

## CHAPTER 407

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**EDUCATION - POSTSECONDARY**


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**SENATE BILL 23-293**

BY SENATOR(S) Coleman and Fields, Buckner, Cutter, Exum, Gonzales, Hansen, Jaquez Lewis, Kolker, Moreno, Mullica, Priola, Roberts, Winter F.;  
 also REPRESENTATIVE(S) Herod and Epps, Amabile, Bacon, Boesenecker, deGruy Kennedy, Dickson, English, Garcia, Gonzales-Gutierrez, Hamrick, Kipp, Lieder, Lindsay, Lukens, Mabrey, Martinez, Michaelson Jenet, Ricks, Sharbini, Sirota, Titone, Valdez, Weissman, Woodrow.

**AN ACT**

**CONCERNING COMPENSATION OF A STUDENT ATHLETE FOR USE OF THE STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS.**

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

**SECTION 1.** In Colorado Revised Statutes, 23-16-301, **amend** (3)(b); and **add** (2)(d) and (5.5) as follows:

**23-16-301. Compensation and representation of student athletes at institutions of higher education - prohibited acts - contracts - definitions.**

(2) (d) AN INSTITUTION MAY IDENTIFY, CREATE, SOLICIT, FACILITATE, AND OTHERWISE ENABLE OPPORTUNITIES FOR A STUDENT ATHLETE TO EARN COMPENSATION FOR THE USE OF THE STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS SO LONG AS THE INSTITUTION FIRST ACQUIRES THE CONSENT OF THE STUDENT ATHLETE TO DO SO. AN INSTITUTION THAT SOLICITS SUCH AN OPPORTUNITY FOR A STUDENT ATHLETE SHALL INFORM THE STUDENT ATHLETE OF THE SOLICITATION WITHIN SEVENTY-TWO HOURS AFTER THE SOLICITATION.

(3) (b) A student athlete who enters into a contract providing compensation to the student athlete in exchange for the use of the student athlete's name, image, or likeness shall disclose the contract to the athletic director of the student athlete's institution within seventy-two hours after the student athlete enters into the contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, AS SUPPORTED BY THE INSTITUTION'S POLICY.

(5.5) A CHARITABLE ORGANIZATION THAT IS NOT AN INSTITUTION AND THAT

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

QUALIFIES AS AN EXEMPT ORGANIZATION UNDER 26 U.S.C. SEC. 501 (c)(3), AS IT EXISTED ON THE EFFECTIVE DATE OF THIS SUBSECTION (5.5), MAY COMPENSATE A STUDENT ATHLETE FOR THE USE OF THE STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS.

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 6, 2023