**Section 527.300 Physical Fitness Facility**

a) For the purposes of this Part, the term "physical fitness facility" or "facility" includes any indoor establishment that meets all of the following requirements:

1) In whole or in part, *is owned or operated by a park district, municipality, or other unit of local government, including a home rule unit, or by a public or private elementary or secondary school, college, university, or technical or trade school.*

2) Is *supervised by one or more persons, other than maintenance or security personnel, employed by the unit of local government, school, college, or university for the purpose of directly supervising the physical fitness activities taking place at any of the facilities* listed in subsection (a)(3). (Section 5.25 of the Act)

3) Includes, but is not limited to, the following indoor facilities: *a swimming pool; stadium; athletic field; football stadium; soccer field; baseball diamond; track and field facility; tennis court; basketball court; volleyball court;* aerobics studio; dance studio; boxing gym; martial-arts or self-defense studio; wrestling gym; weight-lifting facility; treadmill or stationary bicycle facility; velodrome; racquetball court; gymnastics facility; or any other indoor establishment focusing primarily on cardiovascular exertion where participants engage in relatively continuous active physical exercise that uses large muscle groups and that substantially increases the heart rate. (Section 5.25 of the Act)

b) For the purposes of this Part, "physical fitness facility" or "facility" includes *any of the following outdoor facilities that is:*

1) *Owned by a municipality, township or other unit of local government, including a home rule unit, or by a public or private elementary school or secondary school, college, university, or technical or trade school; and*

2) *Is supervised by one or more persons, other than maintenance or security personnel, employed by the unit of local government, school, college, or university for the purpose of directly supervising the physical fitness activities taking place at any of these facilities: a swimming pool; athletic field; football stadium; soccer field; baseball diamond; track and field facility; tennis court; basketball court; volleyball court;* golf course; or any other outdoor establishment focusing primarily on cardiovascular exertion where participants engage in relatively continuous active physical exercise that uses large muscle groups and that substantially increases the heart rate. (Section 5.25 of the Act)

c) Except as provided in subsection (d) of this Section, a physical fitness facility also includes *any other indoor or outdoor establishment, whether public or private, that provides services or facilities focusing on cardiovascular exertion or gaming.* (Section 5.25 of the Act)

d) For the purposes of this Part, the term "physical fitness facility" or "facility" does not include:

1) A facility that serves fewer than 100 individual participants over the course of a calendar year. *For purposes of* the *Act* and this Part, *"individuals" includes only those persons actively engaged in physical exercise that uses large muscle groups and that substantially increases the heart rate.* (Section 5.25 of the Act) A facility relying on this subsection (d)(1) shall maintain adequate documentation for every year that the facility relies on this subsection. Such documentation shall be preserved by the facility for not less than three years and be provided to the Department upon request;

2) *Any outdoor facility owned or operated by a park district organized under the Park District Code, the Chicago Park District Act, or the Metro-East Park and Recreation District Act;*

3) *Any facility owned or operated by a forest preserve district organized under the Downstate Forest Preserve District Act or the Cook County Forest Preserve District Act or a conservation district organized under the Conservation District Act*;

4) *A facility located in a hospital or in a hotel or motel;*

5) *Any facility that does not employ any persons to provide instruction, training,* coaching, refereeing, judging, *or assistance for persons using the facility* (Section 5.25 of the Act);

6) Yoga studios; driving ranges; bowling lanes; putting greens; batting cages; or other facilities where and when participants do not focus primarily on cardiovascular exertion by engaging in active physical exercise that uses large muscle groups and that substantially increases the heart rate;

7) *Any facility during any activity or program organized by a private or not-for-profit organization and organized and supervised by a person or persons other than the employees of the unit of local government, school, college, or university.* (Section 5.25 of the Act)

(Source: Amended at 38 Ill. Reg. 5527, effective February 11, 2014)