

# STATE OF NEW YORK

9794

## IN ASSEMBLY

February 9, 2018

Introduced by M. of A. BARRETT -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the parks, recreation and historic preservation law, in relation to establishing an outdoor Rx program for outdoor environmental, ecological, agricultural, or other natural resource based therapy programs; and to amend the state finance law, in relation to establishing the outdoor Rx program fund

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "outdoor Rx  
2 act".

3 § 2. Legislative intent. Studies have shown that time outdoors can be  
4 a valuable adjunct therapy in addition to more traditional health care,  
5 while also reducing reliance on prescription medication. The therapeutic  
6 benefits of time spent outdoors is clinically proven and is known to  
7 help reduce stress, improve concentration, and promote overall well-be-  
8 ing, both physical and mental. Outdoor-based therapeutic programs,  
9 including adventure therapy, wilderness therapy, horticultural therapy,  
10 walk-and-talk therapy, and other nature-oriented programs, are currently  
11 being used by mental health professionals and are shown to have benefits  
12 including reduction of stress, restoration of attention, and an improved  
13 sense of well-being. Such outdoor programs aim to connect people with  
14 nature thereby proving to be particularly beneficial to individuals  
15 undergoing a recovery process. Recognizing the healing benefits of out-  
16 door-based therapeutic programs to residents of the state, particularly  
17 veterans and individuals recovering from substance abuse or a physical  
18 or mental trauma, the legislature supports the establishment of an  
19 outdoor Rx program.

20 § 3. The parks, recreation and historic preservation law is amended by  
21 adding a new article 18 to read as follows:

### ARTICLE 18

#### OUTDOOR RX PROGRAM

24 Section 18.01 Outdoor Rx program.

25 18.03 Outdoor Rx program fund.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD13752-05-8

1 18.05 Use of funds.

2 18.07 Eligibility.

3 18.09 Eligibility criteria.

4 18.11 Program selection.

5 § 18.01 Outdoor Rx program. 1. In recognition of the great therapeutic  
6 benefits of outdoor recreation, the outdoor Rx program is hereby estab-  
7 lished to provide funds for outdoor environmental, ecological, agricul-  
8 tural, or other natural resource based therapy programs serving the  
9 citizens of the state. The commissioner shall establish and implement  
10 the program to provide grants for outdoor-based therapy programs.

11 2. The commissioner shall establish an advisory committee to assist  
12 and advise the office in the development and administration of the  
13 outdoor Rx program. The committee shall consist of at least seven  
14 members appointed as follows: at least one member appointed by the  
15 commissioner of parks, recreation and historic preservation; at least  
16 one member appointed by the New York state director of veterans'  
17 affairs; at least one member appointed by the commissioner of environ-  
18 mental conservation; at least one member appointed by the commissioner  
19 of health; at least one member appointed from the business community; at  
20 least two members appointed from an outdoor organization; and any other  
21 members the commissioner deems sufficient to ensure a cross section of  
22 participants.

23 § 18.03 Outdoor Rx program fund. 1. Funds deposited in the outdoor Rx  
24 program fund pursuant to section ninety-nine-bb of the state finance law  
25 shall be transferred to the office to be used solely for the outdoor Rx  
26 program purposes identified in this article including the administration  
27 of the program. The office shall be authorized to accept gifts, grants,  
28 donations, or moneys from any source for deposit in the outdoor Rx  
29 program fund. Any public agency in this state shall be authorized to  
30 develop and implement outdoor Rx programs. The commissioner shall be  
31 authorized to make grants to public agencies and contract with any  
32 public or private agency or person to develop and implement outdoor Rx  
33 programs.

34 2. (a) The commissioner shall establish limitations on the availabili-  
35 ty and use of outdoor Rx program funds; provided, however, that any  
36 limitations shall be defined in the application package. The commission-  
37 er shall establish such limitations only after considering the follow-  
38 ing:

39 (i) consistency with the purpose of the outdoor Rx program as stated  
40 in subdivision one of section 18.01 of this article; and

41 (ii) availability of funds.

42 (b) The commissioner shall be authorized to determine that applicants  
43 be required to make a matching contribution to be eligible for funding.

44 (c) The commissioner shall be authorized to limit the amount of fund-  
45 ing available for any element of a program.

46 § 18.05 Use of funds. The following conditions apply to the use of the  
47 funds:

48 1. For every funded project, a contract shall be executed on behalf of  
49 the office and by the funding recipient. The funding recipient shall not  
50 be reimbursed for costs incurred prior to the execution of the contract  
51 by both parties.

52 2. The funding recipient for grants under this article shall ensure  
53 that all programs are in accordance with any technical standards estab-  
54 lished by the office.

55 3. The funding recipient shall submit any reports required by the  
56 office as directed in the funding contract.

1 4. The funding recipient shall agree to and certify compliance with  
2 all applicable federal and state laws, regulations and policies.

3 5. Funding recipients shall maintain accurate accounting records on  
4 the expenditure of project funds, provide the office with such records  
5 consistent with the agreement or upon request, and permit the office to  
6 audit the use of funds in accordance with generally accepted audit prac-  
7 tices and standards. The office shall reserve the right to terminate its  
8 participation in any project which fails to perform according to the  
9 requirements of this article.

10 6. The office shall be authorized to assess fees to program partic-  
11 ipants for program services.

12 § 18.07 Eligibility. 1. The commissioner shall set priorities and  
13 develop criteria for the awarding of grants to outdoor environmental,  
14 ecological, agricultural, or other natural resource-based therapy  
15 programs considering at least the following:

16 (a) Programs that utilize veterans for at least fifty percent of  
17 program implementation or administration;

18 (b) Programs that contribute to healthy lifestyles through outdoor  
19 recreation;

20 (c) Programs that will commit matching and in-kind resources;

21 (d) Programs that create partnerships with public and private enti-  
22 ties;

23 (e) Programs that maximize the number of participants that can be  
24 served, particularly participants who are veterans or who are recovering  
25 from substance abuse or physical or mental trauma;

26 (f) Various state parks as venues and use of the office's personnel as  
27 a resource;

28 (g) Programs that make use of research-based, effective environmental,  
29 ecological, agricultural, or other natural resource-based therapy;

30 (h) Programs that provide citizens of the state with opportunities to  
31 directly experience and understand nature and the natural world; and

32 (i) Programs that include ongoing program evaluation, assessment, and  
33 reporting of their effectiveness.

34 2. (a) The commissioner shall select activities eligible for funding.  
35 Such activities may include, but need not be limited to, the following:

36 (i) Outdoor recreation;

37 (ii) Outdoor environmental studies;

38 (iii) Agricultural;

39 (iv) Natural resource based;

40 (v) Conservation;

41 (vi) Ecological; and

42 (vii) Stewardship or restoration.

43 (b) The following activities shall be ineligible for funding from the  
44 outdoor Rx program:

45 (i) Activities that may be perceived to lobby or advocate for poli-  
46 tical purposes;

47 (ii) Activities that are not in compliance with local, state and  
48 federal laws; and

49 (iii) Organized youth sports such as a community league or school  
50 team.

51 3. The advisory committee shall develop an application form which  
52 eligible applicants shall be required to complete and submit in order to  
53 be considered for receipt of a grant under this article.

54 § 18.09 Eligibility criteria. The following criteria shall be used to  
55 evaluate applications:

56 1. Proposals that provide for public/private partnerships;

1 2. Proposals that provide for innovative ways to increase the avail-  
2 ability and use of outdoor recreation facilities;

3 3. Proposals which show consideration for the economics of installa-  
4 tion or implementation to provide greatest cost benefit ratio, for exam-  
5 ple, where private parties contribute more than the minimum amount;

6 4. Programs that commit matching and in-kind resources;

7 5. Proposals that use state park and other natural resource venues and  
8 personnel as a resource;

9 6. Proposals that contribute to healthy lifestyles through outdoor  
10 recreation and sound nutrition;

11 7. Proposals which contribute to the statewide network of facilities  
12 or programs;

13 8. Proposals which encourage community involvement;

14 9. Proposals which encourage sound environmental practices;

15 10. Proposals that maximize the number of participants that can be  
16 served;

17 11. Proposals that provide an opportunity to experience the out-of-  
18 doors directly and understand nature and the natural world;

19 12. Proposals that include ongoing program evaluation, assessment and  
20 reporting of their effectiveness;

21 13. Programs that make use of research-based, effective environ-  
22 mental, ecological, agricultural, or other natural resource-based thera-  
23 py; and

24 14. Proposals which demonstrate innovative approaches to outdoor-based  
25 therapy.

26 § 18.11 Program selection. 1. Completed applications shall be reviewed  
27 by the office to determine eligibility and evaluated in accordance with  
28 the purposes, eligibility requirements, limitations, and evaluation  
29 criteria in this article.

30 2. The office shall consult with and consider the recommendations of  
31 the advisory committee and present final recommendations to the commis-  
32 sioner.

33 3. The commissioner shall make the final decision on funding a  
34 project.

35 § 4. The state finance law is amended by adding a new section 99-bb to  
36 read as follows:

37 § 99-bb. Outdoor Rx program fund. 1. There is hereby established in  
38 the joint custody of the commissioner of taxation and finance and the  
39 comptroller a fund to be known as the "outdoor Rx program fund".

40 2. Such fund shall consist of all revenues received pursuant to arti-  
41 cle eighteen of the parks, recreation and historic preservation law and  
42 all other moneys appropriated, credited or transferred thereto from any  
43 other fund or source pursuant to law. Nothing contained in this section  
44 shall prevent the state from receiving grants, gifts or bequests for the  
45 purposes of the fund as defined in this section and depositing them into  
46 the fund according to law.

47 2-a. On or before the first day of February each year, the comptroller  
48 shall certify to the governor, temporary president of the senate, speak-  
49 er of the assembly, chair of the senate finance committee and chair of  
50 the assembly ways and means committee, the amount of money deposited in  
51 the outdoor Rx program fund during the preceding calendar year as the  
52 result of revenue derived pursuant to article eighteen of the parks,  
53 recreation and historic preservation law and from grants, gifts and  
54 bequests.

55 2-b. On or before the first day of February each year, the commis-  
56 ioner of parks, recreation and historic preservation shall provide a writ-

1 ten report to the temporary president of the senate, speaker of the  
2 assembly, chair of the senate finance committee, chair of the assembly  
3 ways and means committee, chair of the senate committee on health, chair  
4 of the assembly health committee, the state comptroller and the public.  
5 Such report shall include how the monies of the fund were utilized  
6 during the preceding calendar year, and shall include:

7 (a) the amount of money disbursed from the fund and the process used  
8 for such disbursements;

9 (b) recipients of grants from the fund;

10 (c) the amount awarded to each recipient;

11 (d) the purposes for which such grants were awarded; and

12 (e) a summary financial plan for such monies which shall include esti-  
13 mates of all receipts and all disbursements for the current and succeed-  
14 ing fiscal years, along with the actual results from the prior fiscal  
15 year.

16 3. Monies of the fund shall be expended only for outdoor Rx projects  
17 approved by the commissioner of parks, recreation and historic preserva-  
18 tion in New York state.

19 4. Monies shall be payable from the fund on the audit and warrant of  
20 the comptroller on vouchers approved and certified by the commissioner  
21 of parks, recreation and historic preservation.

22 5. To the extent practicable, the commissioner of parks, recreation  
23 and historic preservation shall ensure that all monies received during a  
24 fiscal year are expended prior to the end of that fiscal year.

25 § 5. This act shall take effect immediately.