

March 25, 2024

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

Favorable with Amendments to SB 452 – Prohibited Liability Agreements for Recreational Facilities

Dear Chairman Clippinger,

On behalf of the Health & Fitness Industry in Maryland, I am writing to urge you to pass SB 452 with the amendments which passed through the Senate Judiciary Committee.

The Health and Fitness Association is the leading trade association dedicated to enhancing mental and physical health by ensuring adequate access to physical activity. From health and fitness facilities, gyms, studios, sports and aquatic facilities, to industry partners, the Health and Fitness Association works to promote and protect the Health & Fitness Industry, ensuring diverse options to keep individuals moving.

The Maryland health club sector mirrors the diversity of the communities it serves, encompassing gyms, clubs, studios, classes, community, and other structured exercise programs provided by small independent sole proprietors to large publicly held businesses. With nearly 700 health clubs servicing more than 1.1 million residents, the industry employs nearly 30,000 Marylanders.

Without the amendments passed in the Senate, this bill invites unrestricted litigation exposure and increased operating and insurance costs, which are untenable to health and fitness businesses, particularly small and independently owned, in Maryland.

Specifically, the bill lists “recreational facility” as “a commercial facility, a commercial athletic facility, or an amusement facility, including gymnasiums and pools,” granting exemptions to state and local government properties, but not taking into account private, membership-required organizations that are not open to the general public for free use.

If enacted into law without the amendments, this bill would result in a significant increase in the risk of frivolous or fraudulent litigation targeting health and fitness facilities. As a result, the higher operating costs for insurance and legal expenses would cause health and fitness facilities throughout the state to close or require price

increases that make access to physical activity and its health benefits inaccessible for many communities throughout the state.

The Health and Fitness Association supports the bill's primary aim of safeguarding children and Maryland residents from potential harm due to negligence. However, we believe that certain exemptions are necessary to ensure that adults who willingly accept and comprehend the inherent risks associated with physical activity in health and fitness facilities are not unduly burdened. Therefore, we urge the committee to support passage of this bill with the amendments to the legislation, specifically exempting agreements or contracts between consenting adults and providers of Health Club Services as defined under the Annotated Code of Maryland, Commercial Law - Title 14, Subtitle 12b. The amendments referenced in this letter are submitted as the second file in our testimony.

Thank you for the opportunity to share our concerns and echo our support for laws that protect health club consumers through practical legislation. Should you have any questions, please contact me at mgoscinski@healthandfitness.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Goscinski". The signature is fluid and cursive, with a large loop at the end.

Mike Goscinski
Vice President for Government Affairs
The Health & Fitness Association

CC: Members of the House Judiciary Committee

