

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 20-0301.01 Richard Sweetman x4333

**SENATE BILL 20-123**

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**SENATE SPONSORSHIP**

**Fields and Bridges**, Priola, Tate, Todd

**HOUSE SPONSORSHIP**

**Coleman and Herod**, Soper, Bird, Buckner, Exum, Hooton, Larson, Liston, Melton,  
Mullica, Van Winkle

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**Senate Committees**  
Education

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE RIGHTS OF COLLEGE ATHLETES, AND, IN**  
102 **CONNECTION THEREWITH, ESTABLISHING THEIR RIGHT TO**  
103 **RECEIVE COMPENSATION FOR THE USE OF THEIR NAMES,**  
104 **IMAGES, AND LIKENESSES AND THEIR RIGHT TO OBTAIN**  
105 **PROFESSIONAL AND LEGAL REPRESENTATION.**

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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>.)*

The bill states that, except as may be required by an athletic association, conference, or other group or organization with authority

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

SENATE  
Amended 2nd Reading  
February 11, 2020

over intercollegiate athletics (association), including the National Collegiate Athletic Association, an institution of higher education (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 (compensation). A student athlete's earning of compensation may not affect the student's scholarship eligibility. An association shall neither prevent a student athlete from earning compensation nor prevent an institution from participating in intercollegiate athletics because a student athlete receives compensation. Neither an institution nor an association shall:

- ! Provide compensation or remuneration to a prospective student athlete; nor
- ! Prevent a student athlete from obtaining professional representation in relation to contracts or legal matters, including representation provided by athlete advisors and legal representation provided by attorneys.

A student athlete shall not enter into a contract providing compensation to the student athlete (athlete contract) if the athlete contract conflicts with a contract of the team for which the student athlete competes (team contract). A team contract that is entered into, modified, or renewed on or after the effective date of the bill may not prevent 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. A student athlete who enters into an athlete contract shall disclose the athlete contract to the athletic director of the institution within 72 hours after the student athlete enters into the athlete contract.

Any commission of an act prohibited by the bill is an unfair trade practice for the purpose of enforcement of the "Colorado Consumer Protection Act", except that the commission of a prohibited act by a student athlete is not an unfair trade practice.

The bill takes effect August 31, 2021.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that every student athlete enrolled at an institution of  
4 higher education in this state has a right to:

5           (a) Be paid for the use of the student athlete's name, image, and  
6 likeness; and

1 (b) Hire one or more persons to represent the student athlete's  
2 interests.

3 (2) The general assembly further declares that a student athlete  
4 may not be compelled to forfeit these rights in order to participate in  
5 intercollegiate athletics.

6 **SECTION 2.** In Colorado Revised Statutes, **add** 6-1-730 as  
7 follows:

8 **6-1-730. Compensation and representation of student athletes**  
9 **at institutions of higher education - prohibited acts - contracts -**

10 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
11 OTHERWISE REQUIRES:

12 (a) "ADVISORY CONTRACT" MEANS AN AGREEMENT IN WHICH A  
13 STUDENT ATHLETE AUTHORIZES A PERSON TO NEGOTIATE OR SOLICIT, ON  
14 BEHALF OF THE STUDENT ATHLETE, COMPENSATION FROM THE USE OF THE  
15 STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS. THE TERM:

16 (I) DOES NOT INCLUDE A PROFESSIONAL-SPORTS-SERVICES  
17 CONTRACT, AS DEFINED IN SECTION 23-16-202 (9); AND

18 (II) INCLUDES AN ENDORSEMENT CONTRACT, AS DEFINED IN  
19 SECTION 23-16-202 (6), IF THE ENDORSEMENT CONTRACT PROVIDES FOR  
20 A STUDENT ATHLETE TO RECEIVE COMPENSATION FROM THE USE OF THE  
21 STUDENT'S NAME, IMAGE, OR LIKENESS.

22 (b) "ATHLETE ADVISOR" MEANS A PERSON WHO ENTERS INTO AN  
23 ADVISORY CONTRACT WITH A STUDENT ATHLETE OR, DIRECTLY OR  
24 INDIRECTLY, RECRUITS OR SOLICITS A STUDENT ATHLETE TO ENTER INTO  
25 AN ADVISORY CONTRACT. THE TERM INCLUDES AN INDIVIDUAL WHO  
26 REPRESENTS TO THE PUBLIC THAT THE INDIVIDUAL IS AN ATHLETE  
27 ADVISOR. THE TERM DOES NOT INCLUDE A SPOUSE, PARENT, SIBLING,

1 GRANDPARENT, OR GUARDIAN OF A STUDENT ATHLETE.

2 (c) "ATHLETIC ASSOCIATION" MEANS AN ATHLETIC ASSOCIATION,  
3 CONFERENCE, OR OTHER GROUP OR ORGANIZATION WITH AUTHORITY OVER  
4 INTERCOLLEGIATE ATHLETICS. THE TERM INCLUDES THE NATIONAL  
5 COLLEGIATE ATHLETIC ASSOCIATION OR ANY SUCCESSOR ORGANIZATION.

6 (d) "COMPENSATION":

7 (I) MEANS MONEY OR OTHER REMUNERATION OR THING OF VALUE  
8 GIVEN TO A STUDENT ATHLETE IN EXCHANGE FOR THE USE OF THE  
9 STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS; AND

10 (II) DOES NOT INCLUDE A SCHOLARSHIP FROM THE INSTITUTION AT  
11 WHICH A STUDENT ATHLETE IS ENROLLED THAT PROVIDES THE STUDENT  
12 ATHLETE ALL OR A PORTION OF THE COST OF ATTENDANCE AT THAT  
13 INSTITUTION.

14 (e) "INSTITUTION" MEANS A PUBLIC OR PRIVATE INSTITUTION OF  
15 HIGHER EDUCATION IN COLORADO.

16 (f) "STUDENT" MEANS AN INDIVIDUAL WHO IS ENROLLED AT AN  
17 INSTITUTION.

18 (g) "STUDENT ATHLETE" MEANS A STUDENT WHO COMPETES IN  
19 INTERCOLLEGIATE ATHLETICS FOR AN INSTITUTION AT WHICH THE  
20 STUDENT IS ENROLLED.

21 (h) "TEAM CONTRACT" MEANS A CONTRACT BETWEEN AN  
22 INSTITUTION AND ANOTHER ENTITY OR BETWEEN AN INTERCOLLEGIATE  
23 ATHLETIC TEAM OF AN INSTITUTION AND ANOTHER ENTITY, WHICH  
24 CONTRACT RELATES TO THE ACTIVITIES OF AN ATHLETIC TEAM OF THE  
25 INSTITUTION.

26 (2) (a) EXCEPT AS MAY BE REQUIRED BY THE RULES OR  
27 REQUIREMENTS OF AN ATHLETIC ASSOCIATION OF WHICH AN INSTITUTION

1 IS A MEMBER, AN INSTITUTION SHALL NOT UPHOLD ANY RULE,  
2 REQUIREMENT, STANDARD, OR OTHER LIMITATION THAT PREVENTS A  
3 STUDENT ATHLETE OF THE INSTITUTION FROM EARNING COMPENSATION  
4 FROM THE USE OF THE STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS. A  
5 STUDENT ATHLETE'S EARNING OF SUCH COMPENSATION DOES NOT AFFECT  
6 THE STUDENT ATHLETE'S SCHOLARSHIP ELIGIBILITY.

7 (b) AN ATHLETIC ASSOCIATION SHALL NOT:

8 (I) PREVENT A STUDENT ATHLETE FROM EARNING COMPENSATION  
9 FROM THE USE OF THE STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS; OR

10 (II) PREVENT AN INSTITUTION FROM PARTICIPATING IN  
11 INTERCOLLEGIATE ATHLETICS BECAUSE A STUDENT ATHLETE RECEIVES  
12 COMPENSATION FROM THE USE OF THE STUDENT ATHLETE'S NAME, IMAGE,  
13 OR LIKENESS.

14 (c) NEITHER AN INSTITUTION NOR AN ATHLETIC ASSOCIATION  
15 SHALL:

16 (I) PROVIDE COMPENSATION TO A CURRENT OR PROSPECTIVE  
17 STUDENT ATHLETE;

18 (II) PROVIDE REMUNERATION TO A PROSPECTIVE STUDENT  
19 ATHLETE FOR THE PROSPECTIVE STUDENT ATHLETE'S ATHLETIC ABILITY OR  
20 PERFORMANCE OR POTENTIAL ATHLETIC ABILITY OR PERFORMANCE; OR

21 (III) PREVENT A STUDENT ATHLETE FROM OBTAINING  
22 PROFESSIONAL REPRESENTATION IN RELATION TO CONTRACTS OR LEGAL  
23 MATTERS, INCLUDING REPRESENTATION PROVIDED BY AN ATHLETE  
24 ADVISOR AND LEGAL REPRESENTATION PROVIDED BY AN ATTORNEY.

25 (3) (a) A STUDENT ATHLETE SHALL NOT ENTER INTO A CONTRACT  
26 PROVIDING COMPENSATION TO THE STUDENT ATHLETE IF THE CONTRACT  
27 CONFLICTS WITH A TEAM CONTRACT OF THE TEAM FOR WHICH THE

1 STUDENT ATHLETE COMPETES.

2 (b) A STUDENT ATHLETE WHO ENTERS INTO A CONTRACT  
3 PROVIDING COMPENSATION TO THE STUDENT ATHLETE IN EXCHANGE FOR  
4 THE USE OF THE STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS SHALL  
5 DISCLOSE THE CONTRACT TO THE ATHLETIC DIRECTOR OF THE STUDENT  
6 ATHLETE'S INSTITUTION WITHIN SEVENTY-TWO HOURS AFTER THE STUDENT  
7 ATHLETE ENTERS INTO THE CONTRACT OR BEFORE THE NEXT SCHEDULED  
8 ATHLETIC EVENT IN WHICH THE STUDENT ATHLETE MAY PARTICIPATE,  
9 WHICHEVER OCCURS FIRST.

10 (c) AN INSTITUTION ASSERTING A CONFLICT DESCRIBED IN  
11 SUBSECTION (3)(a) OF THIS SECTION SHALL DISCLOSE TO THE STUDENT  
12 ATHLETE OR TO THE STUDENT ATHLETE'S PROFESSIONAL OR LEGAL  
13 REPRESENTATION THE RELEVANT CONTRACTUAL PROVISIONS THAT ARE IN  
14 CONFLICT.

15 (d) A TEAM CONTRACT OF AN INSTITUTION'S ATHLETIC PROGRAM  
16 ENTERED INTO, MODIFIED, OR RENEWED ON OR AFTER THE EFFECTIVE DATE  
17 OF THIS SECTION MAY NOT PROHIBIT A STUDENT ATHLETE FROM USING THE  
18 STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS FOR A COMMERCIAL  
19 PURPOSE WHEN THE STUDENT ATHLETE IS NOT ENGAGED IN OFFICIAL TEAM  
20 ACTIVITIES.

21 (4) ANY PERSON PROVIDING LEGAL REPRESENTATION TO A  
22 STUDENT ATHLETE MUST BE A LICENSED ATTORNEY.

23 (5) FOR THE PURPOSES OF THIS SECTION, AN INSTITUTION SHALL  
24 NOT REVOKE A STUDENT ATHLETE'S SCHOLARSHIP BECAUSE THE STUDENT  
25 ATHLETE RECEIVES COMPENSATION OR OBTAINS PROFESSIONAL OR LEGAL  
26 REPRESENTATION AS DESCRIBED IN THIS SECTION.

27 (6) A VIOLATION OF THIS SECTION IS AN UNFAIR TRADE PRACTICE

1 FOR THE PURPOSE OF SECTION 6-1-105; EXCEPT THAT A VIOLATION OF  
2 SUBSECTION (3)(a) OR (3)(b) OF THIS SECTION BY A STUDENT ATHLETE IS  
3 NOT AN UNFAIR TRADE PRACTICE.

4 **SECTION 3.** In Colorado Revised Statutes, **amend** 23-16-106 as  
5 follows:

6 **23-16-106. Athlete agent interviews - scheduling - rules.** Each  
7 institution that participates in intercollegiate athletics may sponsor  
8 on-campus athlete agent interviews at which an athlete agent may  
9 interview student athletes to discuss the athlete agent's representation of  
10 the student athletes in the marketing of the student athletes' athletic ability  
11 or reputation. The governing board of the institution or the institution may  
12 adopt rules with regard to the scheduling of interview periods, the  
13 duration of each interview period, and locations on campus where  
14 interviews may be conducted. NOTHING IN THIS SECTION PROHIBITS A  
15 STUDENT ATHLETE AND AN ATHLETE ADVISOR, AS DEFINED IN SECTION  
16 6-1-730 (1)(b), FROM MEETING AT A TIME AND PLACE OTHER THAN AN  
17 ON-CAMPUS ATHLETE AGENT INTERVIEW THAT IS SPONSORED BY AN  
18 INSTITUTION PURSUANT TO THIS SECTION.

19 **SECTION 4. Act subject to petition - effective date.** This act  
20 takes effect January 1, 2023; except that, if a referendum petition is filed  
21 pursuant to section 1 (3) of article V of the state constitution against this  
22 act or an item, section, or part of this act within the ninety-day period  
23 after final adjournment of the general assembly, then the act, item,  
24 section, or part will not take effect unless approved by the people at the  
25 general election to be held in November 2020 and, in such case, will take  
26 effect January 1, 2023.