



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1041: STUDENT ATHLETE NAME IMAGE OR LIKENESS

Prime Sponsors:

Rep. Smith
Sen. Coleman; Amabile

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Published for: House Education**Drafting number:** LLS 25-0665**Version:** Initial Fiscal Note**Date:** January 14, 2025**Fiscal note status:** The fiscal note reflects the introduced bill.

Summary Information

Overview. The bill allows any current or potential intercollegiate student athlete to profit from their name, image, or likeness, and allows institutions of higher education to pay current and future athletes for the use of their name, image or likeness.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- Institutions of Higher Education

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

Under current law, student athletes who are enrolled at a public or private institutions of higher education in Colorado may profit from their name, image, and likeness, while maintaining their amateur status. This bill expands the definition of student athlete to include an individual who is eligible to participate in, or may be eligible in the future to participate in, an intercollegiate sport.

Under current law, neither an institution of higher education nor an athletic association may compensate a current or prospective student athlete, or pay a prospective student for his or her ability, performance, or potential. This bill removes these prohibitions, and allows an institution or an athletic association to provide compensation to a student athlete for the use of the student athlete's name, image, or likeness.

The bill repeals the prohibition on a student athlete from entering a contract that conflicts with a team contract, and the provision that institutions of higher education may not prevent a student athlete from using their name, image, and likeness for contractual purposes when they are not engaged in official team activities.

Finally, this bill exempts an agreement or contract concerning a student athlete's name, image, or likeness, or any communication or material related to the agreement or contract, from the requirements of the Colorado Open Records Act (CORA).

Background

Colorado law includes parameters for current student athletes to benefit from the use of their name, image, and likeness, but prohibits institutions from directly paying student athletes. Under the preliminary approved *House vs National Collegiate Athletic Association (NCAA)* settlement agreement, which is intended to resolve anti-trust lawsuits against the NCAA, institutions nationwide will be allowed to pay student athletes annually through revenue sharing, beginning in 2025. Student athletes would still be able to earn money from name, image, likeness contracts. Final approval of the settlement agreement will be determined in April 2025.

State Expenditures

The bill may affect expenditures of institutions of higher education and increase workload for the Department of Law, as outlined below.

Institutions of Higher Education

The bill may impact expenditures for institutions that choose to pay their current or prospective student athletes. Any payments to student athletes are at the discretion of the institutions of higher education. Athletics are generally auxiliary programs, which are typically funded through fees or other revenue sources; thus, the bill is not expected to change any state appropriations for higher education.

All schools enrolling student athletes will have an increased workload to modify existing policy, contracts, and rules related to student athletes, and to accommodate changes to compliance efforts with the expanded eligibility of current and potential students. Any additional costs incurred from changing name, image, likeness rules or modifying processes or procedures, and the funding to cover the costs, is at the discretion of institutions.

Department of Law

The Department of Law may have an increase in workload to assist institutions of higher education to exempt certain contracts from public inspection under CORA.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Higher Education

Judicial

Law