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113TH CONGRESS
2D SESSION

H. R. 5541

To promote the provision of exercise and fitness equipment that is accessible to individuals with disabilities.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2014

Mr. FARR (for himself and Ms. DUCKWORTH) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To promote the provision of exercise and fitness equipment that is accessible to individuals with disabilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Exercise and Fitness For All Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Individuals with disabilities can maintain and improve their health through appropriate physical activity.

(2) In the 2008 Physical Activity Guidelines for Americans (referred to as the ''Guidelines''), the Department of Health and Human Services recommends that individuals with disabilities, who are able, participate in regular aerobic activity.

(3) The Guidelines also recommend that adults with disabilities, who are able, do muscle-strengthening activities of moderate or high intensity on 2 or more days a week, as these activities provide additional health benefits.

(4) The Guidelines recommend that when adults with disabilities are not able to meet the Guidelines, they should engage in regular physical activity according to their abilities and avoid inactivity.

(5) Unfortunately, many individuals with disabilities are unable to engage in the recommended exercise or fitness activities due to the inaccessibility of exercise or fitness equipment.

(6) Physical inactivity by adults with disabilities can lead to increased risk for functional limitations and secondary health conditions.

(b) PURPOSE.—The purposes of this Act are—

(1) to encourage exercise and fitness service providers to provide accessible exercise and fitness equipment for individuals with disabilities; and

(2) to provide guidance about the requirements necessary to ensure that such exercise and fitness equipment is accessible to, and usable by, individuals with disabilities.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCESS BOARD.—The term ''Access Board'' means the Architectural and Transportation Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(2) ACCESSIBLE EXERCISE OR FITNESS EQUIPMENT.—The term ''accessible exercise or fitness equipment'' means exercise or fitness equipment that is accessible to, and can be independently used and operated by, individuals with disabilities.

(3) EXERCISE OR FITNESS EQUIPMENT.—The term ''exercise or fitness equipment'' means devices such as motorized treadmills, stair climbers or step machines, stationary bicycles, rowing machines, weight machines, circuit training equipment, cardio-

vascular equipment, strength equipment, or other exercise or fitness equipment.

(4) EXERCISE OR FITNESS SERVICE PROVIDER.—The term ''exercise or fitness service provider'' means a gymnasium, health spa, health club, college or university facility, or other similar place of exercise or fitness that—

(A) is considered a public accommodation under section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181) or is considered a public entity under section 201 of such Act (42 U.S.C. 12131); and

(B) provides exercise or fitness equipment for the use of its patrons.

(5) INDIVIDUAL WITH A DISABILITY.—The term ''individual with a disability'' means any person with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(6) INDIVIDUALS WITH DISABILITIES.—The term ''individuals with disabilities'' means more than one individual with a disability.

SEC. 4. EXERCISE AND FITNESS ACCESSIBILITY GUIDELINES.

(a) ESTABLISHMENT OF GUIDELINES.—Not later than 18 months after the date of enactment of this Act,

the Access Board shall develop and publish guidelines for exercise or fitness service providers regarding the provision of accessible exercise or fitness equipment, including relevant personnel training.

(b) CONTENTS OF GUIDELINES.—The guidelines described in subsection (a) shall—

(1) be consistent with the Standard Specification for Universal Design of Fitness Equipment for Inclusive Use by Persons with Functional Limitations and Impairments of the American Society for Testing and Materials (ASTM F3021–13) (and any future revisions thereto);

(2) ensure that—

(A) exercise or fitness equipment is accessible to, and usable by, individuals with disabilities; and

(B) individuals with disabilities have independent entry to, use of, and exit from the exercise or fitness equipment, to the maximum extent possible; and

(3) take into consideration the following:

(A) Whether the exercise or fitness service provider is a new or existing facility.

(B) Whether the exercise or fitness service provider is staffed or not.

(C) Instruction and additional assistance on the use of the accessible exercise or fitness equipment (including specific accessibility features) for individuals with disabilities.

(D) The size and overall financial resources of the exercise or fitness service provider.

(E) The availability of closed captioning of video programming displayed on equipment and televisions provided by an exercise or fitness service provider.

(c) REVIEW AND AMENDMENT.—The Access Board shall periodically review and, as appropriate, amend the guidelines, and shall issue the resulting guidelines as revised guidelines.

SEC. 5. TAX CREDIT FOR EXPENDITURES TO PROVIDE ACCESSIBLE EXERCISE OR FITNESS EQUIPMENT.

(a) IN GENERAL.—Paragraph (1) of section 44(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''paid or incurred by an eligible small business'' and inserting ''paid or incurred—

''(A) by an eligible small business'',

(2) by striking ''section).'' and inserting ''section), and'', and

(3) by inserting at the end the following:

"(B) by an eligible small business which is an exercise or fitness service provider for the purpose of providing for use by individuals with disabilities accessible exercise or fitness equipment that meets the guidelines established by the Access Board under section 4 of the Exercise and Fitness for All Act.

Any term used in subparagraph (B) which is defined in section 3 of the Exercise and Fitness for All Act shall have the meaning given such term in such section, as in effect on the date of the enactment of such subparagraph.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred in taxable years beginning after the date of the enactment of this Act.

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