



## Let Them Play: Joint Use Agreements (HB [358 - Greene](#))

According to recent studies, **nearly one-third of Louisiana adolescents are overweight or obese**. Increased physical activity is a critical component in the struggle against childhood obesity, however all too often existing recreational facilities are often closed to public access because of fears surrounding liability for physical injury and property damage.

Joint use agreements offer a way for school districts and other public entities to open their facilities after hours and weekends to their surrounding communities. However, the lack of clarity over the transfer of liability for injury and damage has remained a primary barrier to their acceptance. HB [358](#) provided a **simple clarification** of existing law by transferring liability explicitly to the user during the agreed times and requiring the user to possess liability insurance. Schools want to support the recreational and physical activity needs of the children in the communities they already serve. These **minimal safeguards** make them freer to do so.

The legislation became effective with the signature of the governor on June 29<sup>th</sup>.

- New law provides that elementary, secondary, or charter schools that enter into a joint-use agreement do not incur any liability for injuries to persons or property. It does not exclude liability for gross negligence or willful and wanton misconduct.
- New law provides that the school executing a joint-use agreement shall require the other party to maintain and provide proof of insurance coverage.
- New law provides much needed clarification and will expand access to playgrounds, gymnasiums, and tracks that are already located within communities.