

116TH CONGRESS  
1ST SESSION

# H. R. 4561

To promote the provision of exercise or fitness equipment, and exercise or fitness classes and instruction, that are accessible to individuals with disabilities.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2019

Mr. DESAULNIER (for himself and Mr. YOUNG) introduced the following bill;  
which was referred to the Committee on Education and Labor

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## A BILL

To promote the provision of exercise or fitness equipment,  
and exercise or fitness classes and instruction, that are  
accessible to individuals with disabilities.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Exercise and Fitness  
5 for All Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1           (1) Individuals with disabilities can maintain  
2           and improve their health through appropriate phys-  
3           ical activity.

4           (2) In the 2018 Physical Activity Guidelines for  
5           Americans (referred to in this section as the “Guide-  
6           lines”), the Department of Health and Human Serv-  
7           ices recommends that individuals with disabilities,  
8           who are able, participate in regular aerobic activity.

9           (3) The Guidelines also recommend that adults  
10          with disabilities, who are able, do muscle strength-  
11          ening activities of moderate or high intensity on two  
12          or more days a week, as these activities provide ad-  
13          ditional health benefits.

14          (4) The Guidelines recommend that when  
15          adults with disabilities are not able to meet the  
16          Guidelines, they should engage in regular physical  
17          activity according to their abilities and avoid inac-  
18          tivity.

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

22          (6) Many individuals with disabilities are unable  
23          to engage in the exercises or fitness activities rec-  
24          ommended in the Guidelines due to the failure of ex-

1        exercise or fitness service providers to provide acces-  
2        sible exercise or fitness equipment.

3            (7) The failure to provide accessible exercise or  
4        fitness equipment constitutes discrimination in viola-  
5        tion of the Americans with Disabilities Act of 1990  
6        (referred to in this section as the “ADA”).

7        (b) PURPOSE.—The purpose of this Act is—

8            (1) to carry out the ADA’s objectives of pro-  
9        viding “a clear and comprehensive national mandate  
10       for the elimination of discrimination” and “clear,  
11       strong, consistent, enforceable standards addressing  
12       discrimination”; and

13           (2) specifically, to carry out those objectives by  
14       issuing guidelines and regulations for exercise or fit-  
15       ness service providers specifying the accessible exer-  
16       cise or fitness equipment, and the accessible exercise  
17       or fitness classes and instruction, necessary to en-  
18       sure that individuals with disabilities can—

19            (A) obtain the benefits of physical activity;

20            and

21            (B) fully participate in the services offered

22            by exercise or fitness service providers.

23        **SEC. 3. DEFINITIONS.**

24        In this Act:

1           (1) ACCESS BOARD.—The term “Access Board”  
2       means the Architectural and Transportation Bar-  
3       riers Compliance Board established under section  
4       502 of the Rehabilitation Act of 1973 (29 U.S.C.  
5       792).

6           (2) ACCESSIBLE EXERCISE OR FITNESS EQUIP-  
7       MENT.—The term “accessible exercise or fitness  
8       equipment”—

9           (A) means exercise or fitness equipment  
10       that is accessible to, and can be independently  
11       used and operated by, individuals with disabili-  
12       ties; and

13          (B) includes equipment that complies  
14       with—

15           (i) the American Society for Testing  
16       and Materials (referred to in this section  
17       as “ASTM”) Standard Specification for  
18       Universal Design of Fitness Equipment for  
19       Inclusive Use by Persons with Functional  
20       Limitations and Impairments, ASTM  
21       F3021–17 (or any corresponding similar  
22       ASTM standard); and

23           (ii) other ASTM standards with speci-  
24       fications for inclusive use of specific exer-

1                   cise or fitness equipment, such as bicycles  
2                   or strength equipment.

3           (3) EXERCISE OR FITNESS EQUIPMENT.—The  
4           term “exercise or fitness equipment” means devices  
5           such as motorized treadmills, stair climbers or step  
6           machines, stationary bicycles, rowing machines,  
7           weight machines, circuit training equipment, cardio-  
8           vascular equipment, strength equipment, or other  
9           similar equipment.

10          (4) EXERCISE OR FITNESS SERVICE PRO-  
11          VIDER.—The term “exercise or fitness service pro-  
12          vider”—

13                (A) means an entity that—

14                   (i) provides exercise or fitness equip-  
15                   ment, or exercise or fitness classes or in-  
16                   struction, for the use of patrons; and

17                   (ii) is considered a public accommoda-  
18                   tion under section 301 of the Americans  
19                   with Disabilities Act of 1990 (42 U.S.C.  
20                   12181) or is considered a public entity  
21                   under section 201 of such Act (42 U.S.C.  
22                   12131); and

23                (B) includes a stand-alone exercise or fit-  
24                ness center and an exercise or fitness center  
25                within an entity such as a hotel, retirement

1 community, gymnasium, elementary or sec-  
2 ondary school, or institution of higher edu-  
3 cation.

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

8 **SEC. 4. EXERCISE AND FITNESS ACCESSIBILITY GUIDE-**  
9 **LINES AND REGULATIONS.**

10 (a) ESTABLISHMENT OF GUIDELINES.—Not later  
11 than 18 months after the date of enactment of this Act,  
12 the Access Board shall develop and publish guidelines for  
13 exercise or fitness service providers regarding the provi-  
14 sion of accessible exercise or fitness equipment.

15 (b) CONTENTS OF GUIDELINES.—The guidelines de-  
16 scribed in subsection (a) shall ensure that the appropriate  
17 number of items and types of accessible exercise or fitness  
18 equipment are provided by an exercise or fitness service  
19 provider.

20 (c) REVIEW AND AMENDMENT.—

21 (1) REVISION.—The Access Board shall periodi-  
22 cally review and, as appropriate, amend the guide-  
23 lines, and shall issue the resulting guidelines as re-  
24 vised guidelines.

1           (2) INAPPLICABILITY OF REGULATORY ELIMI-  
2       NATION PROVISION.—Executive Order 13771 (5  
3       U.S.C. 601 note; relating to reducing regulation and  
4       controlling regulatory costs) shall not apply to this  
5       Act.

6       (d) REGULATIONS.—

7           (1) IN GENERAL.—Not later than 18 months  
8       after the Access Board issues guidelines under this  
9       section, the Department of Justice shall issue regu-  
10      lations regarding the provision of accessible exercise  
11      or fitness equipment and accessibility of exercise or  
12      fitness classes and instruction.

13          (2) EQUIPMENT.—With respect to the provision  
14      of exercise or fitness equipment, the regulations  
15      shall be consistent with the Access Board guidelines.

16          (3) EXERCISE OR FITNESS CLASSES AND IN-  
17      STRUCTION.—The regulations shall—

18              (A) ensure that exercise or fitness classes  
19              and instruction offered by the service provider  
20              are accessible to individuals with disabilities;  
21              and

22              (B) ensure that the service provider makes  
23              available at least one employee who is able to  
24              assist individuals with disabilities in their use of  
25              accessible exercise or fitness equipment.

1           (4) CONSIDERATIONS.—In issuing the regula-  
2           tions, the Department of Justice shall take into con-  
3           sideration each of the following:

4                   (A) Whether the exercise or fitness service  
5                   provider is providing equipment, classes, or in-  
6                   struction at a new or existing facility.

7                   (B) The size of the exercise or fitness facil-  
8                   ity.

9                   (C) The availability of closed captioning of  
10                  video programming displayed on equipment or a  
11                  television provided by the exercise or fitness  
12                  service provider.

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