



Senate Commerce and General Government Committee
Chair, Senator Mark Meek
900 Court St. N.E.
Salem, OR 97301

February 9, 2026

Re: National Ski Areas Association's support for Senate Bill 1593
Oregon Recreation Commerce and Affordability Act (ORCA)
Parental and Minor Releases of Liability

Dear Senator Meek,

Today I testified in public on behalf of the National Ski Areas Association (NSAA) and the 12 Oregon ski areas that are members of NSAA in strong support of Senate Bill 1593, the Oregon Recreation Commerce and Affordability Act, or ORCA. I am providing this additional written testimony to provide some national perspective on parental waivers (also known as minor waivers or releases), where many states allow courts to enforce releases of liability executed by parents for their minor children who participate in inherent risky indoor and outdoor recreational activities and sports. Such parental waivers are especially important for ski areas, given the large number of ski lessons that ski areas provide, mountain bike lessons, race teams and competitions, snow tubing, and many of the other recreational activities that occur both in winter and summer at Oregon ski areas.

Since 1962, the National Ski Areas Association (NSAA) has been the national umbrella trade association representing the 480 ski areas across the U.S. in 37 ski states, including the 12 ski areas in Oregon. NSAA also represents the interests of manufacturers and vendors who operate in the ski industry, including chairlift manufacturers, snowmaking equipment, snowcat groomers, industry insurance companies, sport equipment manufacturers, and hundreds of other vendors who supply ski areas. NSAA provides industry education opportunities for ski areas and vendors, and we conduct injury research and provide information to the public and media on the inherent risks of skiing and snowboarding. We also advocate and educate legislators at the state and federal levels, as well as other regulatory agencies, impacting the ski industry, including SB 1593 and the ORCA Act.

In my role as the Director of Risk and Regulatory Affairs, I oversee legislative issues and monitor legal issues impacting ski area operators, which gives me unique insights on how 37 ski states regulate the ski industry and the sports of skiing, snowboarding, mountain biking, snow tubing, and other recreational activities. A number of progressive "Blue" states—which Oregon often models itself after—allow for the enforceability of parental waivers executed by parents on behalf of their minor children who participate in indoor and outdoor recreational activities.

California, Massachusetts, Minnesota, Colorado, Wisconsin, Maryland and Delaware all allow for the enforceability of parental waivers. In California and Massachusetts, both states allowed for the



enforceability of parental releases through state supreme court decisions. In 2006, the California Court of Appeals ruled in City of Santa Barbara vs. Superior Court of Santa Barbara County that parental waivers are clearly enforceable under California law. Moreover, the Court stated that parental releases were important for the broader benefit of the public, stating that the public receives the benefit from such parental waivers because they allow groups like the Boy Scouts, Girl Scouts, Little League Baseball, equestrian providers, youth camps, and other recreational providers to offer affordable sports and recreation with less risk of litigation. Dozens of California court rulings have repeatedly enforced parental waivers in a wide variety of recreational and sporting lawsuits.¹

Similarly, like California, Massachusetts courts also consistently enforce parental waivers, including in Vokes vs. Ski Ward (2005) (ski lesson injury); Sharon vs. City of Newton (2002) (cheerleading injury), Quirk vs. Walker's Gymnastics and Dance (2003) (gymnastics competition).

While other states allow enforceable parental waivers through court rulings, some states specifically allow parental releases by statute. The state legislatures in Minnesota and Colorado adopted parental waiver laws by statute. See Colorado Revised Statutes § 13-22-107; Minnesota Statutes § 604-055. Notably, the Colorado legislature provided an important preamble as part of the parental waiver statute which outlines why the Colorado legislature felt so strongly that parents should be allowed to waive or release their minor children's claims for ordinary negligence, emphasizing the importance of affordable youth sports and recreation:

"The general assembly hereby finds, determines, and declares it is the public policy of Colorado that:

- (I) Children of Colorado should have the maximum opportunity to participate in sporting, recreational, educational, and other activities where certain risks may exist;
- (II) Public, private, and non-profit entities providing these essential activities to children in Colorado need a measure of protection against lawsuits, and without the measure of protection these entities may be unwilling or unable to provide the activities;
- (III) Parents have a fundamental right and responsibility to make decisions concerning the care, custody, and control of their children. The law has long presumed that parents act in the best interest of their children.
- (IV) Parents make conscious choices every day on behalf of their children concerning the risks and benefits of participation in activities that may involve risk;

¹ California, like other states, does **not** allow for such waivers to be used by childcare and day care providers. Also, as with waivers or releases with adults, no state allows parental waivers to release claims of gross negligence. No state allows releases of liability to be enforced for claims of gross negligence, whether brought by an adult or a minor, and Oregon Senate Bill 1593 does not allow for waivers to be enforced for any claims of gross negligence.



(V) These are proper parental choices on behalf of children that should not be ignored. So long as the decision is voluntary and informed, the decision should be given the same dignity as decisions regarding schooling, medical treatment, and religious education; and

(VI) It is the intent of the general assembly to encourage the affordability and availability of youth activities in this state by permitting a parent of a child to release a prospective negligence claim of the child against certain persons and entities involved in providing the opportunity to participate in the activities.”

See C.R.S. § 13-22-107(1)(a) (2003 (emphasis added)).

Other progressive states like California, Colorado, Minnesota and Massachusetts have thoughtfully recognized the obvious benefits and importance of parental waivers to getting minors involved in sports, recreation, competitions, and other youth activities and events—and the importance of having sports and recreational activities remain affordable for families.

Lastly, in light of the current societal crisis that our youth are experiencing because addictive smartphones and social media, having access to affordable sports and recreational opportunities is especially critical given society’s fixation on screens and technology. There is a tremendous public benefit to having affordable and accessible indoor and outdoor recreation available for Oregon’s families, to help counter the corrosive effects of social media and screen addictions sweeping the country.

NSAA strongly encourages the Senate Commerce and General Government Committee to support SB 1593 and to embrace the necessary amendment(s) that would allow for enforceable parental releases.

Sincerely,

/ s / Dave Byrd

Dave Byrd
Director of Risk & Regulatory Affairs
National Ski Areas Association