



2617 Broadway
Boulder, CO 80304

March 29, 2023

Delegate Luke Clippinger, Chair
Judiciary Committee
Room 101
House Office Building
Annapolis, Maryland 21401

RE: SB 291 (Sen. Carter) Courts - Prohibited Liability Agreements - Recreational Facilities

OPPOSE UNLESS AMENDED

Chair Clippinger and Members of the Committee:

Thank you for the opportunity to offer testimony on SB 291. CrossFit is the world's leading platform to improve health, happiness and performance, and it is practiced by 75 affiliated gyms across Maryland. Our affiliated gyms are locally-owned and -operated small businesses which provide employment to their owners and trainers, and make their communities healthier. Maryland's CrossFit gyms play an integral role in improving the health and quality of life of thousands of Marylanders. CrossFit LLC offers this testimony in opposition to SB 291 on behalf of its affiliated gyms and their members.

SB 291 would prohibit and make unenforceable any provision in a contract relating to the use of a recreational facility releasing the recreational facility from, limiting, or indemnifying against liability for bodily injury caused by or resulting from negligence. SB 291 defines a recreational facility as "a commercial facility, a commercial athletic facility, or an amusement facility, including gymnasiums and pools." In defining recreational facilities, SB 291 does not distinguish between membership-required organizations or those open to the public, nor does it distinguish between those with age restrictions and those without.

Though assuredly introduced with the best of intentions, SB 291, if enacted as written, would significantly burden small gyms and fitness facilities across the state. Small gyms and fitness facilities will likely face an increase in costs; most importantly, they will likely face prohibitive increases in insurance premiums. Burdened by increased premiums and other associated costs, it remains unclear whether many small gyms and fitness facilities will be able to continue to provide their valuable services.

Hundreds of thousands of Marylanders rely on small gyms and fitness facilities to improve their physical and mental health every day. The owners and operators of these facilities are proud to serve them. Enactment of SB 291 without revision would likely cause small gyms and fitness facilities throughout the state to close or increase dues in order to stay open. Both possibilities would make access to physical activity and exercise less accessible, diminishing quality and quantity of life for hundreds of thousands across the state.

For these reasons, CrossFit LLC respectfully requests that members of the Committee adopt the amendment provided herein.

Sincerely,

A handwritten signature in blue ink that reads "Brett Ewer".

Brett Ewer
Head of Government Relations
CrossFit LLC

AMENDMENT TO SENATE BILL 291

Suggested by CrossFit LLC

On page 2, after line 17, insert:

“(D) THIS SECTION DOES NOT APPLY TO A SELLER OF HEALTH CLUB SERVICES REQUIRED TO REGISTER WITH THE CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL UNDER TITLE 14, SUBTITLE 12B OF THE COMMERCIAL LAW ARTICLE.”.