

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

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**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 A. 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 in increasing 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