

STUDENT ATHLETE PRIVACY PROTECTIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Kwan

House Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions requiring schools to protect student athletic participation forms.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires schools and athletic associations to protect student athletic participation forms by complying with state and federal laws and rules; and
- ▶ requires athletic associations to prominently place a notice on student athlete participation forms that:

- comply with state and federal laws; and
- provide specific notice to schools and associations on privacy data protection.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53G-6-1201, Utah Code Annotated 1953



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **53G-6-1201** is enacted to read:

30 **53G-6-1201. Definitions.**

31 (1) As used in this section:

32 (a) "Athletic association" means an association, as that term is defined in Section
33 53G-7-1101.

34 (b) "Athletic participation form" means a form that an athletic association creates,
35 either in hardcopy or in electronic format, that:

36 (i) allows a student and a student's parent to consent to the student's participation in
37 high school athletics;

38 (ii) accompanies or includes the results of a student's physical examination evaluation
39 and participation recommendation from the student's medical provider to determine the
40 student's eligibility for participation in high school athletics; and

41 (iii) a student or a student's parent returns to:

42 (A) the student's school in hardcopy where the student is participating in an athletic
43 event; or

44 (B) the athletic association in electronic format.

45 (c) "School" means a public school that sponsors or offers an interscholastic sport in
46 which students enrolled at the school may participate.

47 (2) When a student submits a completed athletic participation form to the student's
48 school or association, the school or association shall comply with all applicable state and
49 federal privacy requirements, including:

50 (a) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g;

51 (b) Title 53E, Chapter 9, Student Privacy and Data Protection; and

52 (c) Title 63G, Chapter 2, Government Records Access and Management Act.

53 (3) An athletic participation form shall include, in a prominent place on the form, the
54 following statement:

55 "The information contained in this form is subject to state and federal data privacy laws
56 and rules. A school or an association receiving this form shall ensure this form is stored in a
57 secure location in compliance with all applicable state and federal privacy laws and rules."