

HISTORY OF CALIFORNIA SNOW SPORT RESORT SAFETY LEGISLATION

CONCERNS ABOUT THE LACK OF SAFETY REGULATION OR OVERSIGHT AT CALIFORNIA SKI RESORTS HAVE BEEN RAISED REPEATEDLY OVER RECENT YEARS. IN THE LATE 1990'S THE RESORT INDUSTRY SUCCESSFULLY LOBBIED AGAINST AN ATTEMPT TO ESTABLISH A RESORT SAFETY STUDY COMMISSION.

THE CALIFORNIA SKI AND SNOWBOARD SAFETY ORGANIZATION (CSSSO) WAS INCORPORATED IN 2007. AFTER UNSUCCESSFULLY TRYING TO COLLABORATE WITH THE SKI RESORT INDUSTRY AND UNABLE TO OBTAIN RESORT SAFETY PLANS OR ACCIDENT AND INJURY DATA, CSSSO INITIATED PURSUIT OF **SAFETY TRANSPARENCY LEGISLATION**. IN 2009 CSSSO SPONSORED AND ASSEMBLYMAN DAVE JONES, NOW CALIFORNIA INSURANCE COMMISSIONER DAVE JONES, AUTHORED A BILL, **AB 990**, REQUIRING CALIFORNIA SKI RESORTS TO SUBMIT SAFETY PLANS AND DEATH AND INJURY DATA TO CAL OSHA, WHICH ALREADY HAD RESPONSIBILITY FOR THE INSPECTION OF SKI LIFTS. CALIFORNIA WAS IN A BUDGET CRISIS AND THE BILL **NEVER MADE IT OUT OF THE ASSEMBLY APPROPRIATIONS COMMITTEE**.

IN 2010 CSSSO AGAIN SPONSORED AND ASSEMBLYMAN JONES AUTHORED A SECOND BILL, **AB1652**. TO AVOID ANY GOVERNMENT COST ISSUES, THE BILL INITIALLY REQUIRED THE RESORTS TO POST THEIR SAFETY PLANS, INCLUDING A SIGNAGE PLAN, ON THEIR WEB SITES AND MAKE AVAILABLE TO THE PUBLIC ON REQUEST SUMMARY INFORMATION ON THEIR MONTHLY AND ANNUAL NUMBER OF DEATHS AND SERIOUS INJURIES. RESORT INDUSTRY LOBBYING REDUCED THE REQUIRED ACCIDENT DISCLOSURES TO ONLY DEATHS IN THE FINAL VERSION OF THE BILL. **IT PASSED OUT OF BOTH THE ASSEMBLY AND THE SENATE. GOVERNOR SCHWARTZNEGGER VETOED THE BILL** SAYING IN HIS VETO MESSAGE *Many California ski resorts are located on US Forest Service (USFS) land, and are already required to compile and file safety and accident reports with USFS..... resorts also already mark their ski area boundaries and trails with appropriate information. This bill may place an unnecessary burden on resorts, without assurance of a significant reduction in ski and snowboard-related injuries and fatalities.*

IN 2011, AFTER THE ELECTION OF JERRY BROWN AS GOVERNOR, CSSSO AGAIN SPONSORED A BILL, **SB278**, SIMILAR TO **AB1652**. AUTHORED BY SENATOR GAINES, AFTER BEING COMBINED WITH A HELMET BILL, **SB880**, IT TOO **PASSED SUCCESSFULLY OUT OF THE SENATE AND THE ASSEMBLY BUT WAS VETOED BY GOVERNOR BROWN**. IN HIS VETO MESSAGE HE SAID: *I believe such a measure is unnecessary –yet another exercise of the state's regulatory power for objectives that, in the ordinary course, are handled by private business or the people themselves.*

IN 2013, AFTER CSSSO'S RESEARCH AND RELEASE OF THE HOSPITAL EMERGENCY ROOM ADMISSION AND HOSPITALIZATION DATA FOR SNOW SPORT INJURIES, **SB564** WAS SPONSORED BY CSSSO AND AUTHORED BY SENATOR WILLIAM MONNING. THIS BILL INITIALLY REQUIRED **SKI RESORT REPORTING OF SAFETY PLANS AS WELL AS DEATH AND SERIOUS INJURY DATA TO THE DEPARTMENT OF PUBLIC HEALTH**. IT ALSO REQUIRED THE DEPARTMENT OF PUBLIC HEALTH TO POST THIS INFORMATION ON ITS WEBSITE AS AN ADDITION TO ITS EXISTING STATEWIDE INJURY SURVEILLANCE DATABASE. THE INDUSTRY SUCCESSFULLY LOBBIED FOR REMOVAL OF THE SAFETY PLAN REPORTING REQUIREMENT. AFTER PASSING OUT OF THE SENATE, THE BILL WAS HELD OVER IN THE ASSEMBLY TO THE SECOND YEAR (2014) OF THE LEGISLATIVE SESSION. **CITING THE SAME MISINFORMATION** PROPAGATED BY THE CALIFORNIA SKI INDUSTRY ASSOCIATION (CSIA) INCLUDED IN GOVERNOR SCHWARTZNEGGER'S VETO MESSAGE (*THE NATIONAL FOREST SERVICE ALREADY COLLECTS THIS INFORMATION*) **THE DEPARTMENT OF HEALTH DID NOT SUPPORT THE BILL AND DID NOT PROVIDE THE REQUISITE IMPLEMENTATION COST INFORMATION TO THE ASSEMBLY APPROPRIATIONS COMMITTEE**. THE BILL SUBSEQUENTLY **WAS NOT ACTED ON BY**

THAT COMMITTEE AND DIED.