

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

29 **53E-1-201**, as last amended by Laws of Utah 2024, Chapters 3, 460 and 525

30 ENACTS:

31 **53B-16-701**, Utah Code Annotated 1953

32

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

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

35 **53B-1-301 . Reports to and actions of the Higher Education Appropriations**
36 **Subcommittee.**

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

39 (a) the reports described in Sections 53B-1-116, 53B-1-117, and 53B-1-118;

40 (b) the reports described in Sections 34A-2-202.5, 53B-30-206, and 59-9-102.5 by the
41 Rocky Mountain Center for Occupational and Environmental Health;

42 (c) the report described in Section 53B-7-101 by the board on recommended
43 appropriations for higher education institutions, including the report described in
44 Section 53B-8-104 by the board on the effects of offering nonresident partial tuition
45 scholarships;

46 (d) the report described in Section 53B-7-704 by the Department of Workforce Services
47 and the Governor's Office of Economic Opportunity on targeted jobs;

48 (e) the reports described in Section 53B-7-705 by the board on performance;

49 (f) the report described in Section 53B-8-201 by the board on the Opportunity
50 Scholarship Program;

51 (g) the report described in Section 53B-8d-104 by the Division of Child and Family
52 Services on tuition waivers for wards of the state;

53 (h) the report described in Section 53B-13a-103 by the board on the Utah Promise
54 Program;

55 (i) the report described in Section 53B-16-602 by the board on a state institution
56 compensating a student athlete for the use of the student athlete's name, image, or
57 likeness;

58 [(†)] [(j)] the report described in Section 53B-17-201 by the University of Utah regarding
59 the Miners' Hospital for Disabled Miners;

60 [(‡)] [(k)] the report described in Section 53B-26-202 by the Medical Education Council on
61 projected demand for nursing professionals;

62 [(Ⓚ)] [(l)] the report described in Section 53B-35-202 regarding the Higher Education and

- 63 Corrections Council; and
- 64 [(H)] (m) the report described in Section 53E-10-308 by the State Board of Education and
65 board on student participation in the concurrent enrollment program.
- 66 (2) In accordance with applicable provisions and Section 68-3-14, the following occasional
67 reports are due to the Higher Education Appropriations Subcommittee:
- 68 (a) upon request, the information described in Section 53B-8a-111 submitted by the
69 Utah Educational Savings Plan;
- 70 (b) a proposal described in Section 53B-26-202 by an eligible program to respond to
71 projected demand for nursing professionals; and
- 72 (c) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board on
73 the fire and rescue training program described in Section 53B-29-202.
- 74 (3) In accordance with applicable provisions, the Higher Education Appropriations
75 Subcommittee shall complete the following:
- 76 (a) an appropriation recommendation described in Section 53B-1-118 regarding
77 compliance with Subsections 53B-1-118(5) and (14);
- 78 (b) as required by Section 53B-7-703, the review of performance funding described in
79 Section 53B-7-703;
- 80 (c) an appropriation recommendation described in Section 53B-26-202 to fund a
81 proposal responding to projected demand for nursing professionals; and
- 82 (d) review of the report described in Section 63B-10-301 by the University of Utah on
83 the status of a bond and bond payments specified in Section 63B-10-301.

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

85 **53B-16-601 . Definitions.**

86 As used in this part:

- 87 (1) "Athlete agent" means the same as that term is defined in Section 58-87-102.
- 88 (2) "Athletic entity" means an athletic association, athletic conference, or other group or
89 organization with authority over intercollegiate athletics.
- 90 (3) "Institution" means:
- 91 (a) an institution of higher education described in Section 53B-1-102; or
- 92 (b) a private, nonprofit institution of higher education.
- 93 (4)(a) "Institutional marketing associate" means a third-party entity that enters into a
94 contract with, or acts on behalf of, an institution or intercollegiate athletics program.
- 95 (b) "Institutional marketing associate" does not include:
- 96 (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:

- 165 (a) prevent a student athlete of an institution from fully participating in intercollegiate
 166 athletics because the student athlete:
 167 (i) earns compensation through the student athlete's name, image, or likeness; or
 168 (ii) obtains professional representation from an athlete agent or attorney;
 169 (b) prevent an institution from becoming a member of an athletic entity or from
 170 participating in intercollegiate athletics that an athletic entity sponsors because a
 171 student athlete of an institution or college participating in intercollegiate athletics:
 172 (i) earns compensation from the use of the student athlete's name, image, or likeness;
 173 or
 174 (ii) obtains professional representation from an athlete agent or attorney; or
 175 (c) prevent an institution, institutional marketing associate, or third-party entity from
 176 creating and supporting opportunities for a student athlete to earn compensation for
 177 use of the student athlete's name, image, or likeness.

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

179 **53B-16-701 . Abusive coaching policies.**

180 (1) As used in this section:

- 181 (a)(i) "Abusive coaching practice" means conduct by a coach or member of the
 182 coaching staff that creates a harmful environment for a student athlete.
 183 (ii) "Abusive coaching practice" includes conduct by a coach or coaching staff with a
 184 student athlete that results in:
 185 (A) harmful or offensive physical contact;
 186 (B) sexual misconduct or harassment;
 187 (C) inappropriate sexual language; or
 188 (D) conduct that a reasonable person would find to be psychologically abusive.
 189 (b) "Athletic department" means the division of a degree-granting institution responsible
 190 for overseeing intercollegiate athletic programs.

191 (2) A degree-granting institution shall:

- 192 (a) address abusive coaching practices by requiring a degree-granting institution's
 193 athletic department to adopt a policy by November 7, 2025, that:
 194 (i) allows an individual to submit a complaint to the athletic department alleging a
 195 violation of the policies described in this Subsection (2)(a);
 196 (ii) prohibits coaches and coaching staff from encouraging or advising a student
 197 athlete to tolerate an abusive coaching practice;
 198 (iii) prohibits coaches and coaching staff from discouraging a report for an abusive

- 199 coaching practice;
 200 (iv) establishes reporting requirements for a volunteer, coach, or member of the
 201 coaching staff who learns of an abusive coaching practice;
 202 (v) mandates training for athletic department staff on recognizing and preventing an
 203 abusive coaching practice;
 204 (vi) establishes a procedure for the athletic department to follow when responding to
 205 a complaint of an abusive coaching practice; and
 206 (vii) institutes disciplinary action for individuals found in violation of the policies
 207 described in this Subsection (2)(a); and
 208 (b) submit the policy described in Subsection (2)(a) to the board and Education Interim
 209 Committee before the Education Interim Committee's November 2025 meeting; and
 210 (c) establish procedures to:
 211 (i) notify an individual of the receipt of the complaint the individual submits under
 212 Subsection (2)(a)(i), within five business days after the submission of the
 213 complaint;
 214 (ii) initiate an investigation of the complaint no later than 30 days after the receipt of
 215 a complaint;
 216 (iii) require an institution to ensure the investigation is as thorough and expeditious as
 217 possible; and
 218 (iv) where appropriate, act immediately to stop a program under an athletic
 219 department until the institution is able to restore an environment that is not
 220 harmful.

221 (3)(a) A degree-granting institution's board of trustees shall:

- 222 (i) review the policies a degree-granting institution creates in accordance with
 223 Subsection (2)(a); and
 224 (ii) approve the policies a degree-granting institution creates if the policies meet the
 225 policy requirements listed in Subsection (2)(a).

226 (b) Upon approval of the policies by a degree granting institution's board of trustees a
 227 degree-granting institution shall send the adopted policies to the board.

228 Section 5. Section **53E-1-201** is amended to read:

229 **53E-1-201 . Reports to and action required of the Education Interim Committee.**

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

- 232 (a) the report described in Section 9-22-109 by the STEM Action Center Board,

- 233 including the information described in Section 9-22-113 on the status of the computer
234 science initiative and Section 9-22-114 on the Computing Partnerships Grants
235 Program;
- 236 (b) the prioritized list of data research described in Section 53B-33-302 and the report on
237 research and activities described in Section 53B-33-304 by the Utah Data Research
238 Center;
- 239 (c) the report described in Section 53B-1-402 by the Utah Board of Higher Education on
240 career and technical education issues and addressing workforce needs;
- 241 (d) the annual report of the Utah Board of Higher Education described in Section
242 53B-1-402;
- 243 (e) the reports described in Section 53B-28-401 by the Utah Board of Higher Education
244 regarding activities related to campus safety;
- 245 (f) the State Superintendent's Annual Report by the state board described in Section
246 53E-1-203;
- 247 (g) the annual report described in Section 53E-2-202 by the state board on the strategic
248 plan to improve student outcomes;
- 249 (h) the report described in Section 53E-8-204 by the state board on the Utah Schools for
250 the Deaf and the Blind;
- 251 (i) the report described in Section 53E-10-703 by the Utah Leading through Effective,
252 Actionable, and Dynamic Education director on research and other activities;
- 253 (j) the report described in Section 53F-2-522 regarding mental health screening
254 programs;
- 255 (k) the report described in Section 53F-4-203 by the state board and the independent
256 evaluator on an evaluation of early interactive reading software;
- 257 (l) the report described in Section 63N-20-107 by the Governor's Office of Economic
258 Opportunity on UPSTART;
- 259 (m) the reports described in Sections 53F-5-214 and 53F-5-215 by the state board
260 related to grants for professional learning and grants for an elementary teacher
261 preparation assessment;
- 262 (n) upon request, the report described in Section 53F-5-219 by the state board on the
263 Local Innovations Civics Education Pilot Program;
- 264 (o) the report described in Section 53F-5-405 by the state board regarding an evaluation
265 of a partnership that receives a grant to improve educational outcomes for students
266 who are low income;

- 267 (p) the report described in Section 53B-35-202 regarding the Higher Education and
 268 Corrections Council;
- 269 (q) the report described in Section 53G-7-221 by the state board regarding innovation
 270 plans;
- 271 (r) the reports described in Section 53F-6-412 regarding the Utah Fits All Scholarship
 272 Program.
- 273 (2) In accordance with applicable provisions and Section 68-3-14, the following occasional
 274 reports are due to the Education Interim Committee:
- 275 (a) in 2027, 2030, 2033, and 2035, the reports described in Sections 53B-1-116,
 276 53B-1-117, and 53B-1-118;
- 277 (b) in 2025, the report described in Section 53B-16-701 by a degree-granting institution
 278 regarding policies on abusive coaching practices;
- 279 [(b)] (c) if required, the report described in Section 53E-4-309 by the state board
 280 explaining the reasons for changing the grade level specification for the
 281 administration of specific assessments;
- 282 [(e)] (d) if required, the report described in Section 53E-5-210 by the state board of an
 283 adjustment to the minimum level that demonstrates proficiency for each statewide
 284 assessment;
- 285 [(d)] (e) the report described in Section 53E-10-702 by Utah Leading through Effective,
 286 Actionable, and Dynamic Education;
- 287 [(e)] (f) if required, the report described in Section 53F-2-513 by the state board
 288 evaluating the effects of salary bonuses on the recruitment and retention of effective
 289 teachers in high poverty schools;
- 290 [(f)] (g) upon request, a report described in Section 53G-7-222 by an LEA regarding
 291 expenditure of a percentage of state restricted funds to support an innovative
 292 education program;
- 293 [(g)] (h) the reports described in Section 53G-11-304 by the state board regarding
 294 proposed rules and results related to educator exit surveys; and
- 295 [(h)] (i) the report described in Section 26B-5-113 by the Office of Substance Use and
 296 Mental Health, the state board, and the Department of Health and Human Services
 297 regarding recommendations related to Medicaid reimbursement for school-based
 298 health services.

299 **Section 6. Effective Date.**

300 This bill takes effect on May 7, 2025.