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Bill 193

An Act to enact Rowan's Law (Concussion Safety), 2017 and to amend the Education Act

The Hon. E. McMahon
Minister of Tourism, Culture and Sport

Government Bill

1st Reading December 14, 2017

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts *Rowan's Law (Concussion Safety), 2017*. The Act imposes various requirements on sport organizations, which are defined as persons or entities that carry out, for profit or otherwise, a prescribed activity in connection with an amateur competitive sport and that satisfy such other criteria as may be prescribed. Here are highlights of those requirements:

1. A sport organization must not register an individual who is under the prescribed age in a sports activity unless the individual confirms that they have reviewed the concussion awareness resources approved by the Minister of Tourism, Culture and Sport. The regulations may provide for other circumstances where a sport organization must require individuals to confirm that they have reviewed the resources. For individuals under 18 years of age or such other prescribed age, the parent or guardian of the individual must also confirm that they have reviewed the resources. Individuals who serve as a coach or in other prescribed positions for a sport organization must also confirm that they have reviewed the resources.
2. A sport organization must establish a concussion code of conduct. Similar to the rules described above, various individuals must confirm that they have reviewed a sport organization's concussion code of conduct.
3. A sport organization must establish a removal-from-sport protocol for athletes who are suspected of having sustained a concussion. The protocol must, among other things, establish a specific process to implement the immediate removal of an athlete and must designate persons who are responsible for ensuring the removal of the athlete and ensuring that they do not return to training, practice or competition, except in accordance with the sport organization's return-to-sport protocol.
4. A sport organization is required to establish a return-to-sport protocol that applies with respect to athletes who have sustained a concussion or are suspected of having sustained a concussion. The protocol must, among other things, establish a specific process to implement the return of an athlete to training, practice or competition and must designate persons who are responsible for ensuring that an athlete does not return until permitted to do so in accordance with the protocol.

The Act also proclaims the last Wednesday in September as Rowan's Law Day. The Minister may, however, declare that Rowan's Law Day is on another day for any particular year.

The Act requires the Minister to prepare and publish reports on the progress made in implementing all or some of the recommendations set out in the report of the Rowan's Law Advisory Committee. Deadlines for the first and subsequent reports are specified.

The Act permits the Lieutenant Governor in Council to make regulations under the Act, including regulations that exempt persons or entities from any provision of the Act or regulations. In addition, the regulations may apply differently to different sport organizations and to different sports or classes of sports.

The Bill also amends the *Education Act*. Part XIII.1 of the Act is renamed "Pupil Health" and a new section is added to it. The new section authorizes the Minister to establish and require boards to comply with policies and guidelines respecting concussions in pupils. The Minister is also given authority to make regulations prescribing requirements respecting concussions in pupils of private schools and to require private schools to comply with the requirements. The policies, guidelines or regulations must be consistent with *Rowan's Law (Concussion Safety), 2017*.

An Act to enact Rowan's Law (Concussion Safety), 2017 and to amend the Education Act

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1 In this Act,

“concussion awareness resources” means the information or materials approved by the Minister respecting concussion prevention, detection and management; (“ressources de sensibilisation aux commotions cérébrales”)

“Minister” means the Minister of Tourism, Culture and Sport or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“sport organization” means a person or entity that carries out, for profit or otherwise, a prescribed activity in connection with an amateur competitive sport and that satisfies such other criteria as may be prescribed. (“organisation sportive”)

Concussion awareness resources

2 (1) A sport organization shall not register an individual who is under the prescribed age in a sports activity unless the individual gives the sport organization confirmation that they have, within 12 months before the registration or within such other period as may be prescribed, reviewed the concussion awareness resources.

Requirement, other prescribed circumstances

(2) A sport organization shall, in the prescribed circumstances and in accordance with the prescribed requirements, require an individual who is under the prescribed age to give the sport organization confirmation that they have reviewed the concussion awareness resources.

Requirement, individuals under 18

(3) If the individual referred to in subsection (1) or (2) is under 18 years of age or such other age as may be prescribed, the individual's parent or guardian must also give the sport organization confirmation that they have reviewed the concussion awareness resources.

Requirement, coaches, etc.

(4) A sport organization shall not permit an individual to serve as a coach for the sport organization or to serve in any other prescribed position, such as an official, in respect of the sport organization unless the individual gives the sport organization confirmation that they have reviewed the concussion awareness resources at the prescribed times and in accordance with the prescribed requirements.

Additional resources, etc., from sport organization

(5) Nothing in this section prevents a sport organization from offering additional resources or information relating to concussions to any individuals.

Materials to be publicly available

(6) The Government of Ontario shall ensure that the concussion awareness resources are made available to the public.

Concussion code of conduct

3 (1) A sport organization shall establish a concussion code of conduct that satisfies the requirements set out in the regulations.

Requirement on registration

(2) A sport organization shall not register an individual who is under the prescribed age in a sports activity unless the individual gives the sport organization confirmation that they have, within 12 months before the registration or within such other period as may be prescribed, reviewed the sport organization's concussion code of conduct.

Requirement, other prescribed circumstances

(3) A sport organization shall, in the prescribed circumstances and in accordance with the prescribed requirements, require an individual who is under the prescribed age to give the sport organization confirmation that they have reviewed the sport organization's concussion code of conduct.

Requirement, individuals under 18

(4) If the individual referred to in subsection (2) or (3) is under 18 years of age or such other age as may be prescribed, the individual's parent or guardian must also give the sport organization confirmation that they have reviewed the sport organization's concussion code of conduct.

Requirement, coaches, etc.

(5) A sport organization shall not permit an individual to serve as a coach for the sport organization or to serve in any other prescribed position, such as an official, in respect of the sport organization unless the individual gives the sport organization confirmation that they have reviewed the sport organization's concussion code of conduct at the prescribed times and in accordance with the prescribed requirements.

Code of conduct to be made available

(6) A sport organization shall, in accordance with the regulations, ensure that its concussion code of conduct is made available to individuals referred to in subsections (2) to (5) and to other persons as may be prescribed.

Protocols**Removal-from-sport protocol**

4 (1) Every sport organization shall establish a removal-from-sport protocol for its athletes that,

- (a) establishes, in accordance with such requirements as may be prescribed, a specific process to implement the immediate removal of an athlete who is suspected of having sustained a concussion;
- (b) designates persons who are responsible for ensuring that,
 - (i) an athlete is immediately removed from further training, practice or competition if the athlete is suspected of having sustained a concussion,
 - (ii) if the athlete is under 18 years of age or such other age as may be prescribed, the parent or guardian is informed of the removal,
 - (iii) such persons or entities as may be prescribed are informed of the removal, and
 - (iv) once removed, the athlete is not permitted to return to training, practice or competition, except in accordance with the sport organization's return-to-sport protocol;
- (c) sets out the responsibilities of other prescribed persons if they suspect that an athlete has sustained a concussion during training, practice or competition; and
- (d) satisfies such other requirements as may be prescribed.

Return-to-sport protocol

(2) Every sport organization shall establish a return-to-sport protocol for its athletes that,

- (a) applies in circumstances where the sport organization becomes aware that one of its athletes has sustained a concussion or is suspected of having sustained a concussion, regardless of whether or not the concussion was sustained or is suspected of having been sustained during a sport activity associated with the sport organization;
- (b) establishes, in accordance with such requirements as may be prescribed, a specific process to implement the return of an athlete to training, practice or competition after the athlete has sustained a concussion or is suspected of having sustained a concussion;
- (c) designates persons who are responsible for ensuring that,
 - (i) an athlete who has sustained a concussion or is suspected of having sustained a concussion does not return to training, practice or competition until permitted to do so in accordance with the return-to-sport protocol, and
 - (ii) such persons or entities as may be prescribed are informed that an athlete is permitted to return to training, practice or competition;
- (d) sets out the responsibilities of other prescribed persons; and
- (e) satisfies such other requirements as may be prescribed.

Protocols to be made available

(3) A sport organization shall, in accordance with the regulations, ensure that its removal-from-sport protocol and return-to-sport protocol are made available to the prescribed persons.

Rowan's Law Day

5 (1) Subject to subsection (2), the last Wednesday in September in each year is proclaimed as Rowan's Law Day.

Minister may declare a different day

(2) For any particular year, the Minister may declare that Rowan's Law Day is on any day of the year other than the day referred to in subsection (1).

Progress reports re recommendations

6 (1) The Minister shall prepare reports about the progress made in implementing all or some of the recommendations set out in "Creating Rowan's Law: Report of the Rowan's Law Advisory Committee", dated September 2017, which is available on a Government of Ontario website.

Public access to reports

(2) The Minister shall publish the reports required under this section on a Government of Ontario website.

First report

(3) A first report shall be published on the day this section comes into force.

Subsequent reports

(4) Subsequent reports shall be published every two years after the day this section comes into force, until such time as the Minister prepares a final progress report.

Regulations

7 (1) The Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or advisable for the purposes of this Act, including,

- (a) prescribing or otherwise providing for anything that is required or permitted under this Act to be prescribed or otherwise provided for in the regulations, including governing anything required or permitted to be done in accordance with the regulations;
- (b) governing the manner in which an individual gives confirmation to a sport organization for the purposes of sections 2 and 3;
- (c) governing concussion codes of conduct required under section 3, including,
 - (i) specifying circumstances in which a sport organization's concussion code of conduct applies or does not apply, and
 - (ii) prescribing rules for determining whether a sport organization's concussion code of conduct applies in specified circumstances;
- (d) governing removal-from-sport protocols and return-to-sport protocols, including,
 - (i) specifying circumstances in which a sport organization's removal-from-sport protocol or return-to-sport protocol applies or does not apply, and
 - (ii) prescribing rules for determining whether a sport organization's removal-from-sport protocol or return-to-sport protocol applies in specified circumstances;
- (e) governing how the requirements in this Act or the regulations apply in respect of two or more sport organizations that carry out similar or related activities in connection with the same amateur competitive sport;
- (f) exempting any person or entity or class of persons or entities from any provision of this Act or the regulations, subject to such conditions or restrictions as may be prescribed;
- (g) defining any word or expression used in this Act that is not already defined and further defining any word or expression used in this Act that is already defined in this Act;
- (h) providing for such transitional matters as the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of this Act or the regulations.

Classes of sport organizations

(2) A regulation may create different classes of sport organizations and may impose different requirements, conditions or restrictions on, or relating to, each class.

Classes of sports

(3) A regulation may apply differently to different sports or classes of sports.

Education Act

8 (1) The heading to Part XIII.1 of the *Education Act* is repealed and the following substituted:

**PART XIII.1
PUPIL HEALTH**

(2) The Act is amended by adding the following heading immediately before section 317:

NUTRITIONAL STANDARDS

(3) Part XIII.1 of the Act is amended by adding the following section:

CONCUSSIONS

Minister's policies and guidelines re concussions

321 (1) The Minister may establish and require boards to comply with policies and guidelines respecting concussions in pupils.

Regulations, private schools

(2) The Minister may make regulations prescribing requirements respecting concussions in pupils of private schools and requiring private schools to comply with the prescribed requirements.

Consistency with *Rowan's Law (Concussion Safety), 2017*

(3) Any policies and guidelines established under subsection (1) and any regulations made under subsection (2) shall be consistent with *Rowan's Law (Concussion Safety), 2017*.

Commencement

9 (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

(2) Sections 1, 2, 3, 4, 6, 7 and 8 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

10 The short title of this Act is *Rowan's Law (Concussion Safety), 2017*.