

## USADA POLICY FOR THERAPEUTIC USE EXEMPTIONS AND DECLARATIONS OF USE

### 1) General Principles

USADA's Policy for Therapeutic Use Exemptions and Declarations of Use is based upon the relevant provisions of the World Anti-Doping Code (the "*Code*")<sup>1</sup> and the provisions of the World Anti-Doping Agency ("WADA") International Standard for TUEs ("IS TUE") which are incorporated herein as if fully set forth. This Policy is informed by the following general principles which provide the context for USADA's Policy.

It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. **Source:** *Code*, Article 2.1.1.

*Athletes* with documented medical conditions requiring the use of a *Prohibited Substance* or a *Prohibited Method* must request a therapeutic use exemption ("*TUE*") from their International Federation ("*IF*") or USADA. For certain major competitions such as the Olympic Games and the Pan American Games TUEs must be sought directly from the event organizer and a USADA TUE or TUE from an IF will not be sufficient. **Source:** *Code*, Article 4.4.

*Athletes* who are in the IF's *Registered Testing Pool* or who intend to compete in an *International Event* may only obtain *TUEs* in accordance with the rules of their IF or the event organizer. **Source:** *Code*, Article 4.4.

Each IF shall publish a list of those *International Events* for which a *TUE* from the IF is required. **Source:** *Code*, Article 4.4.

All *Athletes* in the USADA *Registered Testing Pool* ("USADA RTP") who require a *TUE* and who have not gotten a *TUE* from their IF must contact USADA. USADA will recognize a valid *TUE* obtained from an *Athlete's* IF.

An application for a *TUE* will not be considered for retroactive approval except in cases where:

- a. emergency treatment or treatment of an acute medical condition was necessary, or
- b. due to exceptional circumstances, there was insufficient time or opportunity for an applicant to submit, or a therapeutic use exemption committee ("*TUEC*") to consider, an application prior to doping control.

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<sup>1</sup> Capitalized and italicized terms have the meaning set forth in the Definitions Section of the World Anti-Doping Code or the International Standard for Therapeutic Use Exemptions.

Specific national rules for *TUEs* may be established for non-international-level or non-national level competitors without being in conflict with the *Code*. **Source:** *Code*, Definition of “*Athlete*.”

## 2) **Definitions**

A complete list of definitions from the *Code* and IS TUE which are relevant to this Policy can be found in Article 3 of the IS TUE. In addition, the following definitions have particular importance in applying this Policy:

- a) **Foreign Athlete:** For purposes of this Policy, a “Foreign Athlete” is an *Athlete* who is not a resident of the United States and is not either an International Level Athlete or a National Level Athlete as defined below.
- b) **International Event:** An *Event* where the International Olympic Committee, the International Paralympic Committee, an IF, a *Major Event Organization*, or another international sport organization is the ruling body for the *Event* or appoints the technical officials for the *Event*. Note: Pursuant to *Code* Article 4.4, each IF is required to publish a list of those *International Events* for which a *TUE* from the IF is required.
- c) **International-Level Athlete:** *Athletes* designated by one or more IFs as being within the *Registered Testing Pool* for an IF.
- d) **National Level Athlete:** For purposes of this Policy a “National Level Athlete” is any *Athlete* in the USADA RTP who is not in the *Registered Testing Pool* of an IF.
- e) **Non-National Level Athlete:** For purposes of this Policy a “Non-National Level Athlete” is any United States *Athlete* who is not an *International-Level Athlete* or an *Athlete* entered into an *International Event* and is not a National Level Athlete and over whom USADA has authority to conduct results management in relation to an *Adverse Analytical Finding*, an *Atypical Finding* or other potential anti-doping rules violation.

## 3) **National Level Athletes**

USADA will process *TUE* applications for National Level Athletes in accordance with the IS TUE.

- a) A National Level Athlete may apply to USADA for a *TUE* for any substance at any time, however, such applications must be complete and received by USADA at least twenty-one (21) days in advance of any use prohibited in sport.
- b) *TUEs* will only be considered for retroactive approval in accordance with the strict criteria set forth in the IS TUE.

**WARNING:** For substances which are prohibited only in-competition the athlete must ensure sufficient time for clearance from the body before the competition. Urine

excretion rates for various substances vary between individuals and the *Athlete* must allow sufficient time to avoid an **anti-doping rules violation**. Of course, discontinuance of a medication can also have adverse health consequences and should never be undertaken without consultation with the *Athlete's* physician and a full appreciation of the risks involved. The only completely safe method for an *International-Level Athlete* or a National Level Athlete to use a *Prohibited Substance* without risking an anti-doping rule violation is to obtain a *TUE* prior to using a *Prohibited Substance* or *Prohibited Method*.

#### **4) International Level Athletes**

USADA's TUE Policy does not apply to *International-Level Athletes*. USADA will assist *International-Level Athletes* in the USADA RTP with forwarding applications for *TUEs* if such requests for USADA assistance are made at least 21 days in advance of the *Athlete's Use* of the medication where prohibited in sport.

Some IFs have granted USADA authority to process *TUEs* for *International-Level Athletes* who are U.S. citizens; USADA will process their *TUE* applications in accordance with the rules of the IF and the IS TUE.

**WARNING:** If a National Level Athlete competes in an *International Event* they may be required to obtain a TUE in advance from the relevant IF. It is the responsibility of every *Athlete* to investigate the applicable TUE requirements before competing in an *International Event*.

#### **5) Non-National Level Athletes**

- a) Non-National Level Athletes are required to obtain an advance TUE for prohibited substances with the exception of a **first** AAF caused by one or more of the:
  - i) substances prohibited only in-competition or prohibited by particular sports,
  - ii) the class of "Diuretics and Other Masking Agents",
  - iii) Beta-2 agonists (except inhaled salbutamol/albuterol and salmeterol), and
  - iv) insulin where the athlete can demonstrate diagnosis of insulin-dependent diabetes.

TUEs will be obtained in the same manner as for National Level Athletes as set forth in Section 3 above.

- b) Non-National Level Athletes who have a **first** AAF caused by the *Use* of a medication will not have committed an anti-doping rules violation for substances outlined in Section 5 a) i – iv above if the rules below are followed.

- i) For substances listed in 5)a) above
- (1) The *Athlete* has a medical condition which was well documented in his or her medical records prior to the date doping control was performed.
  - (2) The *Athlete*, at the *Athlete's* expense, promptly undergoes any additional medical examination and testing requested by USADA, including, but not limited to, seeing particular physicians which may be designated by USADA.
  - (3) The facts and circumstances of the case put to rest any reasonable suspicion that the *Athlete* used the substance for the purpose of enhancing the *Athlete's* performance. Completing the "Declaration of Use" section on the DCOR shall be considered strong proof that the use of the substance was not intended to enhance performance.
  - (4) If the *Athlete* intends to compete further in any *Event* or *Competition* that may be drug tested by USADA the *Athlete* must apply for a *TUE* for **any prohibited substance** in advance of any further *Event* or *Competition*.

Non-National Level Athletes who have once had an *AAF* caused by the use of any substance shall be liable for an anti-doping rules violation for any future positive drug test for any substance unless they have applied for and been granted a *TUE* for the substance in accordance with the IS TUE;

**6) Substances requiring a Declaration of Use according to the Prohibited List.**

An athlete should satisfy the Declaration of Use requirement by declaring use of the substance on the doping control official record at the time of testing AND by submitting a USADA Website Declaration of Use (for transmission to ADAMS), in accordance with the IS TUE.

The Website Declaration should be made electronically at the time the *Use* starts via the secure website access provided by USADA and in advance of any *Competition* or *Event* in which the *Athlete* will participate. The information provided to USADA must include the diagnosis, the name of the substance, the dose to be taken, and the name and contact details of the physician. USADA will provide this information to WADA.

***International-Level Athletes, National Level Athletes and All Athletes competing in an International Event*** – who use substances that require a Declaration of Use according to the Prohibited List shall declare the use of the substance via a Website Declaration of Use on [www.usada.org](http://www.usada.org) (for transmission to WADA through ADAMS) and completion of the "Declaration

of Use” section of the Doping Control Official Record (DCOR) at the time of doping control.

**Non-National Level Athletes not competing in an *International Event*** - Non-National Level Athletes shall submit a Declaration of Use for the relevant substances on the Prohibited List both on USADA’s website (Website Declaration of Use) and on the Doping Control Official Record at the time of testing.

6) **Effective Date**

This USADA TUE Policy shall go into effect on January 1, 2010. This Policy shall not apply retrospectively to matters pending before January 1, 2010 except as provided in Article 25 of the *Code*.