



Wednesday, January 25, 2021

House Bill 125 –Jordan McNair Safe and Fair Play Act Testimony
Maryland House Committee on Appropriations
Brian Barrio, UMBC Director of Athletics, Physical Education, and Recreation

National coverage of issues impacting intercollegiate sports tends to focus on the seven percent of NCAA institutions that are members of Power 5 conferences, receive tens of millions of dollars annually in television revenue, and field teams every year with future NBA and NFL draft picks. For the other 93% of NCAA member institutions, including UMBC, as well as the Division II and Division III institutions in Maryland, the question of how to allocate a large outside revenue stream each year is moot. With the help of our institutions and donors, we focus on recruiting some of the best students on our campuses, supporting the overall mission of our university, and providing a co-curricular athletics experience with an emphasis on academic and personal development.

For this reason, we agree with the spirit of House Bill 125's proposed measures ensuring coverage of student-athlete health and insurance costs. The set of mandates related to healthcare and insurance would have minimal financial impact on UMBC, as we already meet most of the requirements. However, we recognize that, in principle, these mandates align with the priority that UMBC places on student-athlete welfare.

House Bill 125 also attempts to address a pressing issue in college athletics - the right of student-athletes to monetize their name, image, and likeness while participating in intercollegiate sports. We agree that student-athletes are overdue to reclaim that right, and that the NCAA's longstanding approach can properly be seen as too restrictive in today's legal and cultural environment. However, we have serious concerns about a piece of single-state legislation that attempts to address name, image, and likeness rights; an issue that will require a consensus approach applicable to NCAA member institutions in 50 states and Canada.

House Bill 125 not only would jeopardize the corporate partnerships that currently help us fund all of our intercollegiate teams, it also purports to require the NCAA to allow Maryland institutions to participate in NCAA competition, even as it concurrently mandates that the Maryland institutions stand in violation of NCAA amateurism legislation. This contradiction would come at the expense of Maryland's universities and student-athletes, who would likely be barred from NCAA competition. The requirements in House Bill 125 related to student-athlete use of agents also stand in contradiction to existing NCAA amateurism rules and would pose similar concerns.

At this time, there are multiple proposals for federal legislation addressing name, image, and likeness rights for student-athletes. The NCAA itself is also deep into the process of revising its amateurism rules to allow more flexibility for student-athletes. A patchwork, state-by-state attempt to regulate student-athlete name, image, and likeness rights will only delay and complicate the equitable resolution of the matter for all student-athletes. In the case of House Bill 125, it would also likely come at a significant cost to Maryland institutions and students. For this reason, while we support the spirit of name, image, and likeness deregulation, we oppose the specific approach of House Bill 125.