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Chair Arch and Members of the Committee:

Thank you for the opportunity to offer comment on LB 1249. CrossFit is the world's leading platform to improve health, happiness and performance, and it is practiced by more than 25 affiliated gyms across Nebraska. Our affiliated gyms are locally-owned and -operated small businesses which provide employment to their owners and trainers, and make their communities healthier. CrossFit LLC offers this comment in opposition to LB 1249 on behalf of its affiliated gyms, their trainers and their clients to preserve their role in decreasing health care costs while improving the health and quality of life of thousands of Nebraskans.

Nebraska currently requires a license to practice medical nutrition therapy (MNT); among many requirements, licensees must have passed an examination, have obtained a baccalaureate degree in dietetics, and have completed a clinical program of at least 900 hours of continuous experience.

If enacted, LB 1249 would radically expand the current definition of MNT such that it would encompass speech and activity engaged in by CrossFit trainers and their clients, preventing them from continuing their practice. Currently, CrossFit trainers are free to collect and discuss with their clients their anthropometric and dietary data. The proposed definition of MNT broadly expands the practice to include the provision of nutrition care services for the management of diseases. Obesity has been recognized as a disease, despite much controversy. Given that recognition and the proposed definition of MNT, it follows that trainers would be forbidden by the Act from discussing this data with their clients who are obese in order to manage their obesity.

Proponents of LB 1249 may claim that the exemptions outlined in subsections 6 and 7 of Section 26 of the Act would allow for the continued practice of our affiliated gyms, their trainers and their clients. Unfortunately, subsection 6 does not address engagement of trainers working with clients with obesity. Subsection 7 only raises more

questions in detailing a confusing, inconsistent oversight scheme. There are many other sections of LB 1249 which raise questions, including seemingly circular definitions.

The enactment of LB 1249 would significantly disrupt the activities of CrossFit affiliates and trainers across the state. This could not come at a worse time. Fitness facilities, including CrossFit affiliates and their trainers, are still reeling from the severe closures and restrictions of 2020 and 2021 due to COVID-19. As of July 1, 2021, 64 percent of small gyms have accrued an average of \$75,000 in debt due to closures and restrictions. Simultaneously, Nebraska has suffered immensely from the toll of obesity: 34 percent of adults in Nebraska are obese, and the CDC estimates that 30 percent of adult COVID-19 hospitalizations were attributed to obesity. Enactment of this novel and expansive regulatory regime would be yet another burden placed on those who are fighting every day to improve Nebraskans' health.

For these reasons, CrossFit LLC respectfully requests that members of the Committee vote in opposition to LB 1249 unless satisfactorily amended to address our concerns.