollegiate athletics program" means an institution-sponsored athletic program
100 or sporting activity in which a student athlete represents the student athlete's institution
101 in competition against another institution.
- 102 [(3)] (6) "Prohibited endorsement provision" means a provision that requires or permits the
103 use of a student athlete's name, image, or likeness to promote:
104 (a) a tobacco product or e-cigarettes, as those terms are defined in Section 76-10-101,
105 including vaping;
106 (b) an alcoholic product, as that term is defined in Section 32B-1-102;
107 (c) a seller or dispenser of a controlled substance, including steroids, antibiotics, and
108 marijuana;
109 (d) gambling or betting;
110 (e) a sexually oriented business, as that term is defined in Section 17-50-331; or
111 (f) a firearm that the student athlete cannot legally purchase.
- 112 [(4)] (7)(a) "Student athlete" means an individual who:
113 (i) is enrolled in an institution; and
114 (ii) participates as an athlete for the institution in an intercollegiate athletics program.
115 (b) "Student athlete" includes an agent or other representative of a student athlete.
- 116 [(5)] (8) "Student athlete agreement" means a proposed or executed contract:
117 (a) between a student athlete and [~~a third party that is not an institution~~] another party;
118 and
119 (b) in which the student athlete and [~~third~~] other party agree that the student athlete's
120 name, image, or likeness may be used to promote a business, person, product,
121 service, or individual in exchange for the student athlete receiving financial
122 compensation or other benefits.
- 123 (9) "Third-party entity" means an individual or organization, other than an athletic entity,
124 with authority over intercollegiate athletics.

125 Section 3. Section 53B-16-602 is amended to read:

126 **53B-16-602 . Use of a student athlete's name, image, or likeness in intercollegiate**
127 **athletics programs -- Contracts -- Exceptions -- Prohibitions.**

- 128 (1) An institution may, except as provided in Subsection (2), compensate a student athlete
129 directly for use of the student athlete's name, image, or likeness.
130 (2) An institution may not compensate a student athlete or prospective student athlete for

131 use of the student athlete's name, image, or likeness through:

132 (a) funds the Legislature appropriates; or

133 (b) a fee a student attending an institution pays to the institution.

134 ~~(3)(a)~~ A student athlete may not enter into a student athlete agreement that contains a
135 prohibited endorsement provision.

136 ~~[(2) Before a student athlete or prospective student athlete enters into a student athlete~~
137 ~~agreement that exceeds \$600 in value, the student athlete or proposed student athlete~~
138 ~~shall provide the student athlete agreement to the student athlete's or proposed student~~
139 ~~athlete's institution.]~~

140 ~~[(3) An institution that receives a student athlete agreement under Subsection (2) shall~~
141 ~~provide the student athlete or prospective student athlete with a written acknowledgment~~
142 ~~regarding whether the student athlete agreement conflicts with the institution's policies~~
143 ~~or the provisions in this part.]~~

144 ~~[(4)]~~ (b) A student athlete agreement or any communication, or other material related to a
145 student athlete agreement, including those created before May 1, 2024, is not subject
146 to Title 63G, Chapter 2, Government Records Access Management Act.

147 ~~[(5) An institution may not use funds appropriated by the Legislature for any purpose~~
148 ~~related to a student athlete's or prospective student athlete's student athlete agreement~~
149 ~~that the student athlete or prospective student athlete submits to the institution.]]~~

150 (4) A student athlete attending an institution is not an employee of the institution through:

151 (a) the student athlete's participation in an athletic program the institution offers; or

152 (b) the institution compensating the student athlete for use of the student athlete's name,
153 image, or likeness.

154 (5) The board shall:

155 (a) beginning fiscal year 2028 and every five years thereafter, conduct an audit of each
156 state institution that evaluates:

157 (i) money an institution expends to directly compensate a student athlete for the use
158 of the student athlete's name, image, or likeness; and

159 (ii) the implementation and use of payments by an institution to a student athlete for a
160 student athlete's name, image, or likeness; and

161 (b) prepare and submit a written report for the audit described in Subsection (5)(a) to the
162 Education Interim Committee and the Higher Education Appropriations
163 Subcommittee.

164 (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.

Section 4. Section **53B-16-701** is enacted to read:

53B-16-701 . 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); and
- (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 an 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 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.
- Section 5. Section 53E-1-201 is amended to read:
- 53E-1-201 . Reports to and action required of the Education Interim Committee.**
- (1) In accordance with applicable provisions and Section 68-3-14, the following recurring reports are due to the Education Interim Committee:
- (a) the report described in Section 9-22-109 by the STEM Action Center Board,

including the information described in Section 9-22-113 on the status of the computer science initiative and Section 9-22-114 on the Computing Partnerships Grants Program;

(b) the prioritized list of data research described in Section 53B-33-302 and the report on research and activities described in Section 53B-33-304 by the Utah Data Research Center;

(c) the report described in Section 53B-1-402 by the Utah Board of Higher Education on career and technical education issues and addressing workforce needs;

(d) the annual report of the Utah Board of Higher Education described in Section 53B-1-402;

(e) the reports described in Section 53B-28-401 by the Utah Board of Higher Education regarding activities related to campus safety;

(f) the State Superintendent's Annual Report by the state board described in Section 53E-1-203;

(g) the annual report described in Section 53E-2-202 by the state board on the strategic plan to improve student outcomes;

(h) the report described in Section 53E-8-204 by the state board on the Utah Schools for the Deaf and the Blind;

(i) the report described in Section 53E-10-703 by the Utah Leading through Effective, Actionable, and Dynamic Education director on research and other activities;

(j) the report described in Section 53F-2-522 regarding mental health screening programs;

(k) the report described in Section 53F-4-203 by the state board and the independent evaluator on an evaluation of early interactive reading software;

(l) the report described in Section 63N-20-107 by the Governor's Office of Economic Opportunity on UPSTART;

(m) the reports described in Sections 53F-5-214 and 53F-5-215 by the state board related to grants for professional learning and grants for an elementary teacher preparation assessment;

(n) upon request, the report described in Section 53F-5-219 by the state board on the Local Innovations Civics Education Pilot Program;

(o) the report described in Section 53F-5-405 by the state board regarding an evaluation of a partnership that receives a grant to improve educational outcomes for students who are low income;

- (p) the report described in Section 53B-35-202 regarding the Higher Education and Corrections Council;
- (q) the report described in Section 53G-7-221 by the state board regarding innovation plans;
- (r) the reports described in Section 53F-6-412 regarding the Utah Fits All Scholarship Program.

(2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are due to the Education Interim Committee:

- (a) in 2027, 2030, 2033, and 2035, the reports described in Sections 53B-1-116, 53B-1-117, and 53B-1-118;
- (b) in 2025, the report described in Section 53B-16-701 by a degree-granting institution regarding policies on abusive coaching practices;
- ~~[(b)]~~ (c) if required, the report described in Section 53E-4-309 by the state board explaining the reasons for changing the grade level specification for the administration of specific assessments;
- ~~[(e)]~~ (d) if required, the report described in Section 53E-5-210 by the state board of an adjustment to the minimum level that demonstrates proficiency for each statewide assessment;
- ~~[(d)]~~ (e) the report described in Section 53E-10-702 by Utah Leading through Effective, Actionable, and Dynamic Education;
- ~~[(e)]~~ (f) if required, the report described in Section 53F-2-513 by the state board evaluating the effects of salary bonuses on the recruitment and retention of effective teachers in high poverty schools;
- ~~[(f)]~~ (g) upon request, a report described in Section 53G-7-222 by an LEA regarding expenditure of a percentage of state restricted funds to support an innovative education program;
- ~~[(g)]~~ (h) the reports described in Section 53G-11-304 by the state board regarding proposed rules and results related to educator exit surveys; and
- ~~[(h)]~~ (i) the report described in Section 26B-5-113 by the Office of Substance Use and Mental Health, the state board, and the Department of Health and Human Services regarding recommendations related to Medicaid reimbursement for school-based health services.

Section 6. Effective Date.

This bill takes effect on May 7, 2025.