

**HOUSE . . . . . No. 443**

The Commonwealth of Massachusetts

PRESENTED BY:

*Aaron Michlewitz*

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to support schools and communities to increase opportunities for physical activity.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>

<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Brendan P. Crighton</i>	<i>11th Essex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>

*John J. Lawn, Jr.*

*10th Middlesex*

**HOUSE . . . . . No. 443**

By Mr. Michlewitz of Boston, a petition (accompanied by bill, House, No. 443) of Aaron Michlewitz and others for legislation to support schools and communities to increase opportunities for physical activity. Education.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court  
(2015-2016)

An Act to support schools and communities to increase opportunities for physical activity.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 71 of Section 71, as so appearing, is hereby amended by adding the following  
2 subsections

3 Definitions:

4 Community Based Organization-means a public or private nonprofit organization of  
5 demonstrated effectiveness that—

6 (A) is representative of a community or significant segments of a community; and

7 (B) provides educational or related services to individuals in the community

8 Non-service hours-hours that are defined and posted by the community based

9 organizations when the public facilities are not in use by their programs or any subsidiaries of

10 said Community Based Organization

11           Except as provided in this section, a school district [and school personnel] [is/are] not  
12 liable for any loss or injury arising from the use of indoor or outdoor school property and  
13 facilities made available for public recreation or sport during non-school hours. Nothing in this  
14 section limits the liability of a school district [and school personnel] for willful or malicious  
15 failure to guard or warn against a dangerous condition, use, structure or activity; or acts or  
16 omissions constituting gross, willful or wanton negligence.

17           Except as provided in this section, a community based organization as defined by as  
18 defined above [and community organization personnel] [is/are] not liable for any loss or injury  
19 arising from the use of outdoor property and facilities made available for public recreation or  
20 sport during non-service hours