



Concussion Awareness Advocacy

November, 2013

The Sandbox Project Injury Prevention Working Group has decided to focus on two priority projects – Concussion Awareness and Helmet Legislation Harmonization. The purpose of this document is to outline the Concussion Awareness Advocacy across different jurisdictions and recruit potential partners to join the steering committee for this initiative.

Rationale for Sandbox Leadership

As an organization, The Sandbox Project acts as a facilitator and catalyst as we work to bring organizations, institutions, corporations, and individuals together to break down silos and increase the capacity of underutilized initiatives. The Sandbox Project will lead a coalition of willing organizations to put an emphasis on the introduction and implementation of Concussion Education legislation across Canada.

The purpose of this document is to outline the current status of concussion education and the role of Partners and Donors for this campaign.

Publication: “Reaching for the Top” (2008)

Recommendation: Health Canada and the Public Health Agency of Canada should work with the provincial and territorial governments as well as health care experts, NGOs, and community organizations to develop and fund a 5-year national, evidence-based strategy for injury prevention in children in youth.

Status: The Government of Canada announced a National Injury Prevention Strategy in the 2010 Throne Speech. Funding was announced in the Budget the following day. The funding has been used for injury prevention initiatives focused on head injuries. This focus represents a portion of a National Injury Prevention Strategy for Children and Youth. The 2013 Throne Speech reiterated the government’s commitment to injury prevention stating that the government will “collaborate with injury prevention organizations, to reduce the injury rate in Canada.” New funding was approved for concussion research to improve the prevention, diagnosis and treatment of concussions in children and youth. Press release available [here](#).



Publication: “The Sandbox Project White Paper” (2012)

Recommendation: The Sandbox Project will help facilitate the creation and adoption of in-school concussion education programs that teach children and youth to guard against concussion and take appropriate measures when concussion is thought to occur.

Status: Four pieces of legislation have recently been introduced across the country that address concussions, with varying degrees of success. Three are provincially based, and one is federally based.

One proposed piece of legislation (Ontario) addresses the issue through the education sector, by establishing education, policy and guidelines that target school boards, employees, volunteers and students. This Ontario-based approach is the only jurisdiction to have government-introduced legislation.

Three proposed pieces of legislation address the issue through the sport and recreation sector, targeting organized sport through sport organizations, athletes, parents and coaches. These have been introduced as private members bills in Nova Scotia, British Columbia and federally through the House of Commons.

Recommendation

The Sandbox Project will take a leading role in promoting public policy to prevent concussion injury. Key activities for the Sandbox Project include:

- Raise public and political awareness of the need for concussion legislation;
- Endorse and promote the pieces of legislation that are currently being proposed; and
- Expand concussion legislation in other provinces using contacts from the Board of Directors.

The Current State of Concussion Legislation

1. Ontario

Bill 39, *An Act to amend the Education Act with respect to concussions* (Appendix I) is part of the Ontario Concussion Strategy. It will:

- Provide resources to parents, teachers and school staff about the seriousness of concussions
- Build awareness beyond schools about the dangers of concussions and how they should be managed
- Establish a committee to provide advice on concussion prevention, identification and management in schools and to study how evidence-based resources can be best used.



One of the features of the Act includes requiring boards to establish policies, outlining the responsibilities of board employees, classes, and other staff and volunteers in concussion management, including the removal of pupils suspected of having concussions from athletics and physical education.

Strengths:

One of strengths of this proposed legislation is that by going through the Ministry of Education, the reach is wider than legislation that targets sport and recreation. It will impact all children, not just those involved in organized activities.

Status:

The Sandbox Project met with Kerry Smuk, Senior Advisor for Policy in the Office of the Minister of Education to discuss this piece of legislation. The Sandbox Project will be in close contact with the Ministry going forward as this legislation goes through the next stages. The Sandbox Project has offered to help raise awareness when appropriate. This bill died on the table.

2. Nova Scotia

Bill No. 7 *Concussion Awareness Act* (Appendix II) was introduced as a private members bill in 2011 by Chuck Porter MLA (PC). The bill proposes that The Minister of Health and Wellness develop and annually offer organized athletic teams with school-age children and all minor sports organizations in the province, education on the impact of a concussion and procedures designed to protect players after sustaining a head injury. The Bill has gone through its first reading.

3. British Columbia

Bill M-206 *Concussions in Youth Sport Safety Act* (Appendix III) calls for youth sports organizations to develop and adopt guidelines and other information tools to inform and educate coaches, youth athletes, and their parents and/or guardians of the nature and risk of concussion and head injury (including continuing to play after concussion or head injury). The bill was introduced by Dr. Moira Stillwell, MLA (Liberal).

One feature of this act would require the annual completion of a concussion and head injury information sheet, signed and returned by a youth athlete and the athlete's parent and/or guardian prior to the youth athlete's initiating practice or competition in a high risk sport. It would also mandate the removal of a youth athlete who is suspected of sustaining a concussion or head injury in a practice or game.

Status: While the proposed act died on the floor at the end of session, Dr. Sillwell is currently working with the provincial health ministry and is exploring opportunities to do concussion awareness raising activities in fall, 2012.



4. National Strategy

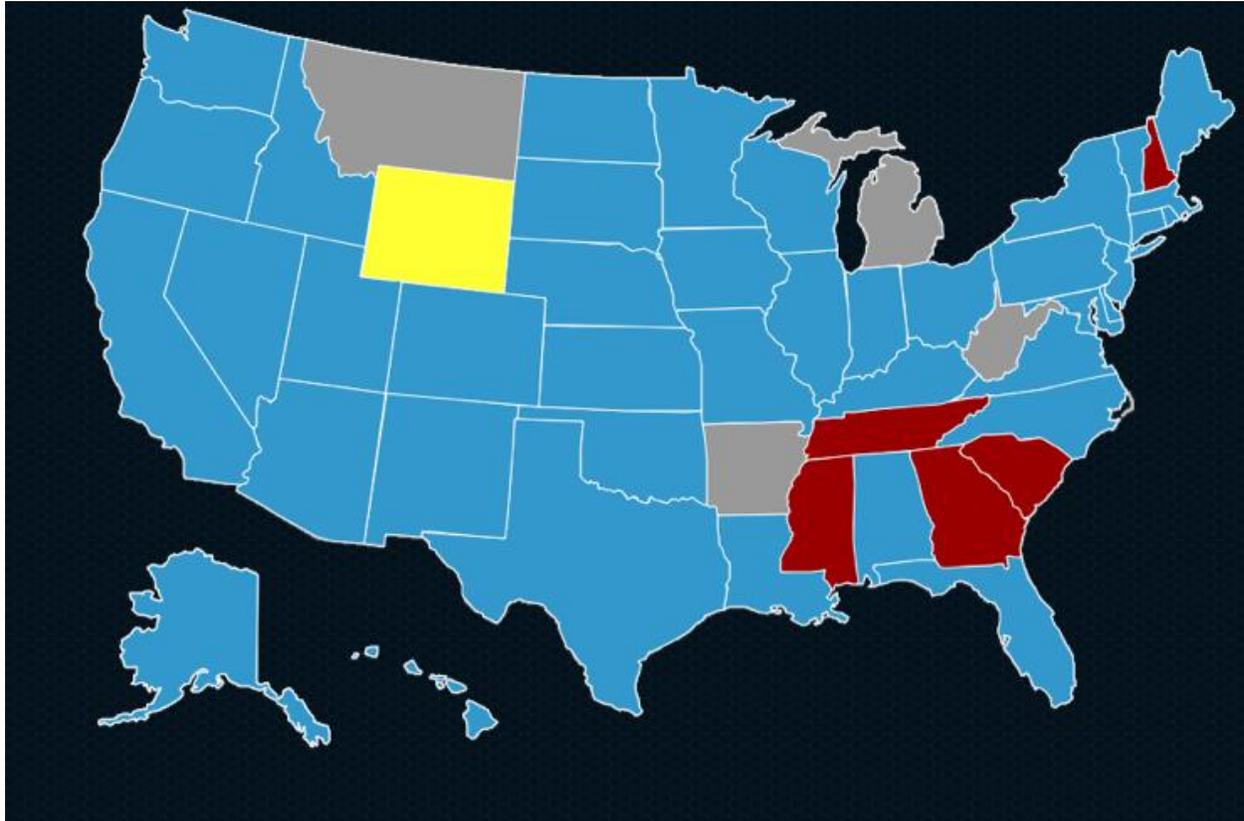
Bill C-319 (Appendix IV) was proposed by Glenn Thibeault, Sudbury MP (NDP) is an act proposing the development of a national strategy to reduce the incidence of serious injury in amateur sport. The Minister and the Minister of State (Sport) must, within six months after this Act comes into force, convene a conference with provincial and territorial ministers and representatives of the athletic and medical communities for the purpose of developing a national strategy that includes:

- a. The establishment of a national medical surveillance program to properly track incidence rates and the associated economic costs of injuries in amateur sport
- b. the establishment of guidelines regarding the prevention, identification, treatment and management of cerebral concussions in amateur athletes, including the criteria that must be met before amateur athletes are permitted to return to play after suffering a cerebral concussion;
- c. the preparation of a submission to the Minister of Justice proposing an amendment to the Criminal Code that would make it an offence for a coach or any other person in a position of authority to knowingly permit a participant to return to play without meeting the criteria specified under the guidelines referred to in paragraph
- d. the establishment of national standards for the training of coaches and other persons involved in amateur sport with respect to the health and safety of participants; and
- e. the creation of a comprehensive standardized educational program for coaches and other persons involved in amateur sport that is designed to enhance participant safety at all levels of amateur sport.

Current State of American Concussion Legislation

Blue states have passed concussion legislation, **yellow** states have partial concussion legislation and red states have pending legislation (as of May, 2012). **Grey** States have no proposed pieces

of legislation. For an interactive version of this map, [click here](#).



There are three main tents of “ideal” concussion legislation as deemed by The Center for Sports Concussion at Idaho State University:

- i. To mandate educational outreach to coaches, parents and athletes;
- ii. To mandate immediate removal from play of any athlete who sustains a concussion or who exhibits signs, symptoms or behaviors consistent with the injury AND to only allow those athletes to return to physical activity after receiving written clearance from an appropriate health care provider who is trained in concussion management;
- iii. To require parents to sign an acknowledgment form prior to allowing their child to pay contact sport. Parent acknowledges receiving information on concussion and acknowledges concussion and acknowledges concussion risks involved with sport.

The push for national concussion legislation continues throughout the United States. Federally H.R. 469: *Protecting Student Athletes from Concussions Act of 2011*. The bill was introduced and referred to Committee on January 26, 2011. The Act Requires each state educational agency, in order to be eligible to receive funds under the Elementary and Secondary Education Act of 1965 in FY2013 or subsequent fiscal years, to issue regulations establishing the following



minimum requirements for the prevention and treatment of concussions. Requires each local educational agency in the state to develop and implement a standard plan for concussion safety and management that includes:

- i. The education of students, parents, and school personnel about concussions;
- ii. Supports for students recovering from a concussion;
- iii. Best practices designed to ensure the uniformity of safety standards, treatment, and management.

Requires each public elementary and secondary school to post on school grounds and make publicly available on the school website information on concussions, including information on risks, responses, symptoms, and effects. Requires public school personnel who suspect that a student has sustained a concussion during a school-sponsored activity to:

- i. Remove the student from the activity and prohibit such student from participating in school athletic activities until the student submits a written release from a health care professional; and
- ii. Report to the student's parent or guardian regarding such injury and the treatment provided.

Prohibits a student who has sustained a concussion in a school-sponsored athletic activity from resuming participation in school-sponsored athletic or academic activities until the school receives a written release from a health care professional that:

- i. States that the student is capable of resuming participation;
- ii. May require the student to follow a plan designed to aid such individual in recovering and resuming participation in a manner that is coordinated with periods of cognitive and physical rest, and that reintroduces cognitive and physical demands on a progressive basis, based on the student's symptoms.



Partners

Potential Roles:

The goals of developing partnerships are to create the widest possible network, demonstrate solidarity across organizations, and to ensure messaging and activities are perceived to be highly credible. Key activities led by partners may include:

- Contribute to the development of common messaging about concussion and the role of legislation.
- Contribute a letter of support for the introduction of concussion education legislation in each province.
- Disseminate messaging and information throughout their networks, targeting their governing boards, organizational members, partners, and their sector of the general public.
- Identify and meet with local leaders and influencers to communicate key messages (including elected municipal, provincial, and federal officials).
- Encourage and motivate volunteers, members, partners, and the general public to contact their local leaders with common messaging.

Committed Partners

- **The Sandbox Project**
 - Dr. Christine Hampson – President & CEO
 - Scott Watson – Director, Partnerships & Initiatives
- **Parachute: Leaders in Injury Prevention**
 - Dr. Charles Tator – Founder of ThinkFirst, Professor of Neurosurgery at University of Toronto & Division of Neurosurgery at Toronto Western Hospital.
 - Pamela Fuselli – VP, Government & Stakeholder Relations
 - Amy Padro – Manager of Government Relations
- **BC Children’s Hospital**
 - Dr. Sheila Babul – Associate Director, Sports Injury Specialist, BC Injury Research & Prevention Unit, BC Children’s Hospital Investigator, Developmental Neurosciences and Child Health & Child and Family Research Institute Clinical Assistant Professor & Department of Pediatrics at UBC.
- **University of Calgary**
 - Carolyn Emery



Sponsors

Potential roles:

- Provide financial and/or in-kind services to develop awareness raising tools (online activities, social media, e-advocacy campaign)
- Provide financial and/or in-kind services and products for media-generating events
- Promote key messaging throughout their own communications and partnering network
- Help secure public figures as spoke-persons (including athletes that they may already sponsor)



Appendix I: Ontario

Bill 39, Education Amendment Act (Concussions), 2012

[Brotten, Hon Laurel C.](#) *Minister of Education*

Current Status: First Reading – Carried

Bill 39

2012

An Act to amend the Education Act with respect to concussions

Note: This Act amends the *Education Act*. For the legislative history of the Act, see the Table of Consolidated Public Statutes – Detailed Legislative History at www.e-Laws.gov.on.ca.

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

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

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

(a) respecting the distribution of information to pupils, parents, guardians, board employees and volunteers about the prevention of head injuries, the identification of symptoms of concussions and the management of concussions;

(b) respecting when a pupil who is suspected of having sustained a concussion is to be removed from or prevented from further participating in intramural or inter-school athletics or any part of the health and physical education curriculum;

(c) respecting the return of a pupil who has or may have sustained a concussion to intramural or inter-school athletics or to any part of the health and physical education curriculum, or his or her return to learning;

(d) respecting the responsibilities of board employees, classes of board employees, or other persons who are involved in intramural or inter-school athletics or any part of the health and physical education curriculum in relation to the prevention of head injuries, the identification of symptoms of concussions and the management of concussions;

(e) specifying other persons, in addition to board employees, who have responsibilities described in clause (d);

(f) respecting any other matter that a board's policies and guidelines must address;



(g) respecting any requirements that must be included in a board's policies and guidelines.

Same

(2) The Minister may specify in a policy or guideline established under subsection (1) a date or dates by which boards must establish policies or guidelines under subsection (3), or parts of them.

Board's policies and guidelines

(3) Every board shall establish policies and guidelines respecting head injuries and concussions in pupils, and the policies and guidelines must,

(a) be consistent with the policies and guidelines established by the Minister under subsection (1) and with any regulations made under subsection (4); and

(b) address the matters listed in clauses (1) (a) to (f) and include any requirements described in clause (1) (g).

Minister's regulations

(4) The Minister may make regulations governing all aspects of head injuries and concussions in pupils, including regulations relating to any matter listed in clauses (1) (a) to (e).

General or particular

(5) A regulation made under subsection (4) may be general or particular.

Not regulations

(6) Policies and guidelines established under this section are not regulations within the meaning of Part III (Regulations) of the *Legislation Act, 2006*.

No liability if person acts reasonably and in good faith

(7) A board employee or volunteer who is involved in intramural or inter-school athletics or any part of the health and physical education curriculum is not personally liable in a civil proceeding for an act or omission if the person acts reasonably in the circumstances, in good faith and in accordance with the Act, regulations and with any policies and guidelines made under this section.

Commencement

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5. The short title of this Act is the *Education Amendment Act (Concussions), 2012*.

EXPLANATORY NOTE

The Bill 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 make policies and guidelines respecting head injuries and concussions and sets out a list of matters that this power includes. The section requires boards to establish policies and guidelines respecting head injuries and concussions and requires boards to address the specified matters. The Minister is also given authority to make regulations about the same matters. The section describes when board employees or volunteers will not be liable in a civil proceeding for their acts or omissions.



Appendix II: Nova Scotia

BILL NO. 7 (as introduced)

4th Session, 61st General Assembly, Nova Scotia. 61 Elizabeth II, 2012

Private Member's Bill: **Concussion Awareness Act**

Chuck Porter, Hants West

[First Reading](#): April 2, 2012

An Act to Promote Education Respecting Concussion in Sports

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the Concussion Awareness Act.

2 In this Act,

(a) "school-age" means under the age of nineteen years;

(b) "sport" means baseball, basketball, cheer leading, diving, field hockey, football, indoor track (pole vault), lacrosse, outdoor track (pole vault), soccer, softball and volleyball.

3 This Act applies to all school-age participants on organized team sports and to all participants in minor sports.

4 (1) Subject to Section 6, the Minister of Health and Wellness shall develop and make available annually to organized athletic teams in the Province with school-age children and to all minor sports organizations in the Province education on the impact of a concussion and respecting procedures designed to protect players after sustaining a head injury.

(2) The education must stress the seriousness of the long-term effects caused by a sports-related concussion.

(3) The education may consist of a classroom session, a video or printed material.

5 (1) The Governor in Council may make regulations

(a) defining any word or expression used but not defined in this Act;

(b) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the Regulations Act.

6 The moneys required for the purpose of this Act must be paid out of moneys appropriated for that purpose by the Legislature.



Appendix III: British Columbia

DR. MOIRA STILWELL

BILL M 206 — 2011 CONCUSSIONS IN YOUTH SPORT SAFETY ACT

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 In this Act:

"Health Care Professional" means a person licensed to provide health care under one of the following Acts:

(a) a person registered as a member of a college established or continued under the *Health Professions Act*, or

(b) a member of another organization that is designated by regulation of the Lieutenant Governor in Council.

"high risk sport" means a sport in which participants may be subjected to concussion as designated by regulation.

"youth athlete" means a person under the age of 19 who participates in a high risk sport.

"youth sports organization" means an organization providing a high risk sport program participated in by youth athletes.

2 Youth sports organizations must develop and adopt guidelines and other pertinent information and forms to inform and educate coaches, youth athletes, and their parents and/or guardians of the nature and risk of concussion and head injury including continuing to play after concussion or head injury.

3 On a yearly basis, a concussion and head injury information sheet must be signed and returned by a youth athlete and the athlete's parent and/or guardian prior to the youth athlete's initiating practice or competition in a high risk sport.

4 A youth athlete who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from competition at that time.

5 A youth athlete who has been removed from play may not return to play until the athlete is evaluated by a licensed health care professional trained in the evaluation and management of concussion and receives clearance to return to play from that health care professional. The health care professional may be a volunteer. A volunteer who authorizes a youth athlete to return to play is not liable for civil damages resulting from any act or omission in the



rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

6 This Act comes into force by regulation of the Lieutenant Governor in Council.

Explanatory Note

The most common brain injury is a concussion. Most concussions occur without loss of consciousness and often are overlooked, with potentially serious consequence. Young athletes are particularly susceptible to concussions; in fact, according to the Canadian Paediatric Society, the majority of sport-related head injuries occur in individuals younger than 20 years old. Young athletes, their parents and coaches need to be aware of the risks that a second concussion can have if a previous concussion has yet to heal, and not feel pressured to hide their injuries or return to play prematurely. An impact delivered to the head of an athlete who has not yet fully recovered from an initial concussion can be devastating.

This Bill recognizes the importance of three criteria in protecting young brains: removing a child or youth athlete from play if a concussion is suspected; ensuring the child or youth does not return to play until he or she has received medical clearance; and, providing education on sport-related concussions to athletes, coaches and parents.



Appendix IV: Federal

1st Session, 41st Parliament,
60 Elizabeth II, 2011
HOUSE OF COMMONS OF CANADA

BILL C-319

Introduction and First Reading

2009-02-12

ct respecting a national strategy to reduce the incidence of serious injury in amateur sport

Whereas sport is a cultural institution that merits protection and support from the Government of Canada;

Whereas recent medical research has demonstrated the pervasiveness of serious injury in amateur sport;

Whereas many sports injuries are preventable through the effective dissemination of appropriate information;

Whereas a concerted effort by committed communities, governments and organizations across Canada can make a tangible difference in preventing deaths and serious injuries that result from participation in amateur sport and athletics;

Whereas injuries in amateur sport are a significant public health issue and it is important to reduce the incidence of such injuries and their impact on Canadians, particularly the long-term individual and societal impacts that can result from serious sports injuries;

Whereas cerebral concussions have demonstrated cumulative and long-lasting effects on memory, judgement, social conduct, reflexes, speech, balance and coordination;

Whereas it is in the interest of all Canadians that a national strategy to reduce the incidence of injury in amateur sport be developed and implemented with a view to changing the existing attitudes of Canadians towards sports injuries, mobilizing individuals and organizations and fostering further policy development in this area;

And whereas the Government of Canada, in consultation with the ministers responsible for health care and sport in each province and territory, wishes to encourage the development of a national strategy to reduce the incidence of injury in amateur sport;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title **1.** This Act may be cited as the *National Strategy for Serious Injury Reduction in Amateur Sport Act*.

INTERPRETATION

Definitions **2.** The following definitions apply in this Act.

“Minister”
« *ministre* » “Minister” means the Minister of Health.

“national strategy” “national strategy” means a national strategy to reduce the incidence of

« *stratégie nationale* » serious injury in amateur sport.

“provincial and territorial ministers” “provincial and territorial ministers” means the provincial and territorial ministers responsible for health and the provincial and territorial ministers responsible for sport.
 « *ministres provinciaux et territoriaux* »

NATIONAL STRATEGY

- Conference **3.** The Minister and the Minister of State (Sport) must, within six months after this Act comes into force, convene a conference with provincial and territorial ministers and representatives of the athletic and medical communities for the purpose of developing a national strategy that includes
- (a) the establishment of a national medical surveillance program to properly track incidence rates and the associated economic costs of injuries in amateur sport;
 - (b) the establishment of guidelines regarding the prevention, identification, treatment and management of cerebral concussions in amateur athletes, including the criteria that must be met before amateur athletes are permitted to return to play after suffering a cerebral concussion;
 - (c) the preparation of a submission to the Minister of Justice proposing an amendment to the *Criminal Code* that would make it an offence for a coach or any other person in a position of authority to knowingly permit a participant to return to play without meeting the criteria specified under the guidelines referred to in paragraph (b);
 - (d) the establishment of national standards for the training of coaches and other persons involved in amateur sport with respect to the health and safety of participants; and
 - (e) the creation of a comprehensive standardized educational program for coaches and other persons involved in amateur sport that is designed to enhance participant safety at all levels of amateur sport.
- Preparation and publication of report **4.** The Minister must prepare a report setting out the national strategy and publish it on the departmental website within one year after the conclusion of the conference referred to in section 3.
- Report to Parliament **5.** The Minister must cause a copy of the report referred to in section 4 to be laid before each House of Parliament on any of the first 90 days on which that House is sitting after the report has been published on the departmental website.
- Provincial and **6.** The Minister of Finance may, on the advice of the Minister, establish guidelines regarding the allocation of funding, for the



territorial funding purpose of implementing the national strategy, to provincial and territorial governments that have enacted legislation to implement that strategy and have met the criteria prescribed by regulation.

REVIEW AND REPORT

Review

7. The Government of Canada must

- (a) complete a review of the effectiveness of the national strategy no later than five years after the day on which the report referred to in section 4 is published on the departmental website; and
- (b) table a report on its findings before each House of Parliament within the next ten sitting days after the review is completed.

REGULATIONS

Regulations

8. The Governor in Council may make regulations for carrying out the purposes and provisions of this Act.

Published under authority of the Speaker of the House of Commons

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