STATE OF NEW YORK

6024

2019-2020 Regular Sessions

IN ASSEMBLY

February 26, 2019

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:

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

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

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

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

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ARTICLE 18
OUTDOOR RX PROGRAM

Section 18.01 Outdoor Rx program.
18.03 Outdoor Rx program fund.
18.05 Use of funds.
18.07 Eligibility.
18.09 Eligibility criteria.
18.11 Program selection.

§ 18.01 Outdoor Rx program. 1. In recognition of the great therapeutic benefits of outdoor recreation, the outdoor Rx program is hereby established to provide funds for outdoor environmental, ecological, agricultural, or other natural resource based therapy programs serving the citizens of the state. The commissioner shall establish and implement the program to provide grants for outdoor-based therapy programs.

2. The commissioner shall establish an advisory committee to assist and advise the office in the development and administration of the outdoor Rx program. The committee shall consist of at least seven members appointed as follows: at least one member appointed by the commissioner of parks, recreation and historic preservation; at least one member appointed by the New York state director of veterans' affairs; at least one member appointed by the commissioner of environmental conservation; at least one member appointed by the commissioner of health; at least one member appointed from the business community; at least two members appointed from an outdoor organization; and any other members the commissioner deems sufficient to ensure a cross section of participants.

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

2. (a) The commissioner shall establish limitations on the availability and use of outdoor Rx program funds; provided, however, that any limitations shall be defined in the application package. The commissioner shall establish such limitations only after considering the following:

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

(ii) availability of funds.

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

(c) The commissioner shall be authorized to limit the amount of funding available for any element of a program.

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

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

2. The funding recipient for grants under this article shall ensure that all programs are in accordance with any technical standards established by the office.

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

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

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

6. The office shall be authorized to assess fees to program participants for program services.

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

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

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

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

(d) Programs that create partnerships with public and private entities;

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

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

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

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

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

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

(i) Outdoor recreation;

(ii) Outdoor environmental studies;

(iii) Agricultural;

(iv) Natural resource based;

(v) Conservation;

(vi) Ecological; and

(vii) Stewardship or restoration.

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

(i) Activities that may be perceived to lobby or advocate for political purposes;

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

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

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

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

1. Proposals that provide for public/private partnerships;

2. Proposals that provide for innovative ways to increase the availability and use of outdoor recreation facilities;

3. Proposals which show consideration for the economics of installation or implementation to provide greatest cost benefit ratio, for example, where private parties contribute more than the minimum amount;

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

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

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

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

8. Proposals which encourage community involvement;

9. Proposals which encourage sound environmental practices;

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

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

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

13. Programs that make use of research-based, effective environmental, ecological, agricultural, or other natural resource-based therapy; and

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

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

2. The office shall consult with and consider the recommendations of the advisory committee and present final recommendations to the commissioner.

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

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

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

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

2-a. On or before the first day of February each year, the comptroller shall certify to the governor, temporary president of the senate, speaker of the assembly, chair of the senate finance committee and chair of the assembly ways and means committee, the amount of money deposited in

the outdoor Rx program fund during the preceding calendar year as the result of revenue derived pursuant to article eighteen of the parks, recreation and historic preservation law and from grants, gifts and bequests.

2-b. On or before the first day of February each year, the commissioner of parks, recreation and historic preservation shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, chair of the senate committee on health, chair of the assembly health committee, the state comptroller and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

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

(b) recipients of grants from the fund;

(c) the amount awarded to each recipient;

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

(e) a summary financial plan for such monies which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.

3. Monies of the fund shall be expended only for outdoor Rx projects approved by the commissioner of parks, recreation and historic preservation in New York state.

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

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

§ 5. This act shall take effect immediately.