

116TH CONGRESS  
2D SESSION

# S. 4102

To ensure that institutions of higher education take steps to protect their college athletes from COVID–19, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 30, 2020

Mr. BLUMENTHAL (for himself and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To ensure that institutions of higher education take steps to protect their college athletes from COVID–19, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “College Athlete Pan-  
5 demic Safety Act”.

6 **SEC. 2. PROTECTING INTERCOLLEGIATE ATHLETES FROM**  
7 **COVID–19.**

8 (a) DEFINITIONS.—In this section:

1           (1) COLLEGE ATHLETE.—The term “college  
2 athlete” means an individual that participates in an  
3 intercollegiate sport for an institution of higher edu-  
4 cation.

5           (2) COVID-19.—The term “COVID-19”  
6 means the novel coronavirus 2019 (COVID-19).

7           (b) PROHIBITION ON WAIVERS.—No postsecondary  
8 educational institution shall allow any individual to agree  
9 to a waiver of the liability of the institution regarding  
10 COVID-19 with respect to any sporting activity.

11          (c) ATHLETIC DEPARTMENT HEALTH AND SAFETY  
12 GUIDELINES.—By not later than 90 days after the date  
13 of enactment of this Act, the Director of the Centers for  
14 Disease Control and Prevention shall develop health and  
15 safety guidelines relating to COVID-19 for athletic de-  
16 partments of postsecondary educational institutions.

17          (d) INSTITUTIONAL RESPONSIBILITIES.—A postsec-  
18 ondary educational institution shall comply with the fol-  
19 lowing requirements:

20           (1) The institution shall comply with subsection

21           (b).

22           (2) The institution shall not cancel a scholar-  
23 ship or any other financial aid provided to a college  
24 athlete who refrains from participating in team ac-

1       activities due to concerns about contracting or trans-  
2       mitting COVID–19.

3           (3) The institution shall comply with the  
4       COVID–19 health and safety guidelines developed  
5       under subsection (c).

6           (4) The institution shall inform all college ath-  
7       letes of the institution when a college athlete or a  
8       staff member of the athletic department of the insti-  
9       tution has tested positive for COVID–19, without re-  
10      vealing the identity or any personally identifiable in-  
11      formation of the infected individual.

12      (e) PRIVATE RIGHT OF ACTION.—A person may, if  
13      otherwise permitted by the law of the applicable State or  
14      rules of the applicable State court, bring in an appropriate  
15      court of that State—

16           (1) an action based on a violation of this sec-  
17      tion or any regulations prescribed under this section  
18      to enjoin such a violation;

19           (2) an action to recover damages for each such  
20      violation, including punitive damages; or

21           (3) both such actions.

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