

JUSTIN READY
Legislative District 5
Carroll County

Judicial Proceedings Committee



James Senate Office Building
11 Bladen Street, Room 414
Annapolis, Maryland 21401
410-841-3683 · 301-858-3683
800-492-7122 Ext. 3683
Fax 410-841-3729 · 301-858-3729
Justin.Ready@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Higher Education – Council on the Fair Treatment of Student Athletes (Jordan McNair Safe and Fair Play Act)

HB 533 (Lierman); SB 518 (Ready)

The NCAA was founded in 1906 to protect athletes from “dangerous and exploitative athletic practices.” Today, more than a century later, college sports generates billions of dollars in revenue every year while athletes - unlike every other student on their campuses - are denied the right to engage in the free market and benefit from their name, image, and likeness. State legislatures have long ceded oversight of college athletics to the NCAA. Over the decades, however, the NCAA has developed insular, rigid, and outdated practices that have not evolved. The NCAA has no legal duty to ensure the quality of an athlete’s education; no duty to protect athletes from injuries or guarantee an athlete medical coverage for sports-related injuries; and has not held university athletic departments responsible for failures to ensure the safety and wellbeing of college athletes. Rather, they have doubled down on arbitrary standards for allowing transfers without losing eligibility, granting medical redshirts, and other quality of life issues.

WHAT THIS BILL DOES: PROMOTING FAIR & SAFE PLAY

The bill has two parts. First, it follows the lead of California and twenty other states considering similar proposals in ensuring that student athletes at Maryland public universities are not prohibited from using their name, image, or likeness to earn an income. Any college student who is not an NCAA athlete already has this right - this bill will ensure that all students, athlete or not, have this right. Second, the bill establishes the Commission on the Fair Treatment of Student Athletes to be a body of experts, parents, and athletes and make recommendations to the General Assembly regarding matters of student athletes’ well-being, including issues related to:

- Health insurance and sports medicine care

- Educational opportunities for student athletes
- A student athlete's ability to transfer, or to engage in work while attending the public institution
- The ability to challenge provisions in the NCAA bylaws that inhibit the growth, needs, and long-term success of student athletes at public institutions

The primary goal of SB518 is the physical safety, health, and the economic well-being of Maryland student athletes. All college students – except student athletes - are free to use their talent or skills to earn a living while in school, from computer science to art students to engineering majors. Olympic athletes receive sponsorships but are still considered amateurs. However, NCAA athletes are denied the right to earn outside income. This an anti-competitive restriction that exacerbates athletes' financial challenges and is particularly unfair to the majority of male athletes and nearly all female athletes who lack professional sports opportunities and are therefore prohibited from earning an income during their prime athletic years.

The ability of athletes to earn income from third parties for the use of their name, image, and likeness is particularly important because of the known risks and long-term effects of college sports participation. College athletes often suffer serious injuries while engaged in NCAA-related activities:

- About 67% of college athletes suffer a major college sports injury and 50% suffer chronic injuries.
- An NCAA survey discovered that 50% of athletic trainers admit to knowingly returning players with concussions to the same game.
- Even with a full athletic scholarship, over 80% of college athletes are living below the federal poverty line.

Many college athletes come from low-income households, and many are the first in their families to go to college. In Division I, 56% of men's basketball players, 47% of women's basketball players, and 48% of football players are African-American. Student Athletes should have at least the same ability to support themselves as their fellow students have. They should be protected from harmful and unjust policies and practices. However, whether they come from poor, middle class, or wealthy backgrounds, student athletes should be allowed to earn income based on their name, image, and likeness.

It is time for us to step up for our student athletes and set a fair, safe, and level playing field for all. I ask for a favorable report for SB518.