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## **AB 1652 SUMMARY AND KEY FACTS**

### **A Snow Sport Consumer Information and Safety Bill**

#### **Summary**

California ski resorts offer Californians and tourists the benefit of a thrilling, albeit at-risk recreational activity, which can be made even more safe and thrilling by implementing practical safety precautions. AB 1652 promotes safety at California ski resorts by assuring children's helmet use and making pertinent and timely information available to consumers to make informed decisions about their safety. Specifically, AB 1652 requires California ski resorts to:

- Prepare, post and make available to consumers on request their annual safety plans.
- Include in their safety plans a description of the standardized signage used as well as the specific placement of signage marking ski area boundaries and known natural and manmade hazards.
- Provide monthly reports on request regarding all deaths and injuries of which resort personnel are aware including categorization by death on site, medical evacuation / transport required, medical care provided on site and victim released, follow up medical care recommended and other available identity redacted incident specific information.
- Require and enforce the use of helmets on the slopes by all patrons under age 18 and resort employees.

#### **Background**

Research has demonstrated the benefits of helmet use in snow sports. Head trauma often results in life-altering injuries, which compound enormous personal tragedy with major costs for medical and long-term custodial care. These costs often are paid by government-sponsored insurance or facility operations and/or cost shifted to the privately insured. Recognizing ski patrollers and other resort personnel are role models for young patrons, some ski resorts, such as Vail Resorts, operator of Heavenly Ski Resort/California, have voluntarily instituted a mandatory employee helmet policy.

California resorts vary widely in the extent, nature and consistency of their safety practices. Some patrons may be seeking the thrill of unmanaged risk, but many, if not most, assume the resorts are providing the safest possible experience for them and their families. Other than Cal/OSHA's mechanical inspection of ski lifts, there currently are no statutory requirements for or regulation of safety practices and procedures at snow sport resorts. In addition, there is no complete or accurate publicly available data on deaths and injuries at snow sports resorts, either individually or collectively, in California. Although the resorts collect detailed death and injury data, they do not make that information available to the public. Incomplete annual data is aggregated by the National Ski Industry Association and reported only as national industry death and undefined "serious" injury rates.

Resorts that operate on United States Forest Service (USFS) land are required by their leases/ permits to submit operating plans to the USFS. Those operating plans have few specific safety-related standards or practice requirements and guidelines. The resorts do not post copies of their USFS operating Plans and do not willingly share them with the public. The USFS requires a Freedom of Information Act (FOIA) request to obtain copies of those plans, which is costly and time-consuming. Resorts not operating on USFS land have no requirement to have or post a safety plan.

## **AB 1652 - Key Facts**

- AB 1652 promotes increased safety for skiers and snowboarders at California ski resorts by making pertinent and timely information available to allow consumers to make informed decisions about their safety at each resort.
- AB 1652 provides for resort enforcement of helmet use by children and resort personnel. Statistical data supports the benefit of helmets, particularly for children and adolescents.
- AB 1652 does not impose any new regulations on ski resorts.
- There currently is no publicly available, reliable or complete statistical information on snow sport deaths and injuries by individual resorts or the industry, as a whole, in California or nationally.
- Ski resorts currently collect all of the information AB 1652 requires them to make available to consumers on request.
- The provisions of AB 1652 do not violate personal privacy or HIPAA (Health Insurance Portability and Accountability Act) requirements.
- The disclosure of safety plans and identity-redacted death and injury information does not alter the strong liability protection provided the industry by the California courts.
- There are no uniform national or state snow sport safety (injury prevention and severity reduction) standards and practices.
- AB 1652 will generate no new costs for the state of California and does not involve any state agencies. The bill includes a right of private legal enforcement that requires private citizens or the resorts to pay for any initiated enforcement actions to obtain the death and injury reporting information.
- There should be no significant incremental costs for the resorts to post and make available their safety plans or to collect and make the required information available. AB 1652 provides for per page copying and handling reimbursement to the resorts for all requested documents.