

SENATE BILL REPORT

SB 5553

As Reported by Senate Committee On:
Health & Long Term Care, February 18, 2019

Title: An act relating to safety and sanitation of fitness centers.

Brief Description: Concerning safety and sanitation of fitness centers.

Sponsors: Senator Hunt.

Brief History:

Committee Activity: Health & Long Term Care: 2/13/19, 2/18/19 [DPS-WM, DNP, w/oRec].

Brief Summary of First Substitute Bill

- Requires the Board of Health to adopt rules regulating the safety of fitness centers and requires the Department of Health to enforce those rules.
- Requires fitness centers to receive an operating permit.
- Limits the enforceability of liability waivers signed by fitness center members.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: That Substitute Senate Bill No. 5553 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Cleveland, Chair; Randall, Vice Chair; Conway, Dhingra, Keiser and Van De Wege.

Minority Report: Do not pass.

Signed by Senators O'Ban, Ranking Member; Bailey and Becker.

Minority Report: That it be referred without recommendation.

Signed by Senator Frockt.

Staff: Greg Attanasio (786-7410)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background: The Washington State Board of Health (BOH) is established as a public forum to develop public health policy. BOH recommends to the Department of Health (DOH) ways to obtain appropriate citizen involvement in all public health policy formulation. While BOH does not have any enforcement authority, it is responsible for adopting rules on key public health issues including drinking water quality, waste disposal health hazards and nuisances, disease prevention and control, public facility cleanliness, isolation and quarantine. In addition, BOH prepares a biennial state public health report assessing the state's health status and outlining priority health goals.

The Washington public health system consists of 35 local public health agencies or local health jurisdictions. Local health jurisdictions have authority to enforce the public health statutes of the state and rules promulgated by BOH and the secretary of DOH. DOH is also authorized to enforce BOH rules within the area served by the local health jurisdiction.

Summary of Bill (First Substitute): BOH must adopt rules concerning the safety and sanitation of fitness centers, including requirements for design, operation, and injury and illness reporting. A fitness center is defined as any premises used for recreation, instruction, training, physical exercise, body building, weight loss, figure development, the martial arts, or other similar activity, that provide shower facilities in addition to a swimming pool, hot tub, cold plunge pool, steam room, sauna, or similar water amenity.

DOH must enforce the rules adopted by BOH and may develop a joint enforcement plan with local health jurisdictions. DOH or the local health jurisdiction may establish a fee to cover the cost of enforcement, and must issue operating permits to fitness centers. A fitness center may only be required to submit one fee, either at the state or local level. A fitness center must report any serious injury, communicable disease, or death occurring at the fitness center to DOH or the local health jurisdiction.

Any provision of a contract, agreement, or waiver limiting the liability of a fitness center owner or operator for physical injuries sustained at the owner or operator's fitness center resulting from the owner or operator failing to provide a reasonably safe facility violates public policy and is void and unenforceable.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard* PRO: Removal of safety equipment such as rubberized mats creates hazardous conditions in areas of fitness centers that are prone to wet floors. There is currently no oversight of fitness centers other than the pool area, if it has one. Issues cannot always be resolved directly with the facility and regulation is needed to achieve a safe environment.

CON: Independent small businesses must be able to operated as unencumbered as possible. This bill with greatly impact the ability of small gyms to operate. The definitions and provisions in the bill are too broad and provide too much rulemaking authority to the Board of Health. There needs to be a longer discussion with stakeholders about what regulations are needed.

Persons Testifying: PRO: Senator Sam Hunt, Prime Sponsor; Kaye Adkins, citizen; Maxine Williams, citizen; Mary Jo Andrews, citizen.

CON: Brett Ewer, CrossFit, Inc.; Joanie Deutsch, citizen.

Persons Signed In To Testify But Not Testifying: No one.