**THERAPEUTIC USE EXCEPTIONS OF PROHIBITED SUBSTANCES IN SPORTS: BASIC CONDITIONS AND CRITERIA**

**GUIDANCE**

**ON OBTAINING THERAPEUTIC USE EXEMPTIONS OF PROHIBITED SUBSTANCES AND METHODS IN SPORTS**

**4.0 Obtaining a *TUE***

An *Athlete* who needs to *Use* a *Prohibited Substance* or *Prohibited Method* for Therapeutic reasons must apply for and obtain a *TUE* prior to *Using* or *Possessing* the substance or method in question, unless the *Athlete* is entitled to apply for a *TUE* retroactively under Article 4.1. In both cases, the Article 4.2 conditions must be satisfied.

*[Comment to Article 4.0: There may be situations where an Athlete has a medical condition and is Using or Possessing a Prohibited Substance or Prohibited Method prior to becoming subject to antidoping rules. In that case, such prior Use/Possession does not require a TUE and a prospective TUE will be sufficient.]*

**THE INTERNATIONAL STANDARD FOR THERAPEUTIC USE EXEMPTIONS. ARTICLE 4.1**

**OBTAINING RETROACTIVE THERAPEUTIC USE EXEMPTIONS**

4.1 A retroactive TUE provides an Athlete the opportunity to apply for a TUE for a Prohibited Substance or Prohibited Method after Using or Possessing the substance or method in question.

An *Athlete* may apply retroactively for a *TUE* (but must still meet the conditions in Article 4.2) if any one of the following exceptions applies:

1. Emergency or urgent treatment of a medical condition was necessary;
2. 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;
3. Due to national level prioritization of certain sports or disciplines, the *Athlete’s National Anti-Doping Organization* did not permit or require the *Athlete* to apply for a prospective *TUE* (see comment to Article 5.1);
4. If an *Anti-Doping Organization* 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 *Prohibited Method* for Therapeutic reasons, the *Anti-Doping Organization* must 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 Article 4.1: The fulfillment of one of the retroactive exceptions does not mean that a TUE will necessarily be granted; it means that the Athlete’s application may be evaluated under Article 4.2 to determine if the specified TUE conditions have been satisfied.]*

*[Comment to Article 4.1(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 at Article 4.2, in case an application for a retroactive TUE is necessary following Sample collection.]*

*[Comment to Article 4.1(e): This seeks to address situations where, for Therapeutic reasons, an Athlete Uses a substance Out-of-Competition that is only prohibited In-Competition, but there is a risk that the substance will remain in their system In-Competition. In such situations, the Anti-Doping Organization must permit the Athlete to apply for a retroactive TUE (where the Athlete has not applied in advance). This also seeks to prevent Anti-Doping Organizations from having to assess advance TUE applications that may not be necessary.]*

**THE INTERNATIONAL STANDARD FOR THERAPEUTIC USE EXEMPTIONS. ARTICLE 4.2**

**OBTAINING THERAPEUTIC USE EXEMPTIONS**

**4.2** An *Athlete* may be granted a *TUE* if (and only if) they can show, on the balance of

probabilities, that each of the following conditions is met:

a) The *Prohibited Substance* or *Prohibited Method* in question is needed to treat a diagnosed medical condition supported by relevant clinical evidence.

*[Comment to Article 4.2(a): The Use of the Prohibited Substance or Prohibited Method may be part of a necessary diagnostic investigation rather than a treatment per se.]*

b) The Therapeutic *Use* of the *Prohibited Substance* or *Prohibited Method* will not, on the balance of probabilities, produce any additional enhancement of performance beyond what might be anticipated by a return to the *Athlete’s* normal state of health following the treatment of the medical condition.

*[Comment to Article 4.2(b): An Athlete’s normal state of health will need to be determined on an individual basis. A normal state of health for a specific Athlete is their state of health but for the medical condition for which the Athlete is seeking a TUE.]*

c) The *Prohibited Substance* or *Prohibited Method* is an indicated treatment for the medical condition, and there is no reasonable permitted Therapeutic alternative.

*[Comment to Article 4.2(c): The physician must explain why the treatment chosen was the most appropriate, e.g., based on experience, side-effect profiles or other medical justifications, including, where applicable, geographically specific medical practice, and the ability to access the medication. Further, it is not always necessary to try and fail alternatives before using the Prohibited Substance or Prohibited Method.]*

d) The necessity for the *Use* of the *Prohibited Substance* or *Prohibited Method* is not a consequence, wholly or in part, of the prior *Use* (without a *TUE*) of a substance or method which was prohibited at the time of such *Use*.

*[Comment to Article 4.2: The WADA documents titled “TUE Physician Guidelines”, posted on WADA’s website, should be used to assist in the application of these criteria in relation to particular medical conditions.*

*The granting of a TUE is based solely on consideration of the conditions set out in Article 4.2. It does not consider whether the Prohibited Substance or Prohibited Method is the most clinically appropriate or safe, or whether its Use is legal in all jurisdictions.*

*When an International Federation or Major Event Organization TUEC is deciding whether or not to recognize a TUE granted by another Anti-Doping Organization (see Article 7), and when WADA is reviewing a decision to grant (or not to grant) a TUE (see Article 8), the issue will be the same as it is for a TUEC that is considering an application for a TUE under Article 6, i.e., has the Athlete demonstrated on the balance of probabilities that each of the conditions set out in Article 4.2 is met?]*