



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in Support of SB439 - The Jordan McNair Safe & Fair Play Act

February 25, 2021
Education, Health, and Environmental Affairs Committee

Chairman Pinsky and member of the Education, Health, and Environment Committee,

What this bill does

As amended, Senate Bill 439 follows the lead of 5 other states that have laws on the books (California, Florida, Nebraska, New Jersey, and Colorado) and many 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 requires schools to adopt certain health and safety guidelines to prevent and treat injury.

Traditionally, state legislatures around the country have outsourced treatment of their state's college athletes to the NCAA. This reliance is outdated. 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. It is time for the Maryland General Assembly to take action on critical issues previously left to the NCAA.**

This legislation will help ensure our student athletes are treated fairly and that their health and safety are prioritized. About 67% of college athletes suffer a major college sports injury and 50% suffer chronic injuries. Athletic trainers admit to knowingly returning players with concussions to the same game. The guidelines in this bill help ensure accountability for schools developing strong safety policies.

Importantly, this legislation will also ensure that student athletes are not excluded from the right to earn income from their name, image or likeness. Athletic 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 NCAA has had years to get ahead of this issue but continues to drag its feet. Student athletes should be able to run sports camps in the summers, sign sponsorship deals with local businesses, or sell gear with their name or signature to build their financial future. An art student at a Maryland university is not prohibited from selling their art. Why do we treat this class of students differently?

This bill, important any year, is now even more urgent in light of the COVID-19 pandemic - when students played their sport despite pandemic.

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. **This bill will truly make a difference in the lives of Maryland student-athletes.**