

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

**INTRODUCED**

LLS NO. 25-0665.01 Jacob Baus x2173

**HOUSE BILL 25-1041**

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**HOUSE SPONSORSHIP**

**Smith,**

**SENATE SPONSORSHIP**

**Coleman and Amabile,**

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**House Committees**  
Education

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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.*

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.

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

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

5 **23-16-301. Compensation and representation of student**  
6 **athletes - prohibited acts - contracts - definitions.** (1) As used in this  
7 part 3, unless the context otherwise requires:

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

9 (g) "Student athlete" means ~~a student who competes in~~  
10 ~~intercollegiate athletics for an institution at which the student is enrolled~~  
11 AN INDIVIDUAL WHO ENGAGES IN, IS ELIGIBLE TO ENGAGE IN, OR MAY BE  
12 ELIGIBLE IN THE FUTURE TO ENGAGE IN ANY INTERCOLLEGIATE SPORT.

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

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

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

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

7 ~~(III) Prevent a student athlete from obtaining professional~~  
8 ~~representation in relation to contracts or legal matters, including~~  
9 ~~representation provided by an athlete advisor and legal representation~~  
10 ~~provided by an attorney. AN INSTITUTION OR ATHLETIC ASSOCIATION~~  
11 ~~SHALL NOT PREVENT A STUDENT ATHLETE FROM OBTAINING PROFESSIONAL~~  
12 ~~REPRESENTATION IN RELATION TO CONTRACTS OR LEGAL MATTERS,~~  
13 ~~INCLUDING REPRESENTATION PROVIDED BY AN ATHLETE ADVISOR AND~~  
14 ~~LEGAL REPRESENTATION PROVIDED BY AN ATTORNEY.~~

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

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

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

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

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

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

12           **24-72-204. Allowance or denial of inspection - grounds -**  
13 **procedure - appeal - definitions - repeal.** (3) (a) The custodian shall  
14 deny the right of inspection of the following records, unless otherwise  
15 provided by law; except that the custodian shall make any of the  
16 following records, other than letters of reference concerning employment,  
17 licensing, or issuance of permits, available to the person in interest in  
18 accordance with this subsection (3):

19           (XXIV) (A) AN AGREEMENT OR CONTRACT CONCERNING A  
20 STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS, OR ANY  
21 COMMUNICATION OR MATERIAL RELATED TO AN AGREEMENT OR A  
22 CONTRACT CONCERNING A STUDENT ATHLETE'S NAME, IMAGE, OR  
23 LIKENESS.

24           (B) 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.