



REGULATIONS FOR THE PROCESS TO GRANT *THERAPEUTIC USE EXEMPTIONS* FOR THE PAN AMERICAN GAMES

SECTION ONE: INTRODUCTION, *CODE* PROVISIONS, *INTERNATIONAL STANDARD* PROVISIONS AND DEFINITIONS

1.0 Introduction and Scope

The purpose of the Regulations for the Process to Grant *Therapeutic Use Exemptions* for the Pan American Games is to establish the process for an *Athlete* to apply for a *TUE* in relation with the Pan American Games.

Terms used in these Regulations that are defined terms from the *Code* are italicized. Terms that are defined in the *International Standard for Therapeutic Use Exemptions* or another *International Standard* are underlined.

The *International Standard for Therapeutic Use Exemptions* shall apply to complement these Regulations. These Regulations do not modify it.

2.0 *Code* Provisions

The following articles in the 2021 *Code* are directly relevant to these Regulations; they can be obtained by referring to the *Code* itself:

- *Code* Article 4.4 *Therapeutic Use Exemptions* (“*TUEs*”)
- *Code* Article 13.4 Appeals Relating to *TUEs*

3.0 Definitions and Interpretation

Defined terms from the 2021 *Code* and the *International Standard for Therapeutic Use Exemptions* are incorporated mutatis mutandis to these Regulations.



3.1 Interpretation

- 3.1.1 The official text of these Regulations shall be published in English and Spanish. In the event of any conflict between the English and Spanish versions, the English version shall prevail.
- 3.1.2 Like the *Code* and the *International Standard for Therapeutic Use Exemptions*, these Regulations have been drafted giving consideration to the principles of proportionality, human rights, and other applicable legal principles. It shall be interpreted and applied in that light.
- 3.1.3 The comments annotating various provisions of the *International Standard for Therapeutic Use Exemptions* shall be used to guide its interpretation.
- 3.1.4 Unless otherwise specified, references to Sections and Articles are references to Sections and Articles of these Regulations.
- 3.1.5 Where the term “days” is used in these Regulations, it shall mean calendar days unless otherwise specified.
- 3.1.6 The Annexes to the *International Standard for Therapeutic Use Exemptions* have the same mandatory status as the rest of the *International Standard*.



SECTION TWO: PROCESS FOR GRANTING *TUE*s FOR THE PAN AMERICAN GAMES

4.0 *TUE* Application Process

- 4.1 The *Athlete* should apply for a *TUE* by submitting to the TUEC (Therapeutic Use Exemption Committee) the application form by email to aut-tue@panamsports.org.
- 4.2 A *TUE* application will be considered by the TUEC following the receipt of a properly completed application, accompanied by all relevant documents. Incomplete applications will be returned to the *Athlete* for completion and re-submission.
- 4.3 The TUEC may request from the *Athlete* or his/her physician any additional information, examinations or imaging studies, or other information that it deems necessary in order to consider the *Athlete's* application; and/or it may seek the assistance of other medical or scientific experts as it deems appropriate.
- 4.4 An *Athlete* who needs a *TUE* should apply for it at least thirty (30) days before the Pan American Games. In case that the time limit has expired, the *Athlete* should apply for a *TUE* as soon as possible to the TUEC, unless it is an emergency or exceptional situation.
- 4.5 Any costs incurred by the *Athlete* in making the *TUE* application and in completing it as required by the *TUE* will be the responsibility of the *Athlete*.
- 4.6 The TUEC shall decide whether or not to grant a *TUE* as soon as possible, but no more than twenty-one (21) days from receipt of a complete application, in accordance with articles 6.9 and 5.5 of the *International Standard for Therapeutic Use Exemptions*.¹

¹ Article 5.5 of the *International Standard for Therapeutic Use Exemptions*: Each *National Anti-Doping Organization*, *International Federation* and *Major Event Organization* must promptly report (in English or French) all decisions of its TUEC granting or denying *TUE*s, and all decisions to recognize or refusing to recognize other *Anti-Doping Organizations' TUE* decisions, through *ADAMS* as soon as possible and in any event within twenty-one (21) days of receipt of the decision. A decision to deny a *TUE* shall include an explanation of the reason(s) for the denial. In respect of *TUE*s granted, the information reported shall include (in English or French): a) Whether the *Athlete* was permitted to apply for a *TUE* retroactively under Article 4.1 and an explanation of the reason(s) why, or whether the *Athlete* was permitted to apply for and was granted a *TUE* retroactively under Article 4.3 and an explanation of the reason(s) why; b) The approved substance or method, the dosage(s), frequency, route of *Administration* permitted, the duration of the *TUE* (and, if different, the duration of prescribed treatment), and any conditions imposed in connection with the *TUE*; and c) The *TUE* application form (if not completed electronically in *ADAMS*) and the relevant clinical information



4.7 The TUEC's decision must be communicated in writing to the *Athlete* and must be made available to *WADA* and other *Anti-Doping Organizations* via *ADAMS*. A decision not to grant a *TUE* shall include an explanation of the reason(s) for not granting it.

4.8 A *TUE* granted in accordance with this section shall be only valid for the Pan American Games and the *TUE* will expire automatically after the Closing Ceremony.

5.0 *TUE* Recognition Process

5.1 If an *Athlete* requires a *TUE* and the time limit for a *TUE Recognition* has expired, the *Athlete* should apply as soon as possible. For substances prohibited *In-Competition* only, the *Athlete* must request a *TUE* within thirty (30) days prior to the start of the Pan American Games.

5.2 The application must be completed in accordance with the *International Standard for Therapeutic Use Exemptions* and shall be sent by email to aut-tue@panamsports.org.

5.3 Any costs incurred by the *Athlete* in making the request for recognition of the *TUE* and in supplementing it as required by the TUEC are the responsibility of the *Athlete*.

5.4 The *Athlete* must be notified in writing of the TUEC's decision and the decision must be made available to *WADA* and other *Anti-Doping Organizations* via *ADAMS*, in accordance with Article 5.5 and 6.9 of the *International Standard for Therapeutic Use Exemptions*.

5.5 A *TUE* recognized pursuant to this section will be valid only for the Pan American Games and will automatically expire after the Closing Ceremony.

establishing that the Article 4.2 conditions have been satisfied in respect of such *TUE* (for access only by *WADA*, the *Athlete's National Anti-Doping Organization* and *International Federation*, and the *Major Event Organization* organizing an *Event* in which the *Athlete* wishes to compete).

Article 6.9 of the *International Standard for Therapeutic Use Exemptions*: The TUEC shall decide whether or not to grant the application 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. Where a *TUE* application is made in a reasonable time prior to an *Event*, the TUEC must use its best endeavors to issue its decision before the start of the *Event*.



6.0 Retroactive TUE Application Process

- 6.1 In order for a *Retroactive TUE* to be applied for, the conditions as set out in Section 4.1 of the *International Standard for Therapeutic Use Exemptions* should be satisfied.
- 6.2 The *Athlete* should apply for a *Retroactive TUE* by submitting to the TUEC the *TUE* application form by e-mail to aut-tue@panamsports.org.
- 6.3 A *Retroactive TUE* application will only be considered by the TUEC following the receipt of a properly completed application, accompanied by all relevant documents. An incomplete application will be returned to the *Athlete* for completion and re-submission.
- 6.4 The TUEC may request from the *Athlete* or their physician any additional information, examinations or imaging studies, or other information that it deems necessary in order to consider the *Athlete's* request for recognition of a *Retroactive TUE*; and/or may seek the assistance of other medical or scientific experts as it deems appropriate.
- 6.5 Any costs incurred by the *Athlete* in making the application for a *Retroactive TUE Recognition* and in completing it as required by the TUEC are the responsibility of the *Athlete*.
- 6.6 The TUEC shall decide whether or not to recognize a *Retroactive TUE* within 48 hours from receipt of a complete *Retroactive TUE* application. If the TUEC does not issue a decision within this time, the request for a *Retroactive TUE* shall be deemed as not granted. The *Athlete* must be notified in writing of the TUEC's decision in accordance with Articles 5.5 and 6.9 of the *International Standard for Therapeutic Use Exemptions*.
- 6.7 The TUEC's decision must be communicated in writing to the *Athlete* and must be made available to WADA and other *Anti-Doping Organizations* via ADAMS, in accordance with Article 5.5 of the *International Standard for Therapeutic Use Exemptions*. Regarding denied *TUEs*, the information communicated to the *Athlete* will include an explanation of the reason(s) for the denial.
- 6.8 A *Retroactive TUE* granted pursuant to this section will be valid only for the Pan American Games and will automatically expire after the Closing Ceremony.



7.0 TUE Appeals

- 7.1 Decisions relating to *TUE*s may be appealed exclusively in accordance with the provisions of Article 4.4 of the *Code*.
- 7.2 The decision of Panam Sports not to recognize or grant a *TUE* may be appealed by the *Athlete* exclusively before an independent panel established or designated for that purpose by Panam Sports and sent by email to aut-tue@panamsports.org. If the *Athlete* does not appeal (or if the appeal is unsuccessful), the *Athlete* may not use the substance or method or matter in connection with the Pan American Games, but any *TUE* granted by the *Athlete's National Anti-Doping Organization* or International Federation for such substance or method will maintain its validity outside the *Event*.