

25 March 2024

Dear Members of the Maryland General Assembly,

I am writing to urge you to oppose HB 162/SB 452 for the sake of all recreational facilities Maryland, and particularly in Southern Maryland, where my family and I live. This bill, seeking to eliminate liability waivers, would have detrimental impacts that would likely cause numerous facilities and events that provide hugely beneficial activities to the local community to cease operations.

Removing liability waivers would make insurance policies for these facilities and events so expensive that continued operations would be all but impossible. By signing a waiver, the participant (or their guardian) acknowledges the risks and decides to proceed with the given activity. If they are to be injured, the facility or event through which the accident occurred cannot be held accountable because the risk is inherent to the activity. If participants do not show that they acknowledge the risks associated with the activity, the facility will likely be forced to cover the costs of injuries that occur. Insurance companies are reluctant to provide coverage for facilities that operate under the latter conditions and therefore charge exceedingly high rates for coverage. Many facilities are unable to afford these heightened prices and will be forced to close their doors. Events like community running races, triathlon events, etc, often part of local funding, also use liability waivers, and would likely be unable to continue, as the organizations sponsoring the event would be unable to obtain insurance. These events are beneficial to the individuals participating, and also for the surrounding community, as participants often stay in local hotels and visit local restaurants and shops before and after the event.

My daughter is very active in equestrian activities and this bill threatens the continued operation of equestrian barns, lessons, and horse shows in Maryland. For equine facilities, inability to use liability waivers doesn't just raise rates, but often fully disqualifies organizations from insurance policies. Without insurance, these facilities would likely be forced to close. If this happens, thousands of youth and adults alike will be without access to mentally, physically, and socially beneficial activities.

Even with insurance challenges set aside, there are other reasons why waivers are important to the operation of recreational facilities. Waivers provide crucial information for activity participants, and their engagement is 100% voluntary. Waivers detail the risks involved with activity participation so individuals can make an informed decision on whether or not they will engage. Without such information, community members will be forced into a place where they are unable to make decisions based on accurate, consistent, and reliable information. This will result in more public upset because of unexpected injuries or outcomes. The bottom line is waivers give people the information they need to make an individual and unique decision that fits their situation, and the local legislature should support that freedom by supporting the use of waivers.

The scope of effects the passing of this bill would have cannot fully be understood without uncovering how recreational activities impact the local community. Southern Maryland is a very diverse area, with people from a huge spectrum of ethnic, political, economic, and religious backgrounds. Recreation activities provide everyone with the opportunity to come together as teammates, competitors, or simply friends in situations that promote improved fitness, healthy relationships, and good mental health. Because of their accessibility to youth, adults, and the elderly, recreational facilities touch the lives of virtually every person in the area. From my experiences and research, I strongly believe that the positive impacts of recreational facilities cannot be overstated.

I understand the concern with waivers is that they provide staff and operators with a legal shield for negligent behavior, however, HB0162/SB0452 is too broad to effectively address this issue. Waivers are crucial to the hosting of and participation in recreational activities that pose a risk of injury. If you see any value at all in the recreational activities of the local community, oppose this bill and seek a different solution to the targeted issue.

Sincerely,
Kristin Swift
Resident, St. Mary's County, MD