1. GENERAL PRINCIPLES

The United States Anti-Doping Agency (“USADA”) Policy for Therapeutic Use Exemptions (“USADA TUE Policy”) is based upon the relevant provisions of the World Anti-Doping Code (the “Code”) and the provisions of the World Anti-Doping Agency (“WADA”) International Standard for Therapeutic Use Exemptions (“ISTUE”) which are incorporated herein as if fully set forth. This Policy is informed by the following general principles which provide the context for the USADA TUE Policy.

It is the Athletes’ personal duty to ensure that no Prohibited Substance enters their bodies and that no Prohibited Method is Used. Athletes are responsible for any Prohibited Substance and/or its Metabolites or Markers found to be present in their Samples and/or Prohibited Method Used or Attempted to be Used. Source: Code, Article 2.1.1 and 2.2.1.

Athletes with a Therapeutic need for the Use, Possession and/or Administration of a Prohibited Substance and/or a Prohibited Method must request a Therapeutic Use Exemption (“TUE”) from their International Federation or USADA. In some specific cases, a TUE may be requested by a Major Event Organization.

All Athletes in the USADA Registered Testing Pool or Clean Athlete Program who require a TUE and who have not received one from their International Federation must contact USADA. A TUE granted by an International Federation or another National Anti-Doping Organization is valid at the national level. Source: ISTUE Article 5.2.

For Athletes who are International-Level Athletes or who intend to compete in an International Event, TUEs already granted by USADA, which meet the ISTUE criteria, must be recognized by the International Federation. If the International Federation determines that the TUE does not meet ISTUE criteria and so refuses to recognize it, the International Federation must promptly notify the Athlete and USADA of its determination, with reasons. The Athlete or USADA shall then have twenty-one (21) days from such notification to refer the matter to WADA for review. If the matter is referred to WADA for review, the TUE granted by USADA remains valid for national-level competition and Out-of-Competition Testing, [but is not valid for international-level competition] pending WADAs decision. International-Level Athletes who require a TUE and who have not received a TUE from USADA must obtain TUEs in accordance with the rules of their International Federation. Source: Code, Article 4.4.3.

For certain major Events, such as the Olympic and Paralympic Games and the Pan and Parapan American Games, the Major Event Organization may require Athletes to apply to it for a TUE if they wish to Use, Possess and/or Administer a Prohibited Substance and/or Prohibited Method in connection with the Event. If a TUE is granted by the Major Event Organization, it will be effective for the duration of the Event Period only. TUEs already granted by an International Federation or USADA, which meet the ISTUE criteria, must be recognized by the Major Event Organization. If the Major Event Organization decides the TUE does not meet the ISTUE criteria and so refuses to recognize it, the Major Event Organization must promptly notify the Athlete of its determination explaining its reasons. A decision by a Major Event Organization not to grant or recognize a TUE may be appealed by the Athlete exclusively to an independent body appointed by the Major Event Organization for that purpose. Source: Code, Article 4.4.4.
An Athlete may apply retroactively for a TUE (but must still meet the conditions in ISTUE Article 4.2) if one of the following exceptions applies:

a. Emergency or urgent treatment of a medical condition was necessary;
b. There was insufficient time, opportunity or other exceptional circumstances that prevented the Athlete from submitting (or the TUEC to consider) an application for the TUE prior to Sample collection; or
c. USADA did not permit or require the Athlete to apply for a prospective TUE (see Sections 4-6).
d. If USADA chooses to collect a Sample from an Athlete who is not an International-Level Athlete or National-Level Athlete, and that Athlete is Using a Prohibited Substance or Method for Therapeutic reasons, USADA will permit the Athlete to apply for a retroactive TUE; or
e. The Athlete Used Out-of-Competition, for Therapeutic reasons, a Prohibited Substance that is only prohibited In-Competition.

[Comment to (c), (d), and (e): Such Athletes are strongly advised to have a medical file prepared and ready to demonstrate their satisfaction of the TUE conditions set out in ISTUE Article 4.2, in case an application for retroactive TUE is necessary following Sample collection. As per Section 5, Recreational Athletes are strongly encouraged to obtain a TUE in advance for all substances and methods prohibited at all times (In- and Out-of-Competition) according to the WADA Prohibited List.] (Source: ISTUE 4.1).

In exceptional circumstances and notwithstanding any other ISTUE provision, an Athlete may apply for and be granted retroactive approval for their Therapeutic Use of a Prohibited Substance or Method if, considering the purpose of the Code, it would be manifestly unfair not to grant a retroactive TUE. For International-Level Athletes and National-Level Athletes, USADA may grant an Athlete's application for a retroactive TUE pursuant to ISTUE 4.3 only with the prior approval of WADA. For all other Athletes, USADA may grant an Athlete's retroactive TUE application pursuant to ISTUE 4.3 without first consulting WADA. However, WADA may at any time review USADA's decision to grant a retroactive TUE pursuant to this Article, and may in its absolute discretion, agree with or reverse the decision. Source: ISTUE 4.3.

Any decision made by WADA or USADA under ISTUE 4.3 may not be challenged either as a defense to proceedings for an anti-doping rule violation, or by way of appeal, or otherwise. Source: ISTUE 4.3.

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, Athlete definition.

WARNING: Because excretion rates for various substances vary between individuals, for substances which are prohibited only In-Competition, Athletes are advised to ensure sufficient time for any such substance to clear their body before participating in a Competition in order to avoid an anti-doping rule 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 and/or a Prohibited Method without risking an anti-doping rule violation is to obtain a TUE prior to use.
2. DEFINITIONS

A complete list of definitions from the Code and ISTUE which are relevant to this Policy can be found in Article 3 of the ISTUE. In addition, the definitions listed below have particular importance in applying this Policy. Throughout this Policy and as demonstrated in this Section below, terms defined in the Code are written in italics, terms defined in the ISTUE are underlined and terms specific to this Policy are in bold.

Adverse Analytical Finding: A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories establishes in a Sample the presence of a Prohibited Substance or its Metabolites or Markers (including elevated quantities of endogenous substances) or evidence of the Use of a Prohibited Method.

Athlete [partial]: Any Person who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each National Anti-Doping Organization).

[USADA Comment to Athlete Definition: USADA has discretion to apply anti-doping rules to an Athlete who is neither an International-Level Athlete nor a National-Level Athlete, and thus to bring them within the definition of “Athlete” as defined in the USADA Protocol for Olympic and Paralympic Movement Testing.]

Event: A series of individual Competitions conducted together under one ruling body (e.g., the Olympic or Paralympic Games, World Championships, or Pan-American or Parapan American Games).

Event Period: The time between the beginning and end of an Event, as established by the ruling body of the Event.

International Event: An Event or Competition where the International Olympic Committee, the International Paralympic Committee, an International Federation, a Major Event Organization, or another international sport organization is the ruling body for the Event or appoints the technical officials for the Event.

International-Level Athlete: Athletes who compete in sport at the international level, as defined by each International Federation, Major Event Organization, or other international sport organization’s anti-doping rules, consistent with the International Standard for Testing and Investigations.3

Major Event Organizations: The continental associations of National Olympic Committees and other international multisport organizations that function as the ruling body for any continental, regional or other International Event.

NGB: For purposes of the USADA TUE Policy, the term refers to National Governing Bodies of individual sports recognized by the United States Olympic & Paralympic Committee (“USOPC”), Olympic Sport Organizations, Pan American Sport Organizations and Paralympic Sport Organizations recognized by the USOPC and High Performance Management Organizations that have contracts with the USOPC to administer Paralympic Sport.

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3 For purposes of this Policy, this will typically include Athletes designated by one or more International Federation as being within the Registered Testing Pool or other whereabouts information pool for the International Federation, or any Athlete planning to compete in an International Event.
**National-Level Athlete**: Any Athlete who is in the USADA Registered Testing Pool or Clean Athlete Program, or who has been (but is not currently) included within any Registered Testing Pool or other whereabouts information pool maintained by any International Federation or National Anti-Doping Organization, and does not otherwise meet criteria to be considered an International-Level Athlete is a National-Level Athlete. And any Athlete who, within the five years prior to committing any anti-doping rule violation, was an International-Level Athlete, National-Level Athlete, or represented any country in an International Event in an open category is a National-Level Athlete.

**Non-Competitive Athlete**: For the purposes of the USADA TUE Policy, an Athlete who is not classified as an International-Level Athlete, an Athlete entered into an International Event, is not a National-Level Athlete, is not a Recreational Athlete, and is not a professional Athlete by their NGB membership or competition registration and never (1) been in the USADA Registered Testing Pool or Clean Athlete Program, or the Registered Testing Pool or other whereabouts information pool of an International Federation or other international sport organization; (2) represented the United States in an International Event; (3) won a national or regional level Competition (in any category) sanctioned by an NGB; (4) been the recipient of USOPC funding; and (5) had an anti-doping rule violation resulting in a period of Ineligibility.

**Non-Competitive Athlete TUE** (or “NATUE”): A Therapeutic Use Exemption for Use by a Non-Competitive Athlete for substances and/or methods prohibited at all times or in Competitions where USADA anti-doping rules apply as defined by the USADA Protocol for Olympic and Paralympic Movement Testing, the USADA TUE Policy and as limited by the terms set forth in the certificate provided to an individual who has been granted an NATUE.

**Recreational Athlete**: Any Athlete subject to the USADA Protocol for Olympic and Paralympic Movement Testing who is not an International-Level Athlete or an Athlete entered into an International Event, is not a National-Level Athlete, and is not a Non-Competitive 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 rule violation.

**Prohibited List**: The list identifying the Prohibited Substances and Prohibited Methods.

**Sample**: Any biological material collected for the purposes of Doping Control.

**TUE**: Therapeutic Use Exemption, as defined in the Code.

**Therapeutic**: Of or relating to the treatment of a medical condition by remedial agents or methods; or providing or assisting in a cure.

**Therapeutic Use Exemption Committee** (or “TUEC”): The panel established by an Anti-Doping Organization to consider applications for TUEs.
3. POLICY FOR INTERNATIONAL-LEVEL ATHLETES

An Athlete who needs a TUE should apply as soon as possible and must obtain a TUE under the ISTUE prior to Using or Possessing the substance or method in question. International-Level Athletes should submit new or renewal TUE applications to their International Federation for processing. USADA will assist International-Level Athletes in the USADA Registered Testing Pool or Clean Athlete Program by forwarding applications for TUEs if such requests for USADA assistance are made at least thirty (30) days in advance of the Athlete's Use of the medication where prohibited in sport. USADA will make best efforts to expedite TUE requests in emergency and exceptional situations made less than thirty (30) days in advance of the Athlete's intended Use but can make no guarantees as to the responsiveness of the International Federation to such applications.

Where an Athlete already has a TUE granted by USADA for the substance or method in question, if that TUE meets the ISTUE criteria, then the International Federation must recognize it or promptly advise USADA and the Athlete of its reasons for refusing to recognize the TUE. Source: Code, Article 4.4.3.1.

According to the ISTUE, an International Federation decides whether or not to grant or recognize the TUE as soon as possible, and usually (i.e., unless exceptional circumstances apply) within no more than twenty-one (21) days of receipt of a complete application or request for recognition. Source: ISTUE 6.9 and 7.4.

4. POLICY FOR NATIONAL-LEVEL ATHLETES

USADA will process TUE applications for National-Level Athletes in accordance with the ISTUE.

A National-Level Athlete is required to obtain a TUE in advance (i.e., prior to Using or Possessing the substance or method in question) from USADA for all Prohibited Substances and/or Prohibited Methods according to the WADA Prohibited List unless one of the exceptions for receiving a retroactive TUE applies. TUE applications must be complete and received by USADA at least thirty (30) days in advance of any Use or Possession of a Prohibited Substance or method in sport. USADA will make best efforts to expedite TUE requests made less than thirty (30) days in advance of the Athlete’s intended Use or Possession based on exceptional circumstances but makes no guarantees regarding the processing of TUE applications under that timeframe.

TUEs will only be considered for retroactive approval for National-Level Athletes in accordance with the strict criteria set forth in the ISTUE and outlined in Section 1 of this Policy.

If a National-Level Athlete competes in an International Event, he or she may be required to submit a request for recognition of any TUEs granted by USADA or apply for a TUE from the relevant International Federation or Major Event Organization in advance of the International Event. It is the responsibility of every Athlete to investigate the applicable TUE requirements before competing in an International Event. If an International Federation chooses to test an Athlete who is not an International-Level Athlete, it must recognize a TUE granted to that Athlete by USADA. Source: Code Article 4.4.3.
5. POLICY FOR RECREATIONAL ATHLETES

Recreational Athletes are strongly encouraged to obtain a TUE in advance for all substances and methods prohibited at all times (In- and Out-of-Competition) according to the WADA Prohibited List. Recreational Athletes who choose to compete at an International Event are subject to the anti-doping rules of the relevant International Federation or Major Event Organization and may be required to apply for a TUE with the relevant body before competing.

TUEs for Recreational Athletes will be obtained in the same manner as for National-Level Athletes. Recreational Athletes will only be granted a TUE by a TUEC in strict accordance with the ISTUE and WADA Medical Information to Support the Decisions of TUECs. Any Recreational Athlete who is a member or license-holder of an NGB and chooses to Use, Possesses or Administer a substance that is prohibited at all times without prior TUE approval risks an anti-doping rule violation, even when not competing.

USADA will not consider disclosure of Use or Attempted Use or Possession of a Prohibited Substance and/or a Prohibited Method in the Recreational Athlete’s TUE application and supporting medical file to be an anti-doping rule violation, so long as (1) the Recreational Athlete refrains from competing while his or her TUE application is being considered; (2) the Recreational Athlete does not have an Adverse Analytical Finding for a Prohibited Substance and/or a Prohibited Method; and (3) USADA does not have an independent basis for investigating the Recreational Athlete. Nothing in this section limits any rights listed in Code Article 13.2.3 the parties may have to review and act on information in a Recreational Athlete’s TUE application. In the Event a Recreational Athlete receives a TUE denial, further Use of a Prohibited Substance and/or Prohibited Method will be considered an anti-doping rule violation.

6. POLICY FOR NON-COMPETITIVE ATHLETES

For a Non-Competitive Athlete who has an Adverse Analytical Finding and who is able to satisfy the criteria set forth in Sections 6.a-c below, USADA may determine that the Non-Competitive Athlete has not committed an anti-doping rule violation if the Adverse Analytical Finding or the Non-Competitive Athlete’s potential anti-doping rule violation resulted from the Non-Competitive Athlete’s Use of one or more of the following:

1. Substances or methods prohibited only In-Competition;
2. Substances in the class of “Diuretics and Other Masking Agents;”
3. All inhaled Beta-2 agonists;
4. Insulin where the Athlete can demonstrate diagnosis of insulin-dependent diabetes;
5. Selective estrogen receptor modifiers (SERMs) or aromatase inhibitors (AIs) where the Athlete can demonstrate Use due to a diagnosis and treatment of breast or other cancers;
6. Clomiphene or AIs where the female Athlete can demonstrate Use due to fertility treatment;

Recreational Athletes are able to apply for a retroactive TUE in accordance with the ISTUE and this Policy. The advantage to applying for a TUE in advance is clear: Athletes will not know whether they meet the criteria to receive a TUE until they apply. And if for example they do not apply until after a positive test, they may remain subject to a violation if they do not receive a TUE with retroactive effect.
7. An IV infusion or injection of a non-prohibited substance greater than 100mL per any 12-hour period for rehydration purposes or for medically-supervised delivery of non-prohibited clinically-approved medication; and

8. Medically-supervised plasmapheresis as a plasma donor (reintroduction of any quantity of additional blood or blood components remains prohibited, e.g., blood transfusions).

a. Subject to the provisions of Sections 6.b below, Non-Competitive Athletes who have an Adverse Analytical Finding caused by the Use of a Prohibited Substance and/or Prohibited Method will not have committed an anti-doping rule violation for substances or methods outlined in Section 6.1-8, so long as:

1. With respect to an IV infusion or injection of a non-prohibited substance greater than 100mL per 12-hour period or plasmapheresis as a plasma donor:
   i. The Non-Competitive Athlete is able to demonstrate to USADA’s satisfaction that they were unaware of the scope of the restrictions on the Use of IVs and injections set forth in the Prohibited List.
   ii. The Non-Competitive Athlete is able to demonstrate that the IV infusion or injection was undertaken for rehydration purposes, was medically supervised and for delivery of non-prohibited clinically-approved medication or was medically-supervised plasmapheresis as a plasma donor.
   iii. Disclosure on a Non-Competitive Athlete’s Doping Control form or voluntary cooperation with USADA’s investigation shall be considered strong evidence that can lead to the conclusion that a Non-Competitive Athlete was unaware of the scope of the restrictions on the Use of IVs or injections in the Prohibited List, that the substance injected or infused did not contain a Prohibited Substance, and/or that the purpose of the IV or injection was for rehydration.

2. With respect to an Adverse Analytical Finding, for a substance or method listed in Section 6.1-6,
   i. The Non-Competitive Athlete has a legitimate medical condition diagnosed by a licensed physician which was thoroughly documented, and the prescribed Use is consistent with an appropriate treatment plan in his or her medical records prior to the date of Sample collection;
      The Non-Competitive Athlete has a prescription signed by a licensed physician prior to Sample collection consistent with the Adverse Analytical Finding;
   ii. The Non-Competitive Athlete, at his or her own 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; and
   iii. The facts and circumstances of the case put to rest any reasonable suspicion that the Non-Competitive Athlete Used the substance for the purpose of enhancing his or her performance. Inclusion of the Prohibited Substance and/or Prohibited Method in the “Declaration of Use” section on a Doping Control Official Record shall be considered strong evidence that the Use of the substance or method was not intended to enhance performance.
b. **Non-Competitive Athletes** who have an *Adverse Analytical Finding* resulting from the *Use* of a substance or method described in Section 6.1-8 shall remain liable for an anti-doping violation if they cease to meet the definition of a **Non-Competitive Athlete**.

c. **A Non-Competitive Athlete TUE** may be granted where USADA determines in its sole discretion that the following conditions have been met:

1. The *Athlete* is a **Non-Competitive Athlete** as defined by the USADA TUE Policy.
2. The **Non-Competitive Athlete** has submitted a completed *TUE* application and complied with all follow up requests for information, medical records and additional testing made by USADA at USADA's discretion and as may be set forth in the *ISTUE* and *WADA* Medical Information to Support the Decisions of TUECs or subsequent guidance document issued by *WADA*.
3. The *TUE* application was denied by USADA's TUEC on the ground that the **Non-Competitive Athlete** has been unable to meet their burden of satisfying the requirements set forth in the *ISTUE* and *WADA* Medical Information to Support the Decisions of TUECs; however, the evidence submitted by the **Non-Competitive Athlete** establishes the treatment of a properly diagnosed, substantial and continuing health condition through the *Use* of a *Prohibited Substance* and/or *Prohibited Method* is within the acceptable standard of clinical care, and the inability to meet the requirements set forth in the *ISTUE* and *WADA* Medical Information to Support the Decisions of TUECs is not the result of failure by the **Non-Competitive Athlete** to undergo adequate testing or diagnostic workups, the failure to acquire and submit adequate documentation, or the prior *Use* of a *Prohibited Substance* and/or *Prohibited Method*.
4. *Use* of the *Prohibited Substance* and/or *Prohibited Method* by the **Non-Competitive Athlete** is highly unlikely to produce any additional enhancement of performance beyond what might be reasonably anticipated by a return to the individual's normal state of health they would have had without the substantial and continuing health condition.

d. As with any *TUE*, to ensure no performance enhancing benefit is gained through the *Use* of a *Prohibited Substance* and/or *Prohibited Method*, the *NATUE* may include conditions, which may include but are not limited to:

1. Minimum requirements for follow-up testing;
2. Routine clinical monitoring, including repeat testing, evaluation or examination and reporting at USADA’s request;
3. The **Non-Competitive Athlete** remaining accessible and submitting whereabouts information to USADA for follow-up testing during the period his or her *NATUE* is in place;
4. The **Non-Competitive Athlete** maintaining physiological levels of the *Prohibited Substance* and/or its *Metabolites or Markers* and/or *Use* of a *Prohibited Method* within clinically acceptable *Therapeutic* ranges to limit any *Therapeutic* benefit to a return to a normal state of health;
5. Limitations on the *Competitions* for which the *TUE* may be used, including a proviso that the *TUE* may be revoked in the future for certain *Competitions*; and/or
6. Limitation on the Use of the Prohibited Substance and/or Prohibited Method during Competition or within a fixed period of time in advance of Competition.

e. A Non-Competitive Athlete TUE granted by USADA is only valid for the time period specified in the NATUE certificate and expires immediately if the individual who has received the NATUE ceases to be a Non-Competitive Athlete. An NATUE granted by USADA shall not be valid for International Events or National Championships unless expressly recognized as a valid TUE by the relevant International Federation or WADA.

f. A Non-Competitive Athlete TUE granted by USADA may be revoked by USADA upon adequate notice to the Non-Competitive Athlete in the Event an NGB, International Federation, WADA or other sports organization demonstrates with compelling evidence that the NATUE has resulted in or is likely to result in an unfair competitive advantage over fellow competitors by the Non-Competitive Athlete.

7. APPEAL

International-Level Athletes may seek a review by WADA or appeal to Court of Arbitration for Sport (“CAS”) according to applicable rules and instructions set forth in the Code, ISTUE and WADA TUE Guidelines.

In the case of any TUE denial, an Athlete will be provided a detailed explanation as to why their TUE application did not meet the ISTUE criteria. Any Athlete may request further information about a denial and may request a medical review from USADA by contacting USADA in writing. In response to a request for medical review USADA may: (a) determine whether an NATUE may be appropriate, (b) determine whether additional information should be submitted by the Athlete, (c) determine whether additional testing should be required of the Athlete, (d) request written authorization from the Athlete to contact the Athlete’s physician(s) or other healthcare providers and/or obtain information from the physician(s) or healthcare provider(s), (e) request that the Athlete explain any aspect of his application, file or request that is unclear, (f) inform the Athlete that no further review of the current TUE application will be made but that a further application may be made if additional information is included in the application, (g) re-submit the application to a TUEC member, (h) inform the Athlete in writing that no further action will be taken on his TUE application at this time, or (i) any combination of the foregoing.

If a National-Level Athlete or a Recreational Athlete, who has submitted a complete TUE application and all appropriate and requested documentation, is not satisfied by USADA’s TUE decision, and if a medical review of USADA’s TUE decision has been requested and has not, within twenty-one (21) days of the request for review, resulted in the granting of a TUE, the National-Level Athlete or Recreational Athlete may appeal USADA’s TUE decision through a request for arbitration pursuant to the USADA Protocol for Olympic and Paralympic Movement Testing. Any request for a medical review of a USADA decision denying a TUE to a National-Level Athlete or Recreational Athlete must be made within ten (10) days of the denial by USADA. Any request for arbitration must be filed within twenty-one (21) days of USADA’s refusal to reverse a TUE denial upon the National-Level Athlete’s or Recreational Athlete’s request for medical review of the TUE decision.

If a Non-Competitive Athlete who receives a NATUE desires to compete in any Competition not covered by the NATUE they must timely submit a new TUE application in accordance with the applicable deadlines for submission of an application for TUE.

NATUE decisions may not be appealed.

8. EFFECTIVE DATE

The effective date of this USADA TUE Policy shall be January 1, 2021.