

Chapter 138

(Senate Bill 439)

AN ACT concerning

**Public Institutions of Higher Education – Student Athletes
(Jordan McNair Safe and Fair Play Act)**

FOR the purpose of ~~requiring certain public institutions of higher education to provide certain scholarships to student athletes until certain conditions are met; authorizing a public institution of higher education to expand certain scholarships under certain circumstances; requiring an athletic program to renew an athletic scholarship under certain circumstances; providing for the duration of a scholarship if a student athlete takes a leave of absence; requiring an athletic program to provide an equivalent scholarship to a student athlete who has exhausted athletic eligibility under certain circumstances; prohibiting a certain student athlete from receiving certain benefits; providing for a certain student athlete's right to appeal a certain decision in certain circumstances; requiring each athletic program to conduct a financial and life skills workshop for certain student athletes; specifying required and prohibited content for the workshop; requiring a public institution of higher education to grant student athletes the same rights as other students in certain circumstances; specifying required and prohibited actions for an athletic program when a student athlete is in the process of transferring to another institution; requiring an athletic program to pay certain premiums and insurance deductibles for certain student athletes under certain circumstances; requiring an athletic program to make certain payments on a certain student athlete's behalf in certain circumstances; requiring an athletic program to adopt and implement certain guidelines; requiring athletic programs to monitor certain compliance with federal law and periodically report certain evaluations; requiring a public institution of higher education to designate a certain employee for a certain purpose; providing for the suspension protocols of an athletic director who remains in violation of a certain federal law for a certain period of time; providing for the content of a certain required notice regarding the rights of student athletes; requiring the notice to be conspicuously posted; requiring a public institution of higher education to provide certain health information to student athletes; providing that certain provisions may not be construed to limit the authority of a public institution of higher education under certain circumstances; prohibiting a public institution of higher education from taking certain actions related to student athletes;~~ 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; prohibiting certain groups or organizations with authority over intercollegiate athletics from preventing a certain student athlete from participating in intercollegiate athletics under certain circumstances;

prohibiting a public institution of higher education and certain groups or organizations with authority over intercollegiate athletics from providing compensation to a student athlete under certain circumstances or preventing a student athlete from obtaining ~~professional~~ representation; ~~requiring professional representation obtained for student athletes to be licensed under certain provisions of State law; requiring certain agents who represent student athletes to comply with certain provisions of federal law while representing student athletes; prohibiting a team~~ prohibiting an athletic program contract at a public institution of higher education from preventing a student athlete from taking certain actions; authorizing an athletic program contract to prohibit a student athlete from engaging in certain advertising; prohibiting a student athlete from entering into certain contracts; requiring a certain student athlete to disclose certain information to a public institution of higher education; ~~requiring a certain public institution of higher education to disclose certain information to certain student athletes or certain legal representation~~; 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; defining certain terms; and generally relating to student athletes at public institutions of higher education.

BY adding to

Article – Education

Section ~~15–126 and 15–127~~ 15–128 and 15–129

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

~~15–126.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) “ATHLETIC ASSOCIATION” MEANS ANY ORGANIZATION THAT IS RESPONSIBLE FOR GOVERNING INTERCOLLEGIATE ATHLETIC PROGRAMS.~~

~~(3) “ATHLETIC PROGRAM” MEANS ANY INTERCOLLEGIATE ATHLETIC PROGRAM AT AN INSTITUTION OF HIGHER EDUCATION IN THE STATE.~~

~~(4) “GRADUATION SUCCESS RATE” MEANS THE PERCENTAGE OF STUDENT ATHLETES WHO GRADUATE FROM AN INSTITUTION OF HIGHER EDUCATION WITHIN 6 YEARS OF INITIAL ENROLLMENT AT THAT INSTITUTION,~~

~~INCLUDING INCOMING TRANSFERS, BUT EXCLUDING OUTGOING TRANSFERS IN GOOD ACADEMIC STANDING WITH ATHLETIC ELIGIBILITY REMAINING.~~

~~(5) "INSTITUTION OF HIGHER EDUCATION" INCLUDES ONLY PUBLIC 4-YEAR INSTITUTIONS OF HIGHER EDUCATION IN THE STATE THAT MAINTAIN AN ATHLETIC PROGRAM.~~

~~(6) "MEDIA RIGHTS" MEANS THE RIGHTS TO MEDIA COVERAGE OF INTERCOLLEGIATE ATHLETICS INCLUDED IN CONTRACTS THAT:~~

~~(I) ARE ENTERED INTO BY INTERCOLLEGIATE ATHLETIC CONFERENCES AND TELEVISION NETWORKS; AND~~

~~(II) GENERATE MONETARY PAYMENTS TO INDIVIDUAL INSTITUTIONS OF HIGHER EDUCATION.~~

~~(7) "OFFICE FOR CIVIL RIGHTS" MEANS THE OFFICE FOR CIVIL RIGHTS WITHIN THE UNITED STATES DEPARTMENT OF EDUCATION.~~

~~(8) "STUDENT ATHLETE" MEANS ANY COLLEGE STUDENT WHO PARTICIPATES IN AN ATHLETIC PROGRAM.~~

~~(B) (1) (I) AN INSTITUTION OF HIGHER EDUCATION AND AN ATHLETIC PROGRAM SHALL PROVIDE A STUDENT ATHLETE WITH SCHOLARSHIPS FOR ACADEMICS, ATHLETICS, OR BOTH, FOR 5 YEARS OR UNTIL THE STUDENT ATHLETE COMPLETES AN UNDERGRADUATE DEGREE, WHICHEVER OCCURS FIRST.~~

~~(II) AN INSTITUTION OF HIGHER EDUCATION AND AN ATHLETIC PROGRAM MAY CHOOSE TO:~~

~~1. PROVIDE A STUDENT ATHLETE WITH SCHOLARSHIPS FOR A PERIOD LONGER THAN 5 YEARS; OR~~

~~2. CONTINUE TO PROVIDE SCHOLARSHIPS TO A STUDENT ATHLETE AFTER COMPLETION OF AN UNDERGRADUATE DEGREE.~~

~~(2) AN ATHLETIC PROGRAM SHALL RENEW THE ATHLETIC SCHOLARSHIP OF A STUDENT ATHLETE WHO SUFFERS AN INCAPACITATING INJURY OR ILLNESS IF:~~

~~(I) THE INJURY OR ILLNESS RESULTED FROM THE STUDENT ATHLETE'S PARTICIPATION IN THE ATHLETIC PROGRAM; AND~~

~~(H) MEDICAL STAFF AT THE INSTITUTION OF HIGHER EDUCATION DETERMINE THAT THE STUDENT ATHLETE IS MEDICALLY INELIGIBLE FOR FURTHER PARTICIPATION IN AN ATHLETIC PROGRAM.~~

~~(3) IF A STUDENT ATHLETE TAKES A TEMPORARY LEAVE OF ABSENCE FROM AN INSTITUTION OF HIGHER EDUCATION, THE DURATION OF THAT LEAVE OF ABSENCE MAY NOT COUNT AGAINST THE 5 YEAR LIMIT ON ELIGIBILITY FOR SCHOLARSHIPS UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (H) OF THIS PARAGRAPH, AN ATHLETIC PROGRAM SHALL PROVIDE AN EQUIVALENT SCHOLARSHIP TO A STUDENT ATHLETE WHO HAS AN ATHLETIC SCHOLARSHIP AND IS IN GOOD STANDING, BUT HAS EXHAUSTED ATHLETIC ELIGIBILITY, FOR UP TO 1 YEAR OR UNTIL THE STUDENT ATHLETE COMPLETES AN UNDERGRADUATE DEGREE, WHICHEVER OCCURS FIRST.~~

~~(H) THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH DO NOT APPLY TO AN ATHLETIC PROGRAM THAT HAS A GRADUATION SUCCESS RATE GREATER THAN 60%, DISAGGREGATED BY TEAM.~~

~~(5) IF AN ATHLETIC PROGRAM DOES NOT RENEW A STUDENT ATHLETE'S ATHLETIC SCHOLARSHIP FOR CAUSE, THE STUDENT ATHLETE:~~

~~(I) MAY NOT RECEIVE BENEFITS UNDER THIS SECTION; BUT~~

~~(H) MAY APPEAL THE DECISION TO THE INSTITUTION OF HIGHER EDUCATION THE STUDENT ATTENDS OR TO THE ATHLETIC ASSOCIATION IN WHICH THE INSTITUTION OF HIGHER EDUCATION IS A MEMBER.~~

~~(C) (1) EACH ATHLETIC PROGRAM SHALL CONDUCT A FINANCIAL AND LIFE SKILLS WORKSHOP FOR ALL FIRST AND THIRD YEAR STUDENT ATHLETES AT THE BEGINNING OF AN ACADEMIC YEAR.~~

~~(2) THE WORKSHOP SHALL INCLUDE INFORMATION ON:~~

~~(I) FINANCIAL AID;~~

~~(H) DEBT MANAGEMENT;~~

~~(III) A RECOMMENDED BUDGET FOR STUDENT ATHLETES BASED ON THE COST OF ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION;~~

~~(IV) TIME MANAGEMENT SKILLS NECESSARY FOR A STUDENT ATHLETE; AND~~

~~(V) ACADEMIC RESOURCES AVAILABLE ON CAMPUS.~~

~~(3) THE WORKSHOP MAY NOT INCLUDE ANY MARKETING, ADVERTISING, REFERRAL, OR SOLICITATION BY PROVIDERS OF COMMERCIAL PRODUCTS OR SERVICES.~~

~~(D) AN INSTITUTION OF HIGHER EDUCATION SHALL GRANT STUDENT ATHLETES THE SAME RIGHTS AS OTHER STUDENTS WITH REGARD TO ANY MATTERS RELATED TO ADVERSE OR DISCIPLINARY ACTIONS, INCLUDING ACTIONS RELATED TO FINANCIAL AID.~~

~~(E) AN ATHLETIC PROGRAM:~~

~~(1) MAY NOT RESTRICT, LIMIT, OR OTHERWISE INTERFERE WITH A STUDENT ATHLETE'S ABILITY TO TRANSFER TO ANOTHER INSTITUTION;~~

~~(2) SHALL RESPOND TO A STUDENT ATHLETE'S WRITTEN REQUEST TO TRANSFER WITHIN 7 BUSINESS DAYS; AND~~

~~(3) SHALL RELEASE A STUDENT ATHLETE'S ACADEMIC TRANSCRIPTS, MEDICAL REPORTS, AND OTHER NECESSARY DOCUMENTS ON THE STUDENT ATHLETE'S WRITTEN REQUEST.~~

~~(F) (1) UNLESS A STUDENT ATHLETE DECLINES THE PAYMENT OF PREMIUMS, AN ATHLETIC PROGRAM SHALL PAY THE PREMIUMS FOR PARTICIPATING STUDENT ATHLETES WHO QUALIFY FOR THE FEDERAL PELL GRANT.~~

~~(2) AN ATHLETIC PROGRAM SHALL PAY THE INSURANCE DEDUCTIBLE, COPAY, AND COINSURANCE AMOUNTS APPLICABLE TO A CLAIM OF ANY STUDENT ATHLETE WHO SUFFERS AN INJURY OR A CONDITION RESULTING FROM PARTICIPATION IN THE ATHLETIC PROGRAM.~~

~~(3) IF A STUDENT ATHLETE SUFFERS AN INJURY RESULTING FROM PARTICIPATION IN AN ATHLETIC PROGRAM THAT REQUIRES ONGOING MEDICAL TREATMENT, THE ATHLETIC PROGRAM SHALL PROVIDE, FOR A MINIMUM OF 2 YEARS FOLLOWING THE STUDENT ATHLETE'S GRADUATION OR SEPARATION FROM THE INSTITUTION OF HIGHER EDUCATION:~~

~~(I) NECESSARY MEDICAL TREATMENT; OR~~

~~(H) HEALTH INSURANCE THAT COVERS THE INJURY AND THE RESULTING DEDUCTIBLE, COPAY, AND COINSURANCE AMOUNTS.~~

~~(G) 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 POTENTIALLY LIFE THREATENING HEALTH CONDITIONS, INCLUDING:~~

~~(I) SICKLE CELL TRAIT; AND~~

~~(II) ASTHMA;~~

~~(3) RETURN TO PLAY PROTOCOLS FOR ATHLETES WHO EXPERIENCE INJURY DURING PRACTICE AND PLAY; AND~~

~~(4) GUIDELINES TO PREVENT SEXUAL MISCONDUCT AGAINST STUDENT ATHLETES, INCLUDING:~~

~~(I) MANDATORY REPORTING BY ATHLETIC STAFF REGARDING SUSPECTED VIOLATIONS;~~

~~(II) A PROHIBITION OF RETALIATION AGAINST ATHLETIC STAFF MAKING REPORTS; AND~~

~~(III) REMOVAL OF A STAFF MEMBER FROM AN ATHLETIC PROGRAM FOR INTERFERING WITH AN INVESTIGATION, WITHHOLDING INFORMATION, OR PROVIDING FALSE INFORMATION RELATED TO A REPORT OF A VIOLATION.~~

~~(H) (1) EACH INSTITUTION OF HIGHER EDUCATION SUBJECT TO TITLE IX OF THE FEDERAL EDUCATION AMENDMENTS OF 1972 SHALL:~~

~~(I) DESIGNATE AN EMPLOYEE AS TITLE IX COORDINATOR;~~

~~(II) PROVIDE THE DESIGNEE WITH APPROPRIATE TRAINING;~~
~~AND~~

~~(III) MAKE THE DESIGNEE'S NAME AND CONTACT INFORMATION PUBLICLY AVAILABLE AND KNOWN TO STUDENT ATHLETES AT THE INSTITUTION.~~

~~(2) ON OR BEFORE AUGUST 1 EACH YEAR, ATHLETIC PROGRAMS SHALL PROVIDE PUBLICLY AVAILABLE EVALUATIONS OF COMPLIANCE WITH TITLE IX OF THE FEDERAL EDUCATION AMENDMENTS OF 1972.~~

~~(3) AN ATHLETIC DIRECTOR WHO IS IN VIOLATION OF TITLE IX OF THE FEDERAL EDUCATION AMENDMENTS OF 1972 FOR 3 YEARS OR LONGER SHALL BE SUSPENDED FROM INTERCOLLEGIATE ATHLETICS IN THE STATE FOR A PERIOD OF 3 YEARS.~~

~~(I) (1) AN INSTITUTION OF HIGHER EDUCATION SHALL PREPARE A NOTICE DETAILING THE FOLLOWING RIGHTS OF STUDENT ATHLETES:~~

~~(I) RIGHTS UNDER TITLE IX OF THE FEDERAL EDUCATION AMENDMENTS OF 1972; AND~~

~~(II) RIGHTS TO REPORT IN ACCORDANCE WITH THE FEDERAL JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT.~~

~~(2) THE NOTICE PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL IDENTIFY THE CONTACT INFORMATION THROUGH WHICH A STUDENT ATHLETE MAY FILE A COMPLAINT FOR A VIOLATION OF ANY OF THE RIGHTS IDENTIFIED IN THE NOTICE, INCLUDING:~~

~~(I) THE OFFICE FOR CIVIL RIGHTS;~~

~~(II) THE APPROPRIATE OFFICE FOR CIVIL RIGHTS REGIONAL ENFORCEMENT OFFICE;~~

~~(III) THE OFFICE FOR CIVIL RIGHTS TITLE IX ENFORCEMENT OFFICE; AND~~

~~(IV) THE ENFORCEMENT OFFICE OF THE UNITED STATES DEPARTMENT OF EDUCATION FOR REPORTING VIOLATIONS OF THE FEDERAL JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT.~~

~~(3) EACH INSTITUTION OF HIGHER EDUCATION SHALL POST IN A CONSPICUOUS LOCATION IN AN ATHLETIC DEPARTMENT THE NOTICE PREPARED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(4) AT THE BEGINNING OF EACH ACADEMIC YEAR, AN INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE TO EACH STUDENT ATHLETE:~~

~~(i) A COPY OF THE NOTICE PREPARED UNDER THIS SUBSECTION;~~

~~(ii) A CURRENT COPY OF THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION CONCUSSION DIAGNOSIS AND MANAGEMENT OF SPORTS RELATED CONCUSSION BEST PRACTICES; AND~~

~~(iii) A CURRENT COPY OF ANY WRITTEN POLICIES RELATED TO CONCUSSIONS OR OTHER SPORTS MEDICINE PRACTICES SPECIFIC TO THE INSTITUTION OF HIGHER EDUCATION.~~

~~(j) (1) IN THIS SUBSECTION, “RETALIATE” INCLUDES A REDUCTION IN OR LOSS OF ANY:~~

~~(i) EDUCATION BENEFITS, INCLUDING SCHOLARSHIPS AND STIPENDS;~~

~~(ii) MEAL BENEFITS PROVIDED TO A STUDENT ATHLETE; OR~~

~~(iii) HOUSING BENEFITS PROVIDED TO A STUDENT ATHLETE, INCLUDING A RELOCATION OF A STUDENT ATHLETE TO DIFFERENT HOUSING OWNED BY THE INSTITUTION OF HIGHER EDUCATION.~~

~~(2) IN THIS SUBSECTION, “RETALIATE” DOES NOT INCLUDE A GOOD FAITH ACTION TAKEN BY AN INSTITUTION OF HIGHER EDUCATION ON THE BASIS OF CONDUCT OTHER THAN THE CONDUCT DESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION.~~

~~(3) AN INSTITUTION OF HIGHER EDUCATION MAY NOT INTENTIONALLY RETALIATE AGAINST A STUDENT ATHLETE FOR:~~

~~(i) MAKING OR FILING A GOOD FAITH COMPLAINT ABOUT A VIOLATION OF THE RIGHTS GRANTED TO STUDENT ATHLETES UNDER ANY APPLICABLE STATUTE, REGULATION, OR POLICY;~~

~~(II) TESTIFYING OR OTHERWISE ASSISTING IN ANY INVESTIGATION INTO VIOLATIONS OF THE RIGHTS GRANTED TO STUDENT ATHLETES UNDER ANY APPLICABLE STATUTE, REGULATION, OR POLICY; OR~~

~~(III) OPPOSING ANY PRACTICES THAT A STUDENT ATHLETE BELIEVES ARE A VIOLATION OF THE RIGHTS GRANTED TO STUDENT ATHLETES UNDER ANY APPLICABLE STATUTE, REGULATION, OR POLICY.~~

~~(4) THIS SUBSECTION MAY NOT BE CONSTRUED TO RESTRICT THE AUTHORITY OF AN INSTITUTION OF HIGHER EDUCATION TO IMPOSE INTERIM MEASURES OR, AFTER A FINDING OF RESPONSIBILITY, PERMANENT CONSEQUENCES ON A STUDENT ATHLETE WHO HAS BEEN ACCUSED OF SEXUAL HARASSMENT OR VIOLENCE.~~

~~15-127.~~

15-128.

(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.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “PUBLIC INSTITUTION OF HIGHER EDUCATION” MEANS:

(I) THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY SYSTEM OF MARYLAND; AND

(II) MORGAN STATE UNIVERSITY.

(3) (I) “STUDENT ATHLETE” MEANS A COLLEGE STUDENT WHO PARTICIPATES IN AN INTERCOLLEGIATE ATHLETIC PROGRAM AT A PUBLIC INSTITUTION OF HIGHER EDUCATION.

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

(B) (1) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT:

(I) UPHOLD ANY RULE, REQUIREMENT, STANDARD, OR OTHER LIMITATION THAT PREVENTS A STUDENT ATHLETE FROM EARNING COMPENSATION FROM THE USE OF THE STUDENT ATHLETE’S NAME, IMAGE, OR LIKENESS; OR

(II) REDUCE, RESCIND, OR OTHERWISE AFFECT A STUDENT ATHLETE’S SCHOLARSHIP BECAUSE THE STUDENT ATHLETE EARNS COMPENSATION FROM THE USE OF THE STUDENT ATHLETE’S NAME, IMAGE, OR LIKENESS.

(2) AN ATHLETIC ASSOCIATION, A CONFERENCE, OR ANY OTHER GROUP OR ORGANIZATION WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETICS, INCLUDING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, MAY NOT PREVENT A STUDENT ATHLETE FROM EARNING COMPENSATION AS A RESULT OF THE USE OF THE STUDENT ATHLETE’S NAME, IMAGE, OR LIKENESS.

(3) AN ATHLETIC ASSOCIATION, A CONFERENCE, OR ANY OTHER GROUP OR ORGANIZATION WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETICS, INCLUDING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, MAY NOT PREVENT A PUBLIC INSTITUTION OF HIGHER EDUCATION FROM PARTICIPATING IN INTERCOLLEGIATE ATHLETICS AS A RESULT OF THE COMPENSATION OF A STUDENT ATHLETE FOR THE USE OF THE STUDENT ATHLETE’S NAME, IMAGE, OR LIKENESS.

(C) A PUBLIC INSTITUTION OF HIGHER EDUCATION, AN ATHLETIC ASSOCIATION, A CONFERENCE, OR ANY OTHER GROUP OR ORGANIZATION WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETICS MAY NOT:

(1) PROVIDE A PROSPECTIVE STUDENT ATHLETE WITH COMPENSATION IN RELATION TO THE STUDENT ATHLETE’S NAME, IMAGE, OR LIKENESS; OR

(2) PREVENT A STUDENT ATHLETE FROM OBTAINING ~~PROFESSIONAL REPRESENTATION IN RELATION TO CONTRACTS OR LEGAL MATTERS, INCLUDING REPRESENTATION PROVIDED BY ATHLETE AGENTS OR LEGAL REPRESENTATION PROVIDED BY ATTORNEYS MATTERS.~~

~~(D) (1) PROFESSIONAL REPRESENTATION OBTAINED BY A STUDENT ATHLETE SHALL BE FROM AN INDIVIDUAL LICENSED BY THE STATE UNDER:~~

~~(I) TITLE 4, SUBTITLE 4 OF THE BUSINESS REGULATION ARTICLE; OR~~

~~(II) TITLE 10 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.~~

~~(2) AN AGENT WHO REPRESENTS STUDENT ATHLETES SHALL COMPLY WITH THE FEDERAL SPORTS AGENT RESPONSIBILITY AND TRUST ACT, ESTABLISHED IN CHAPTER 104 OF TITLE 15 OF THE UNITED STATES CODE, WHILE REPRESENTING THE STUDENT ATHLETES.~~

~~(E) (D)~~ (1) ~~A TEAM CONTRACT OF AN ATHLETIC PROGRAM~~ AN ATHLETIC PROGRAM CONTRACT OF A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT PREVENT A STUDENT ATHLETE FROM USING THE STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS FOR A COMMERCIAL PURPOSE WHEN THE STUDENT ATHLETE IS NOT ENGAGED IN OFFICIAL TEAM ACTIVITIES.

(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.

~~(F) (E)~~ (1) A STUDENT ATHLETE MAY NOT ENTER INTO A CONTRACT PROVIDING COMPENSATION TO THE STUDENT ATHLETE FOR USE OF THE STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS IF A PROVISION OF THE CONTRACT IS IN CONFLICT WITH A PROVISION OF THE STUDENT ATHLETE'S ~~TEAM~~ ATHLETIC PROGRAM CONTRACT.

(2) A STUDENT ATHLETE WHO ENTERS INTO A CONTRACT PROVIDING COMPENSATION TO THE STUDENT ATHLETE FOR USE OF THE STUDENT ATHLETE'S NAME, IMAGE, OR LIKENESS SHALL DISCLOSE THE CONTRACT TO AN OFFICIAL OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION, DESIGNATED BY THE PUBLIC INSTITUTION OF HIGHER EDUCATION.

~~(3) A PUBLIC INSTITUTION OF HIGHER EDUCATION ASSERTING A CONFLICT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL DISCLOSE TO THE STUDENT ATHLETE OR THE STUDENT ATHLETE'S LEGAL REPRESENTATION THE RELEVANT CONTRACTUAL PROVISIONS THAT ARE IN CONFLICT.~~

(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.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, ~~2021~~ 2023.

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.

Approved by the Governor, May 18, 2021.