

## 1. General Principles

The Ultimate Fighting Championship (“UFC”) Policy for Therapeutic Use Exemptions (the “UFC TUE Policy” or “Policy”) is based upon the relevant provisions of the UFC Anti-Doping Policy (the “UFC ADP”) and the World Anti-Doping Agency (“WADA”) International Standard for Therapeutic Use Exemptions (“ISTUE”). This Policy is informed by the following general principles which provide the context for the Policy. To the extent that this UFC TUE Policy or the ADP conflicts with the ISTUE, this UFC TUE Policy or the ADP, as applicable shall prevail.

It is each *Athlete’s* personal duty to ensure that no *Prohibited Substance* enters his or her body and that no *Prohibited Method* is Used. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples* and/or *Prohibited Method Used* or *Attempted* to be Used.

*Athletes* with a Therapeutic need for the use of a *Prohibited Substance* and/or a *Prohibited Method* must request a Therapeutic Use Exemption (“TUE”) from USADA prior to the Use of the *Prohibited Substance* or *Prohibited Method*, except as provided in Section 3 with respect to the processing of applications for retroactive TUEs. All TUE applications will be evaluated by the Therapeutic Use Exemption Committee (“TUEC”) established by USADA.

If emergency or urgent treatment of an acute medical condition of an *Athlete* requires the Use of a *Prohibited Substance* or *Prohibited Method*, the *Athlete* must submit a TUE application to USADA with full medical documentation from the emergency or urgent treatment as soon as possible after the start of the treatment. In such cases, the decision for the TUE request will be made by the TUEC after treatment has taken place.

**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 *Bout* in order to avoid an anti-doping policy 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 *Athlete* to Use a *Prohibited Substance* and/or *Prohibited Method* without risking an anti-doping policy violation is to obtain a TUE prior to Use.

## 2. Definitions

A complete list of definitions that are relevant to this UFC TUE Policy can be found in Appendix 1 of the UFC ADP. 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 UFC ADP are written in *italics* and terms specific to this UFC TUE Policy are underlined.

*Adverse Analytical Finding:* A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the *International Standard* for Laboratories and related Technical Documents, identifies 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:* Any fighter who has executed a *Promotional Agreement* with the UFC to participate as a fighter in a *UFC Bout*.

*Athletic Commission:* Any regulatory body established or recognized by a state or other governmental entity with authority to regulate, approve, sanction or license mixed martial arts competitions or the *Participants* in those competitions.

*Bout:* A mixed martial arts contest or exhibition promoted or otherwise conducted by UFC.

*In-Competition*: “*In-Competition*” means the period commencing at noon on the day prior to the scheduled start of the *Fight Card* on which a *Bout* is contested and ending upon the completion of the post-*Bout Sample* or *Specimen* collection. If a post-*Bout Sample* or *Specimen* collection is not initiated by USADA within a reasonable time, which will not exceed one hour following an *Athlete’s* post-*Bout* medical clearance, then the *In-Competition* period shall expire at that time.

Therapeutic: Of or relating to the medically-justified treatment of a medical condition by remedial agents or methods; or providing or assisting in a cure within the standard of care by a licensed physician.

*TUE*: Therapeutic Use Exemption, as described in [UFC ADP] Article 4.4.

TUEC: The panel of medical professionals established by USADA to consider applications for *TUEs*.

*Use*: The utilization, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

### **3. Policy for UFC Athletes**

USADA will process *TUE* applications for *UFC Athletes* in accordance with this UFC *TUE* Policy and when practical consistent with the *ISTUE*.

A *UFC Athlete* may apply to USADA for a *TUE* for any *Prohibited Substance* or *Prohibited Method* at any time; however, such applications should be complete and received by USADA in accordance with the following timeline:

- a. At least twenty-one (21) days in advance of the *Athletes* intended *Use* of the prohibited medication when the *Athlete* is not scheduled to participate in a *Bout*; or
- b. As soon as practicable when the *Athlete* is scheduled to participate in a *Bout* with less than ninety (90) days advance notice.

USADA will consider late filed or applications for retroactive *TUEs*; however, the *Athlete* does so at his or her own risk as USADA makes no guarantee regarding the processing of a *TUE* under such circumstances.

USADA will make best efforts to expedite late filed *TUE* requests in advance of the *Athlete’s* intended *Use* based on exceptional circumstances but makes no guarantees regarding the processing of *TUE* applications under expedited timeframes.

Applications for *TUEs* will only be granted where the Therapeutic Use of the *Prohibited Substance* or *Prohibited Method* meet the following criteria:

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

- The *Prohibited Substance* or *Prohibited Method* is an indicated treatment for the medical condition, and there is no reasonable permitted Therapeutic alternative that is reasonably accessible to such Athlete.<sup>1</sup>
- 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*.

Furthermore, applications for retroactive *TUEs* will only be considered where the Therapeutic Use of the *Prohibited Substance* or *Prohibited Method* complies with the conditions outlined above for a prospective *TUE*.

*Athletes* are cautioned that the *Use* of a *Prohibited Substance* or *Prohibited Method* without prior *TUE* approval is at their own risk and that the only way to ensure such *Use* will not result in an anti-doping policy violation is by obtaining a *TUE* prior to the *Use* of any such substance or method.

#### **4. Coordination with Athletic Commissions**

UFC or USADA will attempt to coordinate *TUE* applications with applicable *Athletic Commissions*. *UFC Athletes* are on notice, however, that because *UFC* and *USADA* do not control *Athletic Commission* decisions to recognize a *UFC TUE* or to grant their own *TUEs*, *UFC Athletes* should not use any substance or method prohibited by an *Athletic Commission* unless they are certain that an *Athletic Commission TUE* is in place. In addition, any *Athlete* who obtains a *TUE* from an *Athletic Commission* or other *Anti-Doping Organization*, will still need to apply for a *UFC TUE*. As a condition of *USADA's* consideration of *TUE* applications, *Athletes* acknowledge and agree that their *TUE* applications and other information submitted or considered in connection with those applications, including decisions of the *USADA TUEC*, may be shared with any applicable *Athletic Commission*.

#### **5. Appeal**

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 criteria for approval. Any *Athlete* may request further information about a denial and may request a medical review from *USADA* by contacting the *USADA Science Director*.

*Athletes* may appeal a *TUE* denial pursuant to the Hearing Protocol in Annex A of the *UFC ADP* after exhaustion of the administrative review provided in the *UFC ADP* and in this *UFC TUE Policy*.

#### **6. Effective Date**

The effective date of this *UFC TUE Policy* (version 2) shall be June 1, 2021. This Policy shall not apply retroactively to matters pending before June 1, 2021.

#### **7. Amendments**

This *UFC TUE Policy* may be amended from time to time by the *UFC*. All amendments to this *UFC TUE Policy* shall be effective no earlier than thirty (30) days after publication on the *UFC* anti-doping website ([www.UFC.USADA.org](http://www.UFC.USADA.org)), with the precise effective date (and version) to be indicated in Section 6, above. It is each *Athlete's* responsibility to regularly check *UFC's* anti-doping website to ensure that they are consulting the most up to date version of this and other anti-doping related policies.

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<sup>1</sup> The TUEC will consider the Athlete's nationality, the Athlete's primary location of residence and, to the extent possible, applicable local laws.