

**Caution:**

*This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.*

CONSULTATION DRAFT

**ONTARIO REGULATION**

to be made under the

**ROWAN'S LAW (CONCUSSION SAFETY), 2018**

**GENERAL**

**Interpretation**

1. In this Regulation,

“designated person” means, in respect of a sport organization, a person designated by the sport organization’s removal-from-sport protocol for the purposes of clause 4 (1) (b) of the Act or by its return-to-sport protocol for the purposes of clause 4 (2) (c) of the Act.

(2) For the purposes of the Act, a reference to a coach includes any type of coach, including a head coach or assistant coach.

**Sport organizations**

2. (1) Amateur competitive sport: For the purpose of the definition of “sport organization” in section 1 of the Act, an amateur competitive sport means a sport listed in the Schedule to this Regulation and, if applicable, includes the parasport version of the sport.

(2) Prescribed activities: Each of the following are a prescribed activity for the purpose of the definition of “sport organization” in section 1 of the Act:

1. Training athletes.
2. Conducting practices among athletes.
3. Organizing or holding one or more tournaments, contests or other competitions among athletes.

(3) Prescribed Criteria: For the purpose of the definition of “sport organization” in section 1 of the Act, the following prescribed criteria apply to a person or an entity other than a university, college of applied arts and technology or other post-secondary institution:

1. The organization has at least one individual under 26 years of age who participates in one or more of the activities prescribed by subsection (2) in relation to the amateur competitive sport.

(4) Exclusions: Despite subsection (2), an activity prescribed by that subsection does not include any of the following:

1. Activities focused primarily on the development of fundamental movement or sport skills and that are not focused on competition.
2. An activity where all of the following criteria are satisfied:
  - i. Individuals of various skill or experience or who are of various ages ordinarily practice or play together.
  - ii. The activity does not involve coaches or officials prescribed by paragraph 1 of subsection 3 (3).
  - iii. The composition of team members may change between games.
  - iv. The activity does not involve keeping track of an individual’s or a team’s standing between games or practices.

(5) Limitation: A sport organization is required to comply with the requirements that apply to a sport organization under the Act only in relation to its activities that satisfy all of the following requirements:

1. The activity is carried out in connection with an amateur competitive sport.
2. The activity is an activity prescribed by subsection (2).
3. The criteria set out in subsection (3) is met in respect of the activity.

(6) Special rule: A person or entity that is not a sport organization only because it has not satisfied the criteria set out in subsection (3) is not permitted to register an individual who is under 26 years of age unless, at the time of registration, the person or entity otherwise satisfies the requirements under the Act that would apply if the person or entity were a sport organization at the time of registration.

(7) For the purposes of the Act, a school or a private school as defined in the *Education Act* is not a sport organization.

### **Concussion awareness resources**

3. (1) For the purpose of subsections 2 (1) of the Act, the prescribed age is 26.

(2) For the purpose of subsection 2 (2) of the Act, the following rules apply in circumstances where an individual under 26 years of age has registered with a sport organization in a calendar year and is not required to re-register in a subsequent calendar year to remain registered:

1. The sport organization must require the individual to give, in every subsequent calendar year, the sport organization confirmation that they have reviewed the concussion awareness resources on or before the anniversary of the date of the individual's most recent registration.
2. The individual must have reviewed the concussion awareness resources within 12 months before the date in each year that they give the confirmation.

(3) For the purpose of subsection 2 (4) of the Act, the following are prescribed positions:

1. An official such as an umpire, a referee or judge, but only if the official presides over the field of play.
2. A designated person.

(4) For the purpose of subsection 2 (4) of the Act, a sport organization may permit an individual to serve as a coach or in another position set out in subsection (3) for the sport organization in a calendar year only if the individual has, in the calendar year, but before the first time they serve in that position in the year, given the sport organization confirmation that they have reviewed the concussion awareness resources within 12 months before the confirmation is given.

(5) In circumstances where an individual is serving as a coach or in another position set out in subsection (3) for a sport organization on the day subsection 2 (4) of the Act comes into force, the individual may, despite subsection (4) of this section, continue to serve in the position for the sport organization for the calendar year but must give the sport organization confirmation within 60 days after the day subsection 2 (4) of the Act comes into force that they have reviewed the concussion awareness resources within 12 months before the confirmation is given.

(6) Despite subsection 2 (4) of the Act, an individual who serves as a coach or in a position prescribed by subsection (3) of this section for a sport organization is not required to give the sport organization confirmation that they have reviewed the concussion awareness resources if the individual serves as a coach or in the prescribed position exclusively for individuals who are 26 years of age or older.

(7) For the purposes of subsections 2 (1) to (4) of the Act, an individual may give confirmation to a sport organization in writing or electronically.

(8) Despite subsections 2 (1), (3) and (4) of the Act, the following rules apply with respect to a sport organization holding a competition in Ontario:

1. The sport organization may register an individual who is not ordinarily resident in Ontario without requiring the individual to confirm that they have reviewed the concussion awareness resources.
2. If an individual referred to in paragraph 1 is under 18 years of age, the individual's parent or guardian is not required to confirm that they have reviewed the concussion awareness resources.

3. The sport organization may permit an individual not ordinarily resident in Ontario to serve as a coach or an official prescribed by paragraph 1 of subsection (3) for the sport organization without requiring the individual to confirm that they have reviewed the concussion awareness resources.

(9) A sport organization holding a competition in Ontario is not required to comply with section 2 of the Act if the sport organization is a corporation that is not incorporated by or under an Act of Ontario.

### Concussion code of conduct

4. (1) Subject to subsection (2), a code of conduct established by a sport organization must ensure that every individual set out in Column 3 of the following Table is required to make the commitment or give the acknowledgement set out opposite in Column 2:

Column 1 Item	Column 2 Description of commitment or acknowledgement	Column 3 Individuals required to make the commitment or give the acknowledgement
1.	Commitment to fair play and respect for all	Athletes, parents and guardians of athletes who are under 18 years of age, and coaches
2.	Commitment to concussion recognition and reporting, including self-reporting of possible concussion and reporting to a designated person when an individual suspects that another individual may have sustained a concussion	Athletes, parents and guardians of athletes who are under 18 years of age, and coaches
3.	Commitment to supporting the return-to-sport process	Athletes, parents and guardians of athletes who are under 18 years of age, and coaches
4.	Commitment to sharing any pertinent information regarding incidents of a removal from sport with the athlete's school and any other sport organization with which the athlete has registered	Athletes, parents and guardians of athletes who are under 18 years of age
5.	Commitment to providing opportunities before and after each training, practice and competition to enable athletes to discuss potential issues related to concussions	Coaches
6.	Commitment to zero-tolerance for prohibited play that is considered high-risk for causing concussions	Athletes, parents and guardians of athletes who are under 18 years of age, and coaches
7.	Acknowledgement of mandatory expulsion from competition for violating zero-tolerance for prohibited play that is considered high-risk for causing concussions	Athletes, parents and guardians of athletes who are under 18 years of age, and coaches
8.	Acknowledgement of escalating consequences for those who repeatedly violate the concussion code of conduct	Athletes, parents and guardians of athletes who are under 18 years of age, and coaches

(2) The following apply for the purpose of subsection (1):

1. A code of conduct is not required to contain the commitment set out in Column 2 of Item 6 of the Table unless the sport organization has adopted a zero-tolerance rule.

2. A code of conduct is not required to contain the acknowledgement set out in Column 2 of Item 7 of the Table unless the sport organization has adopted a mandatory expulsion rule.
3. A code of conduct is not required to contain the acknowledgement set out in Column 2 of Item 8 of the Table unless the sport organization has adopted a rule respecting escalating consequences.

(3) A sport organization must ensure that it reviews its code of conduct at least annually.

(4) If at any time a sport organization's code of conduct fails to comply with a requirement set out in subsection (1) or (2), the sport organization must update its code of conduct as soon as reasonably possible.

(5) For the purpose of subsection 3 (2) of the Act, the prescribed age is 26.

(6) For the purpose of subsection 3 (3) of the Act, the following rules apply in circumstances where an individual under 26 years of age has registered with a sport organization in a calendar year and is not required to re-register in a subsequent calendar year to remain registered:

1. The sport organization must require the individual to give, in every subsequent calendar year, the sport organization confirmation that they have reviewed the sport organization's concussion code of conduct on or before the anniversary of the date of the individual's most recent registration.
2. The individual must have reviewed the sport organization's concussion code of conduct within 12 months before the date in each year that they give the confirmation.

(7) For the purpose of subsection 3 (5) of the Act, a sport organization may permit an individual to serve as a coach for the sport organization in a calendar year only if the individual has, in the calendar year, but before the first time they serve in that position in the year, given the sport organization confirmation that they have reviewed the sport organization's concussion code of conduct within 12 months before the confirmation is given.

(8) In circumstances where an individual is serving as a coach for a sport organization on the day subsection 3 (5) of the Act comes into force, the individual may, despite subsection (6) of this section, continue to serve in the position for the sport organization for the calendar year

but must give the sport organization confirmation within 60 days after the day subsection 3 (5) comes into force that they have reviewed the sport organization's concussion code of conduct within 12 months before the confirmation is given.

(9) Despite subsection 3 (5) of the Act, an individual who serves as a coach for a sport organization is not required to give the sport organization confirmation that they have reviewed the sport organization's concussion code of conduct if the individual serves as a coach exclusively for individuals who are 26 years of age or older.

(10) For the purposes of subsections 3 (2) to (5) of the Act, an individual may give confirmation to a sport organization in writing or electronically.

(11) Despite subsections 3 (2), (4) and (5) of the Act, the following rules apply with respect to a sport organization holding a competition in Ontario:

1. The sport organization may register an individual who is not ordinarily resident in Ontario without requiring the individual to confirm that they have reviewed the sport organization's concussion code of conduct.
2. If an individual referred to in paragraph 1 is under 18 years of age, the individual's parent or guardian is not required to confirm that they have reviewed the sport organization's concussion code of conduct.
3. The sport organization may permit an individual not ordinarily resident in Ontario to serve as a coach for the sport organization without requiring the individual to confirm that they have reviewed the sport organization's concussion code of conduct.

(12) A sport organization holding a competition in Ontario is not required to comply with section 3 of the Act if the sport organization is a corporation that is not incorporated by or under an Act of Ontario.

(13) In circumstances where an individual who is registered with a sports organization attends a competition held by another sport organization, the concussion code of conduct of the sport organization holding the competition applies in respect of the individual while they are participating in the competition and not the concussion code of conduct of the other sport organization.

**Protocols**

5. (1) A removal-from-sport protocol required under subsection 4 (1) of the Act must satisfy the following requirements in addition to those set out in that subsection:

1. The protocol must require a designated person to remove an athlete from further training, practice or competition if the sport organization becomes aware that the athlete 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.
2. If an athlete is suspected of having sustained a concussion, the protocol must require a designated person to call 9-1-1 if, in the designated person's opinion, doing so is necessary.
3. The protocol must require the sport organization to make and keep records of all incidences where an athlete is removed from further training, practice or competition because they are suspected of having sustained a concussion.
4. When a designated person informs an athlete or, if the athlete is under 18 years of age, the athlete's parent or guardian that the athlete has been removed from further training, practice or competition, the protocol must require a designated person to advise the athlete or the parent or guardian that the athlete is required to undergo a medical assessment by a physician or a nurse practitioner before the athlete will be permitted to return to training, practice or competition in accordance with the sport organization's return-to-sport protocol.
5. The protocol must require a designated person to give an athlete or, if the athlete is under 18 years of age, the athlete's parent or guardian a copy of the sport organization's removal-from-sport and return-to-sport protocol when the athlete is removed from further practice, training or competition.

(2) A return-to-sport protocol required under subsection 4 (2) of the Act must satisfy the following requirements in addition to those set out in that subsection:

1. The protocol may permit an athlete to return to training, practice or competition if the athlete or, if the athlete is under 18 years of age, the athlete's parent or guardian provides confirmation to the designated person that the athlete,



- i. has undergone a medical assessment by a physician or nurse practitioner and have not been diagnosed as having a concussion, and
  - ii. has been medically cleared to return to training, practice or competition by the physician or nurse practitioner.
2. The protocol must require an athlete who is diagnosed by a physician or nurse practitioner as having a concussion to proceed through the graduated return-to-sport steps that are set out in the protocol.
3. The graduated return-to-sport steps may set out activities specific to the sport as well as intended outcomes of the activities that the athlete must successfully complete before moving on to the next step, but it must not permit an athlete to move on to unrestricted practice, training or competition unless he or she or, if the athlete is under 18 years of age, the athlete's parent or guardian provides a confirmation of medical clearance by a physician or nurse practitioner to a designated person.
4. The protocol must not permit an athlete to return to training, practice or competition through the graduated return-to-sport steps unless the athlete, or if the athlete is under 18 years of age, the athlete's parent or guardian has shared the medical advice or recommendations they received with a designated person, if any.
5. The protocol must require a designated person to inform an athlete who has been diagnosed as having a concussion or, if the athlete is under 18 years of age, the athlete's parent or guardian of the importance of disclosing the diagnosis to any other sport organization with which the athlete is registered or school that the athlete attends.
6. The protocol must require the sport organization to make a record of the athlete's progression through the graduated return-to-sport steps up until the athlete or, if the athlete is under 18 years of age, the athlete's parent or guardian has provided a confirmation of medical clearance by a physician or nurse practitioner to a designated person.

(3) A designated person may rely on the information received from an athlete or, if the athlete is under 18 years of age, from the athlete's parent or guardian in carrying out the designated person's responsibilities under a sport organization's return-to-sport protocol.

(4) The following rules apply with respect to personal information collected in the course of a sport organization carrying out its removal-from-sport and return-to-sport protocols:

1. A sport organization must limit the collection, use and disclosure of personal information to that which is reasonably necessary for the purpose of carrying out the removal-from-sport and return-to-sport protocols.
2. A sport organization shall limit access to such personal information to only those individuals who require it for the purpose of fulfilling their duties or obligations under the Act.
3. The sport organization shall retain, disclose and dispose of such personal information in a secure manner.
4. The sport organization shall create a retention policy for personal information.

(5) The following are prescribed persons for the purpose of subsection 4 (3) of the Act:

1. A designated person.
2. An athlete who has been removed from further training, practice or competition in accordance with the sport organization's removal-from-sport protocol or, if the athlete who has been removed is under 18 years of age, the athlete's parent or guardian.

(6) In circumstances where an athlete who is registered with a sports organization attends a competition held by another sport organization, the removal-from-sport protocol and return-to-sport protocol established by the sport organization holding the competition applies in respect of the athlete while they are participating in the competition and not the protocols of the other sport organization.

(7) For the purposes of subsection (4),

“personal information” has the same meaning as in section 2 of the *Freedom of Information and Protection of Privacy Act*.

**Special rules re post-secondary institutions**

6. Despite any other provision of this Regulation, the following rules apply with respect to a sport organization that is a university, college of applied arts and technology or other post-secondary institution:

1. For the purpose of subsection 2 (1) of the Act, the prescribed age is any age.
2. The criteria set out in subsection 2 (3) of this Regulation does not apply.
3. The exception set out in subsection 3 (6) of this Regulation does not apply.
4. For the purpose of subsection 3 (2) of the Act, the prescribed age is any age.
5. The exception set out in subsection 4 (9) of this Regulation does not apply.

**Commencement**

7. [Commencement].

SCHEDULE  
AMATEUR COMPETITIVE SPORTS

1. Alpine Skiing
2. Artistic Swimming
3. Ball Hockey
4. Baseball
5. Basketball
6. Biathlon
7. BMX Freestyle

12

8. Bobsleigh

9. Boxing

10. Broomball

11. Canoe & Kayak

12. Cricket

13. Cross Country Skiing

14. Curling

15. Cycling

16. Diving

17. Equestrian

18. Field Hockey

19. Figure Skating

20. Football

21. Freestyle Skiing

22. Goalball

23. Grappling

24. Gymnastics

25. Handball
26. Ice Hockey
27. Jiu-Jitsu
28. Judo
29. Karate
30. Kickboxing
31. Lacrosse
32. Luge
33. Marathon Swimming
34. Modern Pentathlon
35. Muaythai
36. Pankration
37. Racquetball
38. Ringette
39. Rowing
40. Rugby

41. Sailing
42. Skateboarding
43. Skeleton
44. Ski Jumping
45. Snowboard
46. Soccer
47. Softball
48. Special Olympic Floor Hockey
49. Speedskating
50. Sport Climbing
51. Squash
52. Surfing
53. Swimming
54. Taekwondo
55. Track & Field
56. Triathlon
57. Volleyball

58. Water Polo
59. Water Ski & Wakeboard
60. Wheelchair Basketball
61. Wheelchair Rugby
62. Wrestling
63. Wushu