



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 *TUES* FOR THE *PAN AMERICAN GAMES*

4.0 *TUE* Recognition Process

- 4.1 An *Athlete* who needs a *TUE Recognition* must apply as soon as possible to the TUE Commission of Panam Sports, hereinafter TUEC, and at least thirty (30) days before the *Pan-American Games*, unless it is an emergency or exceptional situation.
- 4.2 The application must be completed in accordance with the *International Standard for Therapeutic Use Exemptions* and shall be sent by e-mail to aut-tue@panamsports.org.
- 4.3 Incomplete requests for recognition of a *TUE* will be returned to the *Athlete* for completion and re-submission. In addition, 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 the *TUE*; and/or it may seek the assistance of such other medical or scientific experts as it deems appropriate.
- 4.4 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*.
- 4.5 The TUEC shall decide whether or not to recognize the *TUE* as soon as possible, and usually within not more than twenty-one (21) days of receipt of a complete request for recognition. If the TUEC do not issue a decision within the time limit, the *TUE* shall be considered as not recognized.
- 4.6 The TUEC's decision will be notified in writing to the *Athlete* and will be made available to WADA and to other Anti-Doping Organizations via ADAMS. A decision not to recognize a *TUE* must include an explanation of the reason(s) for the non-recognition.



5.0 TUE Application Process

- 5.1 If an *Athlete* needs 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* should apply for a TUE between thirty (30) days before and at least five (5) days before the *Pan American Games*. Any other request shall be considered an application for a *Retroactive TUE*.
- 5.2 The *Athlete* should apply for a TUE by submitting to the TUEC the TUE application form by e-mail to aut-tue@panamsports.org.
- 5.3 A TUE application will only 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.
- 5.4 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* application; and/or it may seek the assistance of such other medical or scientific experts as it deems appropriate.
- 5.5 Any costs incurred by the *Athlete* in making the TUE application and in supplementing it as required by the TUEC are the responsibility of the *Athlete*.
- 5.6 The TUEC shall decide whether or not to grant the application as soon as possible, and usually one (1) day before the starting competition for the *Athlete* during the *Pan American Games*. If the TUEC do not issue a decision, the TUE application shall be considered as not granted.
- 5.7 The TUEC's decision must be communicated in writing to the *Athlete* and must be made available to WADA and to other *Anti-Doping Organizations* via ADAMS, in accordance with Article 5.5.
- 5.8 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.



6.0 **Retroactive TUE Application Process**

- 6.1 Up until five (5) days before the Opening Ceremony and during the *Pan American Games* an *Athlete* who needs a *TUE*, may request a *Retroactive TUE*.
- 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. Incomplete applications 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* application; and/or it may seek the assistance of such other medical or scientific experts as it deems appropriate.
- 6.5 Any costs incurred by the *Athlete* in making the *Retroactive TUE* application and in supplementing it as required by the TUEC are the responsibility of the *Athlete*.
- 6.6 The TUEC shall decide whether or not to grant the application as soon as possible. If the TUEC do not issue a decision two (2) days after the applicant's submission, the *Retroactive TUE* application shall be considered as not granted.
- 6.7 The TUEC's decision must be communicated in writing to the *Athlete* and must be made available to *WADA* and to other *Anti-Doping Organizations* via *ADAMS*, in accordance with Article 5.5.
- 6.8 A *Retroactive TUE* granted following this section is only valid for the *Pan American Games* and the *TUE* will expire automatically after the Closing Ceremony.