



ELSEVIER

Contents lists available at ScienceDirect

Preventive Medicine

journal homepage: www.elsevier.com/locate/ypped

Commentary

The role of state policy in promoting physical activity

Larry Morandi *

State Policy Research, National Conference of State Legislatures, 7700 East First Place, Denver, CO 80230, USA

ARTICLE INFO

Available online 24 July 2009

Keywords:

State legislation
Physical activity
Physical education
Land use planning
Mixed use development
Neighborhood design

ABSTRACT

Objective. The objective of this commentary is to demonstrate the growing interest of state legislatures in adopting policies that promote physical activity in schools and communities through partnerships with school districts and local governments.

Method. Interviews were conducted with state legislators that have sponsored legislation enacted into law. The author and his staff also surveyed proposed and enacted bills during the 2007 and 2008 legislative sessions.

Results. The majority of states have considered or enacted legislation in recent years that addresses physical activity in schools or communities through partnerships with school districts, cities and counties responsible for implementing state policy. These policies may seek to directly impact a targeted audience (children in school by requiring minimum amounts of physical education during the day) or provide broad guidelines for implementation by other entities with direct authority (local governments charged with preparing comprehensive land use plans under other statutes).

Conclusion. As research demonstrates the increasing costs of public health care associated with physically inactive children and adults, and the public health benefits that can be gained through specific policy interventions, state legislatures have been willing to act to promote physical activity. A key is translating research into understandable policy applications.

© 2009 Elsevier Inc. All rights reserved.

Introduction

Being physically active is often viewed as a matter of personal choice, not something that government should spend a lot of time considering. Increasingly, however, state and local governments are getting involved as evidence demonstrates the adverse health impacts of inactive lifestyles, including diabetes, high blood pressure and heart disease. The relationship of inactivity to childhood obesity is of particular interest because of projected long-term health effects. These health conditions carry with them increased health care costs, a large portion of which are funded by taxpayers through Medicaid and Medicare because low-income populations and communities of color are at higher risk for these chronic conditions (LaVeist, 2005). Inactivity-related conditions cost private companies due to rising health insurance premiums and productivity losses from absenteeism. The combination of growing health impacts and increasing public and private health care costs is driving state legislatures to adopt policies designed to promote active living in schools and communities. The purpose of the present commentary is to describe recent physical

activity-related state legislation, explore the rationale of sponsoring legislators, and illustrate the role of research in policy making.

To demonstrate the role of state legislatures in active living policymaking, the National Conference of State Legislatures (NCSL) tracked proposed and enacted legislation during the 2007 and 2008 legislative sessions in two broad policy categories—healthy eating/physical activity and healthy community design/access to healthy food—covering 17 specific topics. Two types of legislation are illustrated here. NCSL staff also interviewed a small number of state legislators who had sponsored enacted legislation.

School physical activity legislation

There has been a great deal of recent legislative activity to ensure schools provide sufficient opportunities for students to be physically active. During the 2007 legislative sessions, 34 states considered physical education or physical activity bills for schools and 13 states enacted laws; the comparable numbers for 2008 were 23 and 6. (Winterfeld, Shinkle and Morandi, 2009)

States Enacting School Physical Education/Physical Activity Bills, 2007
Arkansas, California, Florida, Mississippi, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas

* Fax: +1 303 364 7800.

E-mail address: larry.morandi@ncsl.org.

States Enacting Physical Education/Physical Activity Bills, 2008 Colorado, Florida, Maryland, New Mexico, Oklahoma, Virginia

Two state senators explain their motivation for the bills. Florida State Representative Will Weatherford used to question the appropriateness of government intervention until he realized how obesity is affecting children's health. "Normally, I don't like government interfering with eating habits or physical activity habits," he notes, "but it is our responsibility to ensure that when children are in school they do have activity." He emphasizes that "We should be creating a culture of physical activity." (Winterfeld, 2007)

Texas State Senator Jane Nelson, a former school teacher, concurs, pointing out that "Everything we want our young people to achieve is contingent upon their basic health." It doesn't make sense to her that physical education is deemphasized in school curricula. "We have to stop treating PE as optional," she implores, "because it is as fundamental to the success of our students as reading, writing and arithmetic." (Winterfeld, 2007)

Both legislators translated their commitment into public policy. Representative Weatherford was the prime sponsor of legislation enacted in 2007 that requires 150 min. of physical education each week for students in kindergarten through fifth grade, and encourages school districts to provide 225 min. of physical education per week to students in grades 6 through 8. (2007 Fla. Laws, Chap. 28) As chair of the Health and Human Services Committee, Senator Nelson authored a bill that passed the same year requiring 30 min. of daily physical education for children in grades K-5, and 30 min. per day for at least four semesters for students in grades 6–8. In addition, her legislation requires school districts to annually assess the physical fitness of students in grades 3 through 12. (2007 Tex. Acts, Chap. 1377)

These policies represent direct interventions by legislators to promote physical activity. The policies are notable in part because state legislatures do not run the schools; schools and school districts are responsible for implementing policy in the physical education examples cited above. The Texas law provides a means of evaluating some of the outcomes through mandated fitness testing.

Built environment legislation

The role of state legislatures is different when the goal is to change built environments to make it more convenient and safer for people to be physically active. This is because legislatures have already granted to cities and counties planning and zoning authority to make land use decisions. These local powers can be used to create "walkable" community designs and transportation facilities that provide opportunities for all residents to walk and bicycle from their homes to nearby destinations such as schools, workplaces and retail outlets. The role of state legislatures shifts from mandating a specific approach to enabling or incentivizing local governments to use their authority to design and implement policy. The target audience is less captive, the setting much larger and the mix of policies more diversified than is the case with school policies.

State legislatures can partner with local governments to create built environments that support active living through mixed-use development and transit-oriented development policies. Mixed-use development laws can remove legal obstacles to siting residential, retail, office space, schools and parks in closer proximity than allowed by single-use zoning ordinances. Mixed-use laws can provide incentives for developers to invest in revitalizing parts of existing urban areas instead of encouraging development on empty land at the edge of towns and cities that would require residents to drive to all destinations. Transit-oriented development is also mixed-used but includes more bus and rail options to give residents an opportunity to combine walking and biking with public transit to get to work or school. During the 2007–

2008 legislation sessions, transit-oriented development bills passed in Connecticut, Maine, Maryland, Massachusetts, New Jersey and Virginia. Complete streets, which incorporates transit-oriented development, refers to a transportation system that meets the needs of all users, including bicyclists, pedestrians, transit users, motorists, the disabled, children and senior citizens. California, Illinois and Vermont adopted complete streets laws. (Winterfeld, Shinkle and Morandi, 2009)

Washington's 2006 Physical Activity Promotion Act is a good example of how the legislature sets broad policy goals and relies on local governments to implement those goals. (2006 Wash. Laws, Chap. 360) The legislation builds on an existing growth management statute that cities and counties have worked with for over 15 years. The new law requires the land use element of each city and county plan to consider measures that promote physical activity and requires the transportation element to include measures that promote walking and bicycling for transportation.

South Carolina's 2007 Priority Investment Act authorizes local governments to establish priority investment zones with the goal of making communities more walkable and bikeable. (2007 S.C. Acts, Act 31) A variety of financial incentives are used to encourage developers to invest in projects that include more mixed-use and transit-oriented options, such as density bonuses that allow developers to add units to each parcel, fee waivers, and faster permit approval that reduces waiting time.

Conclusions

Research is an important part of the legislative process, though it is just one of several factors that influence decisions. Research that demonstrates the health and financial impact of physical activity can stimulate a readiness to act. As State Senator Rosa Franklin, a retired nurse and prime sponsor of Washington's Physical Activity Promotion Act stated, "Once we understand the costs of physical inactivity, it will be difficult not to act." Then research on specific policy options can provide justification for supporting those policies. The Guide to Community Preventive Services concluded both enhanced school physical education (Kahn et al., 2002) and mixed-use walkable communities (Heath et al., 2006) are effective physical activity interventions. The critical step that is often missing is communicating the research in appropriate ways and in a timely manner to policy makers so they can craft legislation that has a good chance of improving physical activity and, hopefully, achieving additional goals such as enhancing academic achievement, reducing automobile-related air pollution, and cutting health care costs.

Conflict of interest statement

The author declares that there are no conflicts of interest.

References

- Heath, G., Brownson, R., Kruger, J., Miles, R., Powell, K.E., Ramsey, L.T., Task Force on Community Preventive Services, 2006. The effectiveness of urban design and land use and transport policies and practices to increase physical activity: A systematic review. *J. Phys. Act. Health* 3 (Suppl. 1), S55–S76.
- Kahn, E.B., Ramsey, L.T., Brownson, R.C., Heath, G.W., Howze, E.H., Powell, K.E., Stone, E.J., Rajab, M.W., Corso, P., 2002. The effectiveness of interventions to increase physical activity. A systematic review. *Am. J. Prev. Med.* 22, 73–107.
- LaVeist, T.A., 2005. Minority Populations and Health: An Introduction to Health Disparities in the United States. Jossey-Bass, San Francisco.
- National Conference of State Legislatures, Childhood Obesity—2008 Update of Legislative Policy Options. www.ncsl.org/programs/health/childhoodobesity-2008.htm.
- Winterfeld, A., December 2007. P.E. Makes a Comeback. In *State Legislatures*, pp. 36–37.
- Winterfeld, A., Shinkle, D., Morandi, L., March 2009. Promoting Healthy Communities and Reducing Childhood Obesity: Legislative Options. National Conference of State Legislatures, Denver.