

118TH CONGRESS
2D SESSION

S. 4782

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

IN THE SENATE OF THE UNITED STATES

JULY 25, 2024

Ms. DUCKWORTH (for herself and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ACCESS BOARD.**—The term “Access Board”
9 means the Architectural and Transportation Bar-

riers Compliance Board established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(2) ACCESSIBLE EXERCISE MACHINES AND EQUIPMENT.—The term “accessible exercise machines and equipment”—

(A) means exercise machines and equipment that—

(i) are accessible to, and can be independently used and operated by, individuals with disabilities; and

(ii) are considered a fixed or built-in element of a facility; and

(B) includes equipment—

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

(ii) that complies with other ASTM standards with specifications for inclusive

1 use of specific exercise machines or equip-
2 ment.

3 (3) EXERCISE MACHINES AND EQUIPMENT.—

4 The term “exercise machines and equipment” means
5 devices such as motorized treadmills, stair climbers
6 or step machines, stationary bicycles, rowing ma-
7 chines, weight machines, circuit training equipment,
8 cardiovascular equipment, strength equipment, or
9 other 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 machines and
15 equipment, or exercise or fitness instruc-
16 tion, including in individual or group for-
17 mats, such as personal training, nutrition
18 coaching, exercise or fitness classes or
19 clubs, for the use of patrons; and

20 (ii) is considered a public accommoda-
21 tion under section 301 of the Americans
22 with Disabilities Act of 1990 (42 U.S.C.
23 12181) or is considered a public entity
24 under section 201 of such Act (42 U.S.C.
25 12131); and

1 (B) includes a stand-alone exercise or fit-
 2 ness center and an exercise or fitness center
 3 within an entity such as a hotel, retirement
 4 community, gymnasium, elementary or sec-
 5 ondary school, or institution of higher edu-
 6 cation.

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

11 **SEC. 3. EXERCISE AND FITNESS ACCESSIBILITY GUIDE-**
 12 **LINES AND REGULATIONS.**

13 (a) ESTABLISHMENT OF GUIDELINES.—Not later
 14 than 18 months after the date of enactment of this Act,
 15 the Access Board shall develop and publish guidelines for
 16 accessible exercise machines and equipment and for exer-
 17 cise or fitness service providers.

18 (b) CONTENTS OF GUIDELINES.—The guidelines de-
 19 scribed in subsection (a) shall specify for accessible exer-
 20 cise machines and equipment provided by an exercise or
 21 fitness service provider—

- 22 (1) the scope of coverage of the guidelines;
- 23 (2) the appropriate number of items and types
- 24 of accessible exercise machines and equipment;

1 (3) the placement of such machines and equip-
2 ment within a facility and among similar types of
3 machines and equipment; and

4 (4) communications features, such as closed
5 captioning on monitors, audible output of visual con-
6 tent for people who are blind or have low vision, vis-
7 ual indications of information conveyed audibly, and
8 controls for people with limited dexterity or mobility.

9 (c) REVIEW AND AMENDMENT.—The Access Board
10 shall periodically review and, as appropriate, amend the
11 guidelines, and shall issue the resulting guidelines as re-
12 vised guidelines.

13 (d) REGULATIONS.—

14 (1) IN GENERAL.—Pursuant to titles II and III
15 of the Americans with Disabilities Act of 1990 (42
16 U.S.C. 12131 et seq.; 42 U.S.C. 12181 et seq.) re-
17 garding the accessibility of public entities and public
18 accommodations, respectively, not later than 18
19 months after the Access Board issues guidelines
20 under this section, the Department of Justice shall
21 issue regulations regarding the provision of acces-
22 sible exercise machines and equipment and accessi-
23 bility of exercise or fitness instruction.

24 (2) EXERCISE MACHINES AND EQUIPMENT.—
25 With respect to the provision of exercise machines

1 and equipment, the regulations shall be consistent
2 with the Access Board guidelines.

3 (3) EXERCISE OR FITNESS INSTRUCTION.—The
4 regulations shall—

5 (A) ensure that exercise or fitness instruc-
6 tion offered by the exercise or fitness service
7 provider are accessible to individuals with dis-
8 abilities;

9 (B) ensure that the exercise or fitness
10 service provider makes available during oper-
11 ating hours at least one employee trained to
12 provide assistance to individuals with disabil-
13 ities in their use of exercise machines and
14 equipment, including accessible machines and
15 equipment; and

16 (C) ensure that exercise or fitness service
17 providers notify individuals with disabilities, in
18 an appropriate and accessible manner, about
19 the availability of such assistance specified in
20 subparagraph (B), including providing informa-
21 tion on how individuals with disabilities can re-
22 quest such assistance.

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

1 (A) Whether the exercise or fitness service
2 provider is providing exercise machines and
3 equipment or instruction at a new or existing
4 facility.

5 (B) The physical size of the exercise or fit-
6 ness facility, as well as the number of patrons
7 served at the facility.

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