

**SB0439/794533/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 439

(First Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with “requiring” in line 4 on page 1 down through “athletes;” in line 2 on page 2 and substitute “declaring certain findings of the General Assembly; requiring certain athletic programs to adopt certain guidelines and protocols; requiring the University System of Maryland Intercollegiate Athletics Workgroup, Morgan State University, and St. Mary’s College of Maryland each to submit a report on certain policy changes to the General Assembly on or before a certain date each year; prohibiting a public institution of higher education from taking certain actions related to student athletes;”.

On page 2, in line 8, strike “professional”; strike beginning with “requiring” in line 8 down through “team” in line 12 and substitute “prohibiting an athletic program”; in line 13, after “actions;” insert “authorizing an athletic program contract to prohibit a student athlete from engaging in certain advertising;”; strike beginning with “requiring” in line 15 down through “representation;” in line 17 and substitute “prohibiting a student athlete from making commercial use of certain property owned or controlled by a public institution of higher education; providing for a delayed effective date for certain provisions of this Act;”; and in line 21, strike “15–126 and 15–127” and substitute “15–128 and 15–129”.

AMENDMENT NO. 2

On pages 2 through 9, strike in their entirety the lines beginning with line 27 on page 2 through line 10 on page 9, inclusive, and substitute:

“15–128.

(Over)

(A) IN THIS SECTION, "ATHLETIC PROGRAM" MEANS ANY INTERCOLLEGIATE ATHLETIC PROGRAM AT A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE.

(B) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(1) MEETING THE EDUCATIONAL NEEDS OF STUDENT ATHLETES SHOULD BE THE PRIORITY FOR INTERCOLLEGIATE ATHLETIC PROGRAMS IN THE STATE; AND

(2) PROVIDING ADEQUATE HEALTH AND SAFETY PROTECTIONS FOR STUDENT ATHLETES CAN HELP PREVENT SERIOUS INJURY AND DEATH.

(C) AN ATHLETIC PROGRAM SHALL ADOPT AND IMPLEMENT:

(1) GUIDELINES TO PREVENT, ASSESS, AND TREAT SERIOUS SPORTS-RELATED CONDITIONS, INCLUDING:

(i) BRAIN INJURY;

(ii) HEAT ILLNESS; AND

(iii) RHABDOMYOLYSIS;

(2) EXERCISE AND SUPERVISION GUIDELINES FOR ANY STUDENT ATHLETE WHO PARTICIPATES IN AN ATHLETIC PROGRAM AND IS IDENTIFIED WITH POTENTIAL LIFE-THREATENING HEALTH CONDITIONS, INCLUDING:

(i) SICKLE CELL TRAIT; AND

(II) ASTHMA; AND

(3) RETURN-TO-PLAY PROTOCOLS FOR ATHLETES WHO EXPERIENCE INJURY OR ILLNESS DURING PRACTICE OR PLAY.

(D) (1) ON OR BEFORE OCTOBER 1, 2021, AND EACH OCTOBER 1 THEREAFTER, THE UNIVERSITY SYSTEM OF MARYLAND INTERCOLLEGIATE ATHLETICS WORKGROUP SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON STUDENT ATHLETES IN THE UNIVERSITY SYSTEM OF MARYLAND, INCLUDING ANY STUDENT ATHLETE POLICY CHANGES AT EACH INSTITUTION RELATED TO THE HEALTH AND SAFETY OF STUDENT ATHLETES.

(2) ON OR BEFORE OCTOBER 1, 2021, AND EACH OCTOBER 1 THEREAFTER, MORGAN STATE UNIVERSITY AND ST. MARY'S COLLEGE OF MARYLAND SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON STUDENT ATHLETES AT EACH INSTITUTION, INCLUDING ANY STUDENT ATHLETE POLICY CHANGES AT EACH INSTITUTION RELATED TO THE HEALTH AND SAFETY OF STUDENT ATHLETES.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

15-129.”.

AMENDMENT NO. 3

(Over)

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On page 9, in line 17, after “(3)” insert “(1)”; in the same line, after “A” insert “COLLEGE”; and after line 19, insert:

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

On page 10, in line 13, strike “PROFESSIONAL”; strike beginning with “MATTERS,” in line 14 down through “ATTORNEYS” in line 16 and substitute “MATTERS”; strike in their entirety lines 17 through 26, inclusive; in line 27, strike “(E)” and substitute “(D) (1)”; in the same line, strike “A TEAM CONTRACT OF AN ATHLETIC PROGRAM” and substitute “AN ATHLETIC PROGRAM CONTRACT”; after line 31, insert:

**“(2) AN ATHLETIC PROGRAM CONTRACT 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.”;**

and in line 32, strike “(F)” and substitute “(E)”.

On page 11, in line 2, strike “TEAM” and substitute “ATHLETIC PROGRAM”; strike in their entirety lines 8 through 11, inclusive, and substitute:

**“(F) NOTHING IN THIS SECTION MAY 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 A PUBLIC INSTITUTION OF HIGHER EDUCATION.”;**

in line 12, strike “2.” and substitute “3.”; in the same line, after “That” insert “Section 2 of”; in line 13, strike “2021” and substitute “2023”; and after line 13, insert:

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“SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2021.”.