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## State Legislative Support for Parks

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### Abstract

**Background:** Parks are important venues that can encourage population-level physical activity, and policy legislation can facilitate or discourage physical activity and other park uses, depending on the type and level of support. This study aims to summarize the status and content of state-level park-related legislation.

**Methods:** We searched for eligible legislation from 2001–2007 in two data sources, CDC’s Nutrition, Physical Activity and Obesity Legislative Database and Lexis-Nexis, using the key words conservation, growth management/land use, parks, recreation, preservation, path, green space, or open space. State legislation was categorized into seven broad topic areas and analyzed by number introduced and passed (enacted as law), by state and category.

**Results:** States varied in the number and type of park-related legislation introduced and passed. Common categories of introduced park-related state legislation were preservation or conservation ( $n = 26$ , 9 passed), funding ( $n = 43$ , 10 passed), creation or acquisition of park land ( $n = 53$ , 9 passed), safety and liability ( $n = 34$ , 5 passed), accessibility ( $n = 20$ , 2 passed), outreach ( $n = 15$ , 2 passed), and outdoor activities ( $n = 13$ , 2 passed).

**Conclusion:** During 2001 to 2007, 19% of park-related state legislation was enacted. Research on legislative policy is an emerging field, and more information on the content of park-related legislation could assist states in their efforts to promote physical activity in park venues.

**Keywords:** public health, recreation, policy

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## Introduction

Parks and open spaces promote physical and psychological health in the population by providing opportunities for physical activity and contact with nature.<sup>1</sup> In a recent report titled *Health Benefits of Parks*, Gies suggests that most outdoor activities occurs in parks and identified evidence that outdoor recreation helps people in the United States enjoy better health.<sup>2</sup> Between 1999 and 2008, the number of people who participated in outdoor activities grew 4.4%.<sup>3</sup> Besides promoting physical activity, public parks and open spaces are major assets with tremendous commercial value that provide economic benefits and are a critical component of state, regional, or local infrastructure.<sup>2</sup> Yanez and Muzzy argue that parks promote the core values at stake in building public infrastructure, namely, health and recreation options, equal access to public resources and the environmental benefits of clean air, water, and ground, and sustainable regional planning.<sup>4</sup> As parks provide an important setting for people to be active, Gostin<sup>5</sup> suggests that public officials and park and public health professionals partner together to make the natural environment more accessible and more available.

Policy legislation that has been passed (enacted as law) can be crucial to addressing overarching national public health goals and supporting public health infrastructure and functions undertaken by state and local governments.<sup>6</sup> Besides promoting physical activity, legislative policies supporting parks and open spaces can help to ensure appropriate use and conservation of resources, maximize funding, and provide needed public facilities and services. Because state legislative policies are an important means by which to influence the natural environment and create conditions that support and promote active outdoor recreation, studies of park-related policy legislation, including inventories of the content and status of such legislation, are needed in order to guide development of future legislation. The purpose of this study is to summarize the status and content of park-related state legislation developed from 2001 to 2007.

## Methods

### Data sources

To provide a landscape of park-related state legislation during 2001–2007, we searched CDC's Division of Nutrition, Physical Activity, and Obesity (DNPAO)

Legislative Database ([apps.nccd.cdc.gov/DNPALeg/index.asp](https://apps.nccd.cdc.gov/DNPALeg/index.asp)), a Web-based, searchable database that provides information on state-based legislative policies related to nutrition and physical activity. Data for the DNPAO database come from several central electronic sources, including the Council of State Governments, National Conference of State Legislatures, and all state legislature Web sites; the DNPAO database contains legislative policies from all 50 states and the District of Columbia. We also searched the Lexis-Nexis database ([www.lexisnexis.com](http://www.lexisnexis.com)) for all introduced bills for the same time period.

### Data extraction

We used the two abovementioned data sources to search for park-related legislation introduced from January 1, 2001 to December 31, 2007, using the key words conservation, growth management/land use, parks, recreation, preservation, path, green space, or open space. Legislation that was duplicated or not relevant in scope (e.g. pertaining to 'parking lots') was excluded from the review. We found a total of 648 bills, of which 204 had park-related content. We classified legislation status as either passed (enacted) or not passed (pending, changed, vetoed, or dead). We only reviewed state legislation, as this analysis did not include federal and local policy efforts or resolutions.

### Data synthesis

Reviewers assessed eligible park-related legislative policies using a coding sheet to sort legislation by state, year, status, and into one of the following mutually exclusive categories: 1) preservation or conservation, 2) funding, 3) creation or acquisition, 4) safety and liability, 5) outdoor activities, 6) outreach, and 7) access (see footnotes in Table 1 for a broad overview of inclusion topics). We assessed inter-rater reliability from a random sample of 20 out of the initial 204 legislative policies; the Kappa statistic for this sample was 0.80, which Landis and Koch<sup>7</sup> rate as a substantial level of agreement.

## Results

In Figure 1, we present legislation introduced and enacted between 2001 through the end of 2007. We found wide variability in state legislative policies

**Table 1.** Number of park-related state legislative policies introduced and passed, by category, 2001–2007.

	Preservation or conservation <sup>a</sup>	Funding <sup>b</sup>	Creation or acquisition <sup>c</sup>	Safety and liability <sup>d</sup>	Outdoor activities <sup>e</sup>	Outreach <sup>f</sup>	Access <sup>g</sup>
Number of policies introduced	26	43	53	34	13	15	20
Number of introduced policies that passed	9 (35%)	10 (23%)	9 (17%)	5 (15%)	2 (15%)	2 (13%)	2 (10%)

<sup>a</sup>Preservation or conservation includes efforts to preserve, protect, or expand park land, improve connectivity, or rename or redefine use of park land.

<sup>b</sup>Funding includes planned or tax credits, deductions for businesses or land owners, or provisions of any kind towards park activities. <sup>c</sup>Creation or acquisition of park land includes improvements to such land and related efforts, such as the development of master plans. <sup>d</sup>Introduction of visitor safety and liability bills to protect landowners, government, or other parties. <sup>e</sup>Outdoor education activities for school children. Also includes the promotion of active recreation or physical activity for health benefits. <sup>f</sup>Establishment of a program or study; includes promotion or advertisement of recreation opportunities.

<sup>g</sup>Provision to increase onsite support for persons with disabilities and entrance fee waivers/discounts for senior citizens.

related to parks. The states that were most active in introducing park-related legislation were California (n = 21), Michigan (n = 11), Minnesota (n = 16), New Jersey (n = 31), New York (n = 21), and Washington (n = 15). California, Michigan and New Jersey accounted for the majority of legislation that passed during the six-year timeframe.

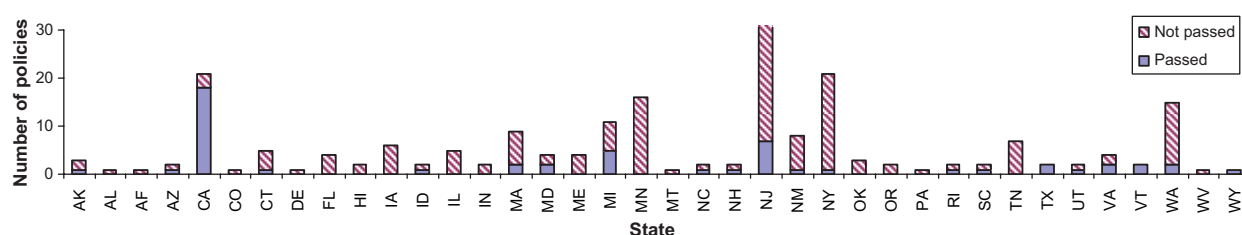
Table 1 shows the number of park-based legislative policies introduced and the number of bills that passed by category. Park-based legislative policies included topics such as: creation or acquisition (53 [9 passed]), funding (43 [10 passed]), safety or liability (34 [5 passed]), preservation or conservation (26 [9 passed]), access (20 [2 passed]), outreach (15 [2 passed]), and outdoor activities (13 [2 passed]). For these park-related categories, 19% passed (enacted as law). The majority of park-based state legislation introduced had not passed.

## Discussion

This study summarized the content of introduced and enacted park-related state legislation during 2001 to 2007, including legislation pertaining to preservation or conservation, funding, creation or acquisition, safety and liability, outdoor activities, outreach, and access. We found that 19% of

park-related legislation had passed, reflecting a commitment by states to natural resources. Although the majority of park-related state legislation introduced had not passed, the proportion of park-related legislative policies that were enacted was in the same range as seen in other health-related legislative policy studies.<sup>8,9</sup> Research on park-related legislation is fairly new, and more studies are needed to better understand why some legislation fails to be enacted.

In our study, 35% of legislation addressing preservation or conservation had passed. Preservation and conservation efforts primarily involved protecting land by preventing short-term purchases for investment purposes. Research suggests that preservation and conservation positively affects people's willingness to visit natural settings,<sup>10</sup> and legislative policies can be an effective way to reduce environmental and/or individual barriers associated with access. Indeed, a common co-element of preservation was increased connectivity to parks (e.g. through the addition or expansion of walking and biking paths occurring at park borders and nearby neighborhoods). Connectivity may help maximize the impact of parks and increase the number of adults who are physically active in parks.<sup>11</sup>

**Figure 1.** Number of introduced park-related legislative policies that passed and did not pass by state, 2001–2007.



Of the bills related to funding, 23% were passed; enacted bills supported public funding of parks through tax support for operating expenses, impact fees, revenue bonds, and tax credits or deductions. Since public financing is an important element to sustainability of the natural environment,<sup>4</sup> and funding for parks varies widely between states, more research tracking and analyzing state legislation funding mechanisms is needed. Increased funding support for parks would allow states to create and modernize the park infrastructure, provide a wider range of physical activity and leisure programming alternatives, and encourage physical and leisure activity in parks through public health messages.<sup>12</sup>

Of bills related to creation or acquisition of new land, 17% were passed. The creation or acquisition of new land is one approach to preserving open spaces and compensating for the pressures of urbanization and urban sprawl.<sup>13</sup> Because community sprawl has been found to have negative effects on mental health and connections within and between social networks, there is a need to design communities that are not only safe but environmentally sustainable and aesthetically appealing.<sup>14</sup> Planners, public health officials, and other key professional groups need to give high priority to creating and/or restoring parks and open spaces when designing communities.

Our findings suggest that policy-makers are spearheading efforts to make the natural environment more appealing by introducing park-related policies in the areas of safety and liability issues, outreach, outdoor activities, and accessibility. The inclusion of items in policy legislation to ensure that parks are safe (e.g. signage in parks to prevent accidents, banning of hand-guns among park visitors, posting of hours of operation) supports public health efforts to ensure safe and equitable opportunities for all community members to engage in physical activity. In fact, land management agencies that manage recreational areas have begun to partner with public health professionals in their efforts to prevent injury, illness, and property damage on public land.<sup>15</sup> In our study, park-related legislative policies also covered outreach and outdoor activities, such as promoting more active lifestyles among youth. There is growing evidence in support of promoting outdoor play and reducing fear of crime to promote more outdoor physical activity.<sup>16</sup> However,

although parks might provide safe places to recreate, they also need to be accessible, especially for persons with disabilities or wheeled devices (e.g. strollers, carts, bikes).

The findings of this report are subject to limitations. First, we were not able to account for state legislation already in existence prior to the time period of this review; therefore, several bills and/or states may not be represented in this study. Second, these data only reflect reviewed state legislation obtained from two electronic sources, and it is possible that the search process did not capture all relevant legislation. Finally, policies implemented at local, regional, or federal levels might also be important to promoting physical health, but are not represented by this data. This topic is worth examining in future studies.

## Conclusion

In summary, the amount of introduced park-related state legislation shows a continued commitment to improvement and reinvention of existing policies. A total of 204 bills were introduced in seven content areas: preservation or conservation, funding, creation or acquisition, safety and liability, outdoor activities, outreach, and access; 19% of bills were enacted. The reasons some bills are enacted and others not merits further research. This study provides a basic landscape of legislative interests and support, and may guide the development of future park-related legislation.

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## Disclosure

This manuscript has been read and approved by all authors. This paper is unique and is not under consideration by any other publication and has not been published elsewhere. The authors and peer reviewers of this paper report no conflicts of interest. The authors confirm that they have permission to reproduce any copyrighted material.





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