

# HB5838



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5838

Introduced 2/10/2010, by Rep. Daniel J. Burke

#### SYNOPSIS AS INTRODUCED:

210 ILCS 74/5.25

Amends the Physical Fitness Facility Medical Emergency Preparedness Act. Adds facilities owned or operated by a public school organized under the School Code to the list of facilities that do not fall under the definition of "physical fitness facility". Effective immediately.

LRB096 19057 KTG 34448 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Physical Fitness Facility Medical Emergency  
5 Preparedness Act is amended by changing Section 5.25 as  
6 follows:

7 (210 ILCS 74/5.25)

8 Sec. 5.25. Physical fitness facility.

9 (a) "Physical fitness facility" means the following:

10 (1) Any of the following indoor or outdoor facilities  
11 that is (i) owned or operated by a park district,  
12 municipality, or other unit of local government, including  
13 a home rule unit, or by a public or private elementary or  
14 secondary school, college, university, or technical or  
15 trade school and (ii) supervised by one or more persons,  
16 other than maintenance or security personnel, employed by  
17 the unit of local government, school, college, or  
18 university for the purpose of directly supervising the  
19 physical fitness activities taking place at any of these  
20 facilities: a swimming pool; stadium; athletic field;  
21 football stadium; soccer field; baseball diamond; track  
22 and field facility; tennis court; basketball court; or  
23 volleyball court; or similar facility as defined by

1 Department rule; or such facilities located adjacent  
2 thereto.

3 (2) Except as provided in subsection (b), any other  
4 indoor or outdoor establishment, whether public or  
5 private, that provides services or facilities focusing  
6 primarily on cardiovascular exertion or gaming as defined  
7 by Department rule.

8 (b) "Physical fitness facility" does not include a facility  
9 serving less than a total of 100 individuals, as further  
10 defined by Department rule. In addition, the term does not  
11 include (i) a facility located in a hospital or in a hotel or  
12 motel, (ii) any outdoor facility owned or operated by a park  
13 district organized under the Park District Code, the Chicago  
14 Park District Act, or the Metro-East Park and Recreation  
15 District Act, ~~or~~ (iii) any facility owned or operated by a  
16 forest preserve district organized under the Downstate Forest  
17 Preserve District Act or the Cook County Forest Preserve  
18 District Act or a conservation district organized under the  
19 Conservation District Act, or (iv) a facility owned or operated  
20 by a public school organized under the School Code. The term  
21 also does not include any facility that does not employ any  
22 persons to provide instruction, training, or assistance for  
23 persons using the facility.

24 (Source: P.A. 95-712, eff. 1-1-09.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.