

Senator Justin Ready (R)  
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### **Support for The Jordan McNair Safe and Fair Play Act (SB518)**

NIL Incorporated is testifying in support of SB518 - The Jordan McNair Safe and Fair Play Act (The Jordan McNair Act).

The Jordan McNair Act is important to NIL Incorporated (NIL Inc.) because we aim to mentor college athletes in the development of their authentic identities, integrate NIL opportunities into their educational experience, and develop and vet sponsorship opportunities for college athletes. In 2018, the University of Maryland (UMD) received \$26.1 million from the Big Ten for television licensing revenue and has a \$34 million contract with Under Armour. Terrapin college athletes do not receive any revenue from UMD sponsorship agreements despite their enormous and perpetual contribution, some do not graduate with functional degrees, and other do not graduate at all!

With respect to the 10 critical properties of Name, Image and Likeness (NIL) legislation, The Jordan McNair Act meets all of the 10 major criteria for “model” NIL legislation. Further, The Jordan McNair Act includes the most comprehensive task force of the 20 NIL bills under review by NIL Inc. and is the only proposed bill to include a special effort to explore the impact of NIL legislation on HBCU’s. NIL Inc. not only supports but is enthusiastic about the creation and proposed efforts of the Council on the Fair Treatment of Student-Athletes. As a former staff member of UMD athletics, I believe college athletes mental health and wellness needs to be addressed by an outside entity to help ensure that athletic departments invest in best practices like mental health event crisis planning and multidisciplinary mental health staffers.

Carefully crafted NIL legislation is critical to statutes that will truly enhance the educational experience of college athlete and move closer to a level playing field when it comes to the economic windfall triggered by college athletics. While this act will provide college athletes with opportunities to pursue name, image and likeness efforts, NIL Incorporated hopes the sponsors of this bill understand that “the devil is in the details”.

At the University of Maryland at College Park Department of Athletics there are 46 individuals dedicated to marketing, media relations, digital marketing, and creative services. On the other hand, college athletes will be limited to an agent and financial advisor. This inequity increases the likelihood that athletic departments will have the ability to monopolize sponsorships and

severely limit the number of conflict-free NIL opportunities available to college athletes. NIL Inc. hopes the sponsors of this bill will explore provisions on the Jordan McNair Act that that will mandate that schools to provide the resources for college athletes to maximize their NIL opportunities while inserting checks and balances to minimize an athletic departments' ability to monopolize sponsorships that create conflicts (of interest) with opportunities for college athletes.

With respect to the proposed Council on the Fair Treatment of Student-Athletes Task Force. NIL Incorporated believes that the proposed composition of the task force is appropriate for the litany of issues associated with the college athlete experience. NIL would like to suggest that as opposed to the Council on the Fair Treatment of Student-Athletes mandating the appointment of a sports psychologists or a social worker to the task force – that both helping professional be required. Many of the issues that the Jordan McNair Act aim to address fall under the realm of the social work profession including - advocate, case manager, broker, and clinician. The Alliance of Social Workers in Sports (ASWIS) is a membership group of social workers that includes over 20 social workers who work in college athletics.

NIL Inc. would like to applaud Senator Ready for the proposed implementation date of the Jordan McNair Act – I am hopeful that the date will not be amended. The proposed implementation date from many NIL bills are at least two or more years away. Meanwhile, companies like INCFR are quickly partnering with athletic departments to provide video content for college athletes social media accounts. Thus, college athletes are essentially using their social media accounts to increase the social media reach for their athletic departments without any compensation. This is just one example of how athletic departments are moving to monopolize the marketplace prior to the implementation of NIL legislation.

In closing NIL Inc. supports The Jordan McNair Act, believes that “Justice delayed is Justice Denied” and hopes that the state of Maryland will enact this legislation on July 1<sup>st</sup> 2020.