



HB0125/173727/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

15 FEB 21
17:24:12

BY: Delegate Lierman
(To be offered in the Appropriations Committee)

AMENDMENTS TO HOUSE BILL 125
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “requiring” and substitute “authorizing”; in line 19, strike “premiums and” and substitute “medical costs and health”; and after line 26, insert “authorizing an institution of higher education to maintain certain monitoring responsibilities in a certain office;”.

On page 2, in line 11, after “law;” insert “prohibiting professional representation from being affiliated with a public institution of higher education under certain circumstances;”; in line 12, after “athletes;” insert “authorizing certain individuals to act as a student athlete’s agent under certain circumstances;”; in line 14, after “actions” insert “under certain circumstances”; strike beginning with “prohibiting” in line 14 down through “contracts;” in line 15; and strike beginning with “requiring” in line 16 down through “representation;” in line 18 and substitute “prohibiting a student athlete from making use of certain property in certain circumstances; providing for the application of certain provisions of this Act; providing for the construction of certain provisions of this Act; making the provisions of this Act severable;”.

AMENDMENT NO. 2

On page 2, in line 35, strike “GRADUATION SUCCESS” and substitute “FEDERAL GRADUATION”.

On page 3, in line 3, strike “INSTITUTIONS OF HIGHER EDUCATION” and substitute “COLLEGES AND UNIVERSITIES”; in line 8, strike “CONFERENCES” and substitute “ORGANIZATIONS”; in line 13, after “(8)” insert “(1)”; in the same line, strike “ANY” and substitute “A”; in line 14, after “AN” insert “INTERCOLLEGIATE”; in the

(Over)

same line, after “PROGRAM” insert “AT AN INSTITUTION OF HIGHER EDUCATION”;
after line 14, insert:

“(II) “STUDENT ATHLETE” DOES NOT INCLUDE A STUDENT WHO PARTICIPATES SOLELY IN INTRAMURAL OR CLUB ATHLETICS.”;

in line 15, strike “AN” and substitute “IF AN”; in line 16, strike “SHALL”; and in line 17, after “BOTH,” insert “THE SCHOLARSHIPS SHALL BE MADE AVAILABLE TO THE STUDENT ATHLETE”.

On page 4, in line 14, after “A” insert “FEDERAL”; and in line 15, strike “SUCCESS”.

On page 5, in lines 12 and 16, in each instance, strike “WRITTEN”; in line 18, in each instance, strike “PREMIUMS” and substitute “MEDICAL COSTS”; and in line 21, after “THE” insert “HEALTH”.

On page 7, after line 4, insert:

“(2) AN INSTITUTION OF HIGHER EDUCATION THAT HAS AN OFFICE CURRENTLY MONITORING TITLE IX COMPLIANCE MAY NOT BE REQUIRED TO CHANGE RESPONSIBILITY FOR THAT MONITORING.”;

in lines 5 and 8, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively; and in line 5, strike “EACH YEAR” and substitute “, 2022, AND AUGUST 1 EVERY 3 YEARS THEREAFTER”.

On page 9, after line 10, insert:

“(K) THIS SECTION DOES NOT APPLY TO AN INSTITUTION OF HIGHER EDUCATION THAT RECEIVES, ON AVERAGE, LESS THAN \$10,000,000 IN ANNUAL INCOME DERIVED FROM MEDIA RIGHTS FOR INTERCOLLEGIATE ATHLETICS.”

AMENDMENT NO. 3

On page 9, in line 18, after “(3)” insert “(I)”; in the same line, after “A” insert “COLLEGE”; after line 20, insert:

“(II) “STUDENT ATHLETE” DOES NOT INCLUDE A STUDENT WHO PARTICIPATES SOLELY IN INTRAMURAL OR CLUB ATHLETICS.”;

in line 23, after “COMPENSATION” insert “, INCLUDING FOOD, SHELTER, HEALTH INSURANCE, OR PAYMENT OF MEDICAL EXPENSES”; in lines 24 and 27, in each instance, strike “OR LIKENESS” and substitute “LIKENESS, OR ATHLETIC REPUTATION”; in line 26, after “SCHOLARSHIP” insert “, GRANT-IN-AID, OR STIPEND ELIGIBILITY”; in line 28, strike “, A CONFERENCE,”; and strike beginning with the comma in line 29 down through the comma in line 30.

On page 10, in line 2, strike “, A CONFERENCE,”; strike beginning with the comma in line 3 down through the comma in line 4; in line 9, strike “, A CONFERENCE,”; in line 19, strike “LICENSED” and substitute “WHO IS:

(I) NOT DIRECTLY AFFILIATED WITH THE PUBLIC INSTITUTION OF HIGHER EDUCATION; AND

(II) LICENSED”;

in line 20, strike “(I)” and substitute “1.”; in line 22, strike “(II)” and substitute “2.”; in line 24, after “(2)” insert “(I)”; after line 27, insert:

“(II) NOTWITHSTANDING THE PROVISIONS OF TITLE 4, SUBTITLE 4 OF THE BUSINESS REGULATION ARTICLE, A STUDENT ATHLETE’S SPOUSE, PARENT, SIBLING, GRANDPARENT, OR GUARDIAN MAY ACT AS AN ATHLETE AGENT FOR THE BENEFIT OF THE STUDENT ATHLETE.”;

in line 28, after “(E)” insert “(1)”; and after line 32, insert:

“(2) (I) A TEAM CONTRACT OF AN ATHLETIC PROGRAM OF A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY PROHIBIT A STUDENT ATHLETE FROM ENGAGING IN IN-PERSON ADVERTISING FOR A THIRD-PARTY SPONSOR DURING OFFICIAL AND MANDATORY TEAM ACTIVITIES WITHOUT PRIOR APPROVAL FROM THE INSTITUTION’S ATHLETIC DEPARTMENT.

“(II) NOTWITHSTANDING ANY RESTRICTIONS IN THIS SUBSECTION, A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT PROHIBIT OR DISCOURAGE A STUDENT ATHLETE FROM WEARING FOOTWEAR OF THE STUDENT ATHLETE’S CHOICE DURING OFFICIAL AND MANDATORY TEAM ACTIVITIES, IF THE STUDENT ATHLETE’S FOOTWEAR DOES NOT HAVE REFLECTIVE FABRIC OR LIGHTS OR POSE A HEALTH RISK TO ANY STUDENT ATHLETE.”.

On pages 10 and 11, strike beginning with “(1)” in line 33 on page 10 down through “(2)” in line 4 on page 11.

On page 11, strike in their entirety lines 9 through 12, inclusive, and substitute:

“(G) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO GRANT A STUDENT ATHLETE A RIGHT TO MAKE COMMERCIAL USE OF NAMES, TRADEMARKS, LOGOS, OR OTHER INTELLECTUAL PROPERTY OWNED OR CONTROLLED BY AN INSTITUTION OF HIGHER EDUCATION.”.

AMENDMENT NO. 4

On page 11, after line 12, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.”;

and in line 13, strike “2.” and substitute “3.”.