



February 14, 2023

The Honorable Floyd Prozanski
Chair
Committee on Judiciary
Oregon State Senate
Room S-413, State Capitol
900 Court Street, NE, Salem, OR 97301

The Honorable Kim Thatcher
Vice-Chair
Committee on Judiciary
Oregon State Senate
Room S-307, State Capitol
900 Court Street, NE, Salem, OR 97301

Re: Health & Fitness Industry Urges Support of S.B. 754

Dear Chair Prozanski and Vice-Chair Thatcher:

On behalf of IHRSA – the Global Health & Fitness Association, I urge your support of S.B. 754, securing reasonable liability protections for health and fitness facility operators who make it possible for hundreds of thousands of Oregonians to exercise and stay active which promotes better physical and mental health.

IHRSA is the leading trade association dedicated to enhancing mental and physical health in the United States through increasing access to physical activity. From health and fitness clubs, gyms, studios, sports and aquatic facilities, and industry partners — IHRSA works to promote and protect the industry to ensure there are diverse options to keep individuals moving.

The recent court ruling in *Bagley v. Mt. Bachelor, Inc.* nullified the use of liability waivers and has added unnecessary hurdles to the accessibility and affordability of staying physically active for people across the state. If left unaddressed, the outcome puts residents at risk of losing the tremendous benefits provided by the industry.

After years of business disruptions from the COVID-19 pandemic, the ruling is causing significant increases to insurance costs for facility operators in the state. Still recovering from the economic losses due to shutdown orders and supply chain disruptions, club operators are faced with the challenging decision of absorbing these additional costs or passing them onto Oregon residents already faced with inflationary pressures across the board.

S.B. 754 would simply reinstate the ability for an operator of a sport, fitness or recreational business to require participants to release the operator from claims of ordinary negligence prior to engaging in a variety of activities – realigning the treatment of liability waivers in Oregon with that of all its surrounding western state neighbors.

The mental and physical health of Oregonians should be of high priority to elected officials in the state. Your support for S.B. 754 will lower costs and increase access to physical activity opportunities in Oregon.

Thank you for the opportunity to share our concerns and echo our support for this bill. Should you have any questions, please feel free to contact IHRSA's Vice President of Government Affairs Mike Goscinski at mike.goscinski@ihrsa.org.

Sincerely,

A handwritten signature in black ink that reads "Liz Clark". The signature is written in a cursive style with a large, stylized "L" and "C".

Liz Clark
President and CEO
IHRSA — The Global Health & Fitness Association

cc: Members of the Oregon Senate