

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

REVISED

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

LLS NO. 23-1020.01 Richard Sweetman x4333

SENATE BILL 23-293

SENATE SPONSORSHIP

Coleman and Fields, Buckner, Cutter, Exum, Gonzales, Hansen, Jaquez Lewis, Kolker, Moreno, Mullica, Priola, Roberts, Winter F.

HOUSE SPONSORSHIP

Herod and Epps,

Senate Committees
Education

House Committees
Education

A BILL FOR AN ACT

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

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 a public or private institution of higher education (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. An institution that solicits such an opportunity for a student athlete must inform the

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.

HOUSE
2nd Reading Unamended
May 3, 2023

SENATE
3rd Reading Unamended
April 27, 2023

SENATE
2nd Reading Unamended
April 26, 2023

student athlete of the solicitation within 72 hours after the solicitation.

The bill states that a charitable organization that is not an institution and that is exempt from taxation under federal law may compensate a student athlete for the use of the student athlete's name, image, or likeness.

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 (3)(b); and **add** (2)(d) and (5.5) as follows:

4 **23-16-301. Compensation and representation of student**
5 **athletes at institutions of higher education - prohibited acts -**
6 **contracts - definitions.** (2) (d) AN INSTITUTION MAY IDENTIFY, CREATE,
7 SOLICIT, FACILITATE, AND OTHERWISE ENABLE OPPORTUNITIES FOR A
8 STUDENT ATHLETE TO EARN COMPENSATION FOR THE USE OF THE STUDENT
9 ATHLETE'S NAME, IMAGE, OR LIKENESS SO LONG AS THE INSTITUTION FIRST
10 ACQUIRES THE CONSENT OF THE STUDENT ATHLETE TO DO SO. AN
11 INSTITUTION THAT SOLICITS SUCH AN OPPORTUNITY FOR A STUDENT
12 ATHLETE SHALL INFORM THE STUDENT ATHLETE OF THE SOLICITATION
13 WITHIN SEVENTY-TWO HOURS AFTER THE SOLICITATION.

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

21 (5.5) A CHARITABLE ORGANIZATION THAT IS NOT AN INSTITUTION
22 AND THAT QUALIFIES AS AN EXEMPT ORGANIZATION UNDER 26 U.S.C. SEC.
23 501 (c)(3), AS IT EXISTED ON THE EFFECTIVE DATE OF THIS SUBSECTION

1 (5.5), MAY COMPENSATE A STUDENT ATHLETE FOR THE USE OF THE
2 STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS.

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