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CFA Asks Court to Restore Reasonable and Equitable Statewide Access to Fitness

Californians deserve safe access to the physical, mental and COVID-19-fighting benefits of exercise

Sacramento, Calif. – September 15, 2020 – The California Fitness Alliance (CFA) today announced it has filed legal action in Los Angeles County Superior Court seeking to restore reasonable access to indoor fitness. CFA believes that government should not continue preventing Californians from having equitable and safe access to indoor fitness centers and the proven benefits, including maximizing their resilience to COVID-19, that exercise provides to their physical and mental health.

“CFA is taking this action reluctantly. Its members not only complied with the initial eight-week shutdown but many were proactive in shutting down prior to the statewide stay-at-home order in March, as a demonstration of their commitment to the health of their communities,” Scott J. Street, CFA Attorney and Partner with Musick Peeler & Garrett LLP, said. “Since then, CFA has worked with the Governor’s Office and state health officials to detail how indoor fitness activities can safely reopen and strengthen the statewide effort to help people maintain their health and well-being during the pandemic. Unfortunately, the indefinite extension of a virtual statewide shutdown and unfounded rules restricting access to fitness centers are jeopardizing the health and well-being of millions of Californians who need a safe and secure place to exercise. It is also having a devastating impact on the many thousands who serve in fitness, most of whom got into the industry because they believe in helping people lead healthier lives.”

“We have been forced to file this action because we have simply run out of options to keep our communities healthy. Discussions with the state have failed, and we are facing a health crisis for our citizens who don't have equitable access to exercise, and the real prospect that our businesses will never reopen unless these rules are modified. Not all Californians live in places that are conducive to outdoor exercise, whether due to weather, smoke, lack of open spaces or security concerns. Minority communities are particularly disadvantaged,” said Cory Brightwell, CFA Advisory Board Member and CEO of Chuze Fitness. “CFA is acting to protect the ability to provide safe fitness opportunities for members, allow businesses to survive and preserve the jobs of California’s passionate and dedicated fitness-industry workers.”

“Our job is and always has been, long before COVID, to provide a safe environment in which people can exercise to improve their physical and mental health. When the pandemic began, CFA members focused on being part of the solution. We created strict guidelines to ensure public safety when exercising indoors, so Californians could receive the health benefits associated with exercise and help expand the fight against COVID-19. When the state briefly reopened, these protocols worked,” said Francesca

Schuler, CFA founding partner and CEO of In-Shape Health Clubs. “Despite repeated requests for information, California has not shared any data about the sources of outbreaks in the state, but a CFA [study](#) revealed that of the more than 5.5 million members who checked into 285 fitness centers between June 12 and July 13, only 0.002 percent of those members tested positive for COVID-19. Importantly, not a single outbreak from within those centers was reported as a result from those visits. Louisiana and Colorado have allowed gyms to open and have published data about outbreaks in their states that has shown that gyms are no less safe than any other type of public-facing business, including restaurants, retail, churches, factories, car dealerships, hair salons and schools.”

The State’s recent changes to reopening protocols, which further restrict access to indoor exercise, are not supported by data. California’s prohibitions on indoor fitness are more restrictive than those for nearly all other business sectors in the state and are among the most restrictive in the nation. In addition to this legal action in the Los Angeles Superior Court, individual fitness providers are considering filing lawsuits in other counties throughout the state challenging the closure of indoor fitness.

“Access to exercise is critical to helping people boost their immune systems and combat the effects of COVID-19,” said Marc Thomas, CFA Advisory Board Member and Co-CEO of Aspyr Holdings, an Orangetheory Fitness franchisee with locations throughout the state. “Recent CDC data has overwhelmingly proven that underlying conditions such as obesity, heart disease and diabetes exacerbate the negative effects of COVID-19. Decades of research and countless independent studies have shown indisputably that regular physical exercise reduces and/or prevents incidences of those health conditions along with many other chronic diseases. Additionally, exercise plays a vital role in improving mental health, which is also a major crisis associated with this pandemic. These are the reasons why we unapologetically believe that fitness should be considered an ‘essential’ business. While we appreciate that government officials have been dealing with unprecedented challenges associated with this crisis, especially at the outset when the severity of the situation was unknown, we now have a great deal more knowledge and data and we have proven that we know how to operate indoor fitness safely. The time has come to let citizens have their gyms back. We are hopeful that the Governor and local government officials across the state can appreciate the need to restore safe access to exercise for its demonstrated benefits promoting physical and mental health and its ability to help people fight COVID-19.”

ABOUT CALIFORNIA FITNESS ALLIANCE

The California Fitness Alliance is the united voice of fitness professionals in California advocating for access to fitness for all to create a healthier California. Regular physical exercise is vital to preventing chronic diseases and other health conditions and also plays a critical role in improving mental health. Our members include health clubs, boutiques, studios, fitness professionals, manufacturers and suppliers, and individuals. We represent all regions of the state, urban and rural, small and large. We provide everything from basic workout facilities to full-service programs.
<https://californiafitnessalliance.com/>

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