



**International
Health, Racquet &
Sportsclub Association**

Representative William Fields
Representative Jonathan Kreiss-Tomkins
Chairmen
House Committee on State Affairs
Alaska House of Representatives
120 4th Street, Juneau, AK 99801

RE: House Bill 82 An Act adding to the powers and duties of the State Commission for Human Rights; and relating to and prohibiting discrimination based on sexual orientation or gender identity or expression

March 28, 2019

Dear Members of the Committee:

My name is Joe Moore. I am the President & CEO of the International Health, Racquet & Sportsclub Association (IHRSA), the leader in education, research, and advocacy for the health and fitness industry, representing health clubs and fitness businesses worldwide, including 71 in Alaska. On behalf of our Alaska members, I am writing to first and foremost applaud the sponsor's efforts to protect the civil rights of Alaska residents by introducing H.B. 82. However, IHRSA is concerned that the proposed legislation may have unforeseen consequences for both our member clubs and the more than 137,000 residents of Alaska and their families who make use of health and fitness club memberships in their pursuit of a healthy lifestyle. It is with these considerations in mind that we write, both for clarification and to express our concerns about potential effects the proposed legislation might have on our members and their patrons.

We request that any legislation intending to protect the liberties of individuals, regardless of their gender identity or expression, be constructed in such a way that supports health clubs' ability to comply with the law and continue to respect the privacy rights of other citizens. IHRSA believes the privacy rights of health club patrons to use a locker room without being asked to do so in the presence of an individual with the anatomy of the opposite sex remains reasonable and worthy of added consideration under the law.

It is IHRSA's understanding that as currently proposed, H.B. 82 would prohibit a health club from preventing a health club user access to any locker room as long as their expressed or perceived gender identity is consistent with the sex to which the locker room is assigned.



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This creates several problems. We believe that this legislation:

1. Infringes upon the legitimate privacy rights of health club members. For example, if the proposed legislation becomes law, there would be situations at health clubs where not only adults, but also children, would be in close proximity to an individual with the anatomy of the opposite sex as that individual undressed. IHRSA's members are inclined to believe that the right to undress in a locker room without being forced to do so in the presence of the opposite sex remains reasonable and worthy of preservation.
2. Far too broad and susceptible to abuse. For example, if the proposed legislation becomes law, any person dressed in a manner associated with the opposite sex would have the right to 1) enter a health club and access the locker rooms and bathrooms of the opposite sex; and/or 2) gain entry to a health club that caters only to the opposite sex.

As such, IHRSA requests that the legislation be amended in Sec. 7. AS 18.80.230(a) by adding the following provision:

The provisions of this paragraph relating to gender identity or expression shall not apply (1) to the bathrooms or locker rooms of a health club, or (2) to a place of exercise established for the exclusive use of individuals of the same sex.

In closing, IHRSA supports equal rights and protections for all citizens and is committed to ensuring the privacy rights for all health club members. We are committed to working toward solutions that honor both rights. I would like to offer my, or any member of my staff's support in your efforts to ensure that the rights of all Alaska citizens are protected. If you have any questions or information requests, please do not hesitate to contact Jeffrey Perkins, assistant vice president of government relations (jdp@ihrsa.org) in our office at 1-800-228-4772.

Sincerely,

A handwritten signature in black ink that reads 'Joe'.

Joe Moore
IHRSA President & CEO