

Rapid HIA of Proposed Legislation to Provide Partial Immunity from Injury Liability for Entities Providing Access to Facilities for Recreational Physical Activity

Executive Summary

December 8, 2004

Prepared for the California Department of Health Services, Physical Activity Policy Action Team of the Nutrition Network, this rapid Health Impact Assessment (HIA) attempts to identify policy options that will encourage physical activity in California by expanding access to existing recreational facilities in schools and businesses. More specifically this HIA examines the potential health effects of a proposed legislative initiative aimed at providing public and private organizations with protection against liability associated with the provision of facilities and services promoting physical activity. The proposed initiative will remove liability from small and medium-sized employers (50-200 employees) who make available gym equipment and space necessary for fitness activities in the work place and who encourage employees to utilize fitness and health programs. In addition the policy will extend to schools and churches that choose to open their exercise facilities and grounds to the public.

The purpose of conducting this health impact assessment is to investigate whether, and to what extent, removing this barrier will lead employers, school districts, and community centers to offer their grounds as affordable and convenient places where employees and community members can exercise thereby increasing physical activities levels in the general population.

Legislative goals: Although legislative language has not yet been drafted, the goals of the legislation are outlined.

Finding: Employers and site managers at worksites and public facilities often cite liability concerns as a reason for not encouraging employees to participate in and/or for not opening up public facilities for recreational physical activity when such facilities are not otherwise in use.

Goal: To increase physical activity levels in the general population.

Means: Improving the availability of and access to opportunities for physical activity, including facilities, equipment and discretionary time.

Target populations and sites: Employees at workplaces and the general public at public facilities, especially schools, when those facilities are not being used for their primary purpose (e.g. schools during the after-school hours).