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THE MARYLAND HOUSE OF DELEGATES
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Testimony in Support of HB 125 - The Jordan McNair Safe & Fair Play Act
February 27, 2021
Appropriations Committee

What this bill does

The bill follows the lead of 5 other states that have laws on the books (California, Florida, Nebraska, New Jersey, and Colorado) and 35+ other states with similar proposals in ensuring that intercollegiate student athletes at public universities are not prohibited from using their name, image, or likeness to earn income.

Right now, on every campus in America, every college student who is not an NCAA athlete has the right to earn money in any legal way they want... whether that's inventing a social media website, selling artwork, or performing. This bill will ensure that all students have this right.

The bill also establishes a Bill of Rights for student athletes to protect their wellbeing by **requiring schools to:** adopt policies to prevent and treat injury; protect students' scholarships in the event of injury, temporary leave of absence, or *interest in transferring*; elevate life skills and academics; ensure that student athletes are granted the same right as other students with regard to disciplinary actions and financial aid; and by help cover medical costs associated with injury during athletic program, such as medical treatment and health insurance costs. This provision of the bill has been law in California for almost 10 years.

Why this bill matters

For too long, state legislatures around the country have deferred to the NCAA to make rules regarding the treatment of their state's college athletes. Time and time again, incidents at schools have shown us that this reliance is misplaced. The NCAA itself asserts it has no duty to protect athletes from injuries or guarantee an athlete medical coverage for sports-related injuries; has no legal duty to ensure academic integrity or the quality of an athlete's education; and has not held university athletic departments responsible for failures to ensure the safety and wellbeing of college athletes. Therefore, **states have started to take matters into their own hands, passing name/image/likeness legislation and forcing schools and the NCAA to do better for our college athletes. As we have done for other vulnerable students, it is time for the Maryland General Assembly to step in.**

This legislation will help ensure our student athletes are treated fairly and that their health and safety are prioritized over athletic profits. Since 2000, over 30 NCAA football players have died due to a condition developed during a NCAA-sanctioned workout. 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. The Bill of Rights in this legislation holds schools accountable for developing more robust policies to prevent and treat injuries and help cover medical costs associated with injuries during gameplay or practice. The Bill of Rights also creates requirements for schools to provide courses on financial aid, debt management, budgeting, time management to student athletes, and make certain that they are aware of all academic resources available on campus.

This legislation will also ensure that student athletes are not excluded from the right to earn income from their name, image or likeness. Our state's coaches and administrators earn millions and are some of the highest paid state employees, while the athletes themselves are denied the right to earn any outside income related to their sport. This **unnecessary and anti-competitive restriction** exacerbates student 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. Further, many student athletes come from low-income households (over 80% of college athletes are living below the federal poverty level), and are the first in their family to attend college. Scholarships are wonderful but they are not the same as income. The State should not allow the NCAA to prohibit students athletes from running sports camps in the summers, signing sponsorship deals with local businesses, or selling gear with their name or signature to make a living. An art student at a Maryland university is not prohibited from selling their art. Why do we treat this class of students differently?

Why should you vote for this bill

This bill, important and urgent every year, is now even more important in light of the COVID-19 pandemic - when students are being forced to play athletics despite precarious health situations. The Maryland football team, for instance, was forced to cancel multiple games due to COVID outbreaks - including the fact that their head coach contracted COVID. Michigan just canceled all sports for several weeks as the more contagious COVID variant was found in some athletes. Athletes in every conference that is playing have tested positive. Only in the Ivy League have they canceled all sports for the winter. These dangerous conditions are forced upon players who have little to no rights to sit out and remain eligible.

It is time for the Maryland General Assembly to stand up to the NCAA and support our Maryland student athletes - both their ability to earn income from their name/image/likeness, and protecting their health and safety. **We go to their games, we tweet our support, we support them in our words. It is now time to support them here, where we can truly make a difference - through passing this legislation.**