

CFL / CFLPA

POLICY TO PREVENT THE USE OF PERFORMANCE ENHANCING DRUGS

June 6, 2010
Amended April 6, 2011



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SECTION 1. PREAMBLE

1.01 – STATEMENT OF PRINCIPLES

The Canadian Football League (CFL) and the CFL Players' Association (CFLPA) declare the following:

1.01.1

The use of Performance Enhancing Drugs may be harmful to the health and safety of the Players and they are contrary to the spirit of football. The use of Performance Enhancing Drugs represents a serious threat to the cultural, educational, economic and social benefits that football can bring to society and has a negative impact on the moral and ethical behaviour that football can foster with individuals.

1.01.2

Concrete actions such as drug education, drug testing, appropriate discipline and rehabilitative measures must be taken in order to efficiently prevent the use of Performance Enhancing Drugs in the CFL.

1.01.3

The CFL and CFLPA believe it is important to promote the health and wellbeing of its Players as well as to maintain the Players' right to compete on a level playing field.

1.01.4

This Policy to Prevent the Use of Performance Enhancing Drugs is to be considered a true reflection of the CFL and CFLPA's desire and will to efficiently prevent the use of Performance Enhancing Drugs.

SECTION 2. GENERAL PROVISIONS

2.01 – SUMMARY DESCRIPTION OF THE POLICY

2.01.1 – NAME

The CFL and CFLPA Policy to Prevent the Use of Performance Enhancing Drugs is referred to in this document as the CFL/CFLPA Policy.

2.01.2 – PRIMARY OBJECTIVES

The primary objective of the CFL/CFLPA Policy is to deter Players, who do not have a legitimate medical reason, from using a Performance Enhancing Drug contained on the CFL Prohibited List (as set forth in Appendix D), protect a Player from injury due to the use of a Performance Enhancing Drug or from coming in contact with a Player who uses a Performance Enhancing Drug, and to maintain a Player's right to compete on a level playing field, where no Player is advantaged by Performance Enhancing Drugs.

2.01.3 – SCOPE OF SAMPLE COLLECTION

The CFL/CFLPA Policy allows for the collection of blood and/or urine samples.

2.01.4 – THERAPEUTIC USE EXEMPTIONS

Players who require a Performance Enhancing Drug for legitimate medical reasons will be afforded the opportunity to apply for a Therapeutic Use Exemption in advance of use or retroactively, following an Adverse Analytical Finding.

2.01.5 – ANTI-PERFORMANCE ENHANCEMENT DRUG AND POLICY EDUCATION

The education program of the CFL and CFLPA will, at a minimum, provide Players with information on the CFL Prohibited List, on the testing program, as well as the discipline Players may face if a violation of the CFL/CFLPA Policy.

The CFL and CFLPA will review various mediums for educating Players and will work together to ensure that the messages in their education program are clear, accurate and consistent with the CFL/CFLPA Policy.

2.01.6 – VIOLATIONS AND DISCIPLINARY ACTIONS

The CFL/CFLPA Policy defines the different instances that constitute a violation of the CFL/CFLPA Policy and outlines the disciplinary actions that apply to a Player who has committed a violation.

2.01.7 – PLAYER'S RIGHTS

The CFL/CFLPA Policy outlines a Player's rights with regards to the testing program as well as his options for appealing a disciplinary decision handed down by the CFL for violating the CFL/CFLPA Policy.

2.01.8 – SUBSTANCE ABUSE COUNSELLING

Counselling is considered by the CFL and CFLPA to be a key component of the CFL/CFLPA Policy and will be made available to all Players. In the event a Player returns an Adverse Analytical Finding following a Drug Test and is assessed by a Substance Abuse Counselling Organization that is recognized by the CFL and CFLPA, as having a substance abuse problem, a Player may be requested to undergo counselling, as a condition of returning to play.

Drug dependency is not a typical manifestation of Performance Enhancing Drugs. Therefore full rehabilitation for Performance Enhancing Drug abuse would not be required. Substance abuse counselling would be the recommended course of action.

2.02 – SCOPE OF APPLICATION

2.02.1 – ACTIVE MEMBERS

The CFL/CFLPA Policy applies to all Players signed to a CFL Standard Player Contract or CFL Practice Roster Agreement.

2.02.2 – PERIOD

Players can be notified for Drug Testing any time during the calendar year. Players may be tested in-competition and out-of-competition.

2.02.3 – DISCIPLINED PLAYER

All Players having been disciplined under the CFL/CFLPA Policy will remain subject to this CFL/CFLPA Policy, including Drug Testing, for the duration of the disciplinary period.

2.02.4 – COMMENCEMENT OF A SUSPENSION

Any decision regarding a suspension handed-down by the CFL shall be made in writing to the individual.

A Player's suspension will commence and be calculated from the date the formal notice is issued.

Any suspension appealed by a Player will not take effect until completion of the appeals process.

2.02.5 – RESPECT OF OTHER RECOGNIZED POLICIES

A Player who enters the CFL with a previous record for violating a substance abuse or drug policy of another league or organization, including but not limited to the National Football League, the Canadian Interuniversity Sport, the Canadian Junior Football League, the National Association of Intercollegiate Athletics, or the National Collegiate Athletic Association, regarding substances contained on the CFL Prohibited List at the time of such violation(s), will be deemed to have received an Adverse Analytical Finding pursuant to the CFL/CFLPA Policy and will automatically become subject to the provisions of the CFL/CFLPA Policy applicable to Players who have received an Adverse Analytical Finding. In other words, such a Player will be considered to have committed a second offence under the CFL/CFLPA Policy, the first time he violates the CFL/CFLPA Policy as a member of the CFL.

2.03 – SPAN OF A VIOLATION

A violation by a Player will remain on record with the CFL and CFLPA throughout the entire career and/or employment of the Player in the CFL regardless if such career or employment is continuous or interrupted for any reason. In other words, the violation will not expire should the Player pursue his career or employment outside the CFL.

2.04 – EFFECTIVE DATE AND AMENDMENT PROCEDURE

2.04.1 – EFFECTIVE DATE

The CFL/CFLPA Policy will come into effect upon adoption by both the CFL and CFLPA.

2.04.2 – AMENDMENT PROCEDURE

Amendments to the CFL/CFLPA Policy may be made by way of a unanimous decision by the CFL and CFLPA.

2.05 – INTERPRETATION

2.05.1 – GLOSSARY

The words and expressions which appear in the CFL/CFLPA Policy should be interpreted as they are defined in Appendix A - Glossary (where applicable).

2.05.2 – PREAMBLE AND APPENDICES

The preamble and appendices of the present text are an integral part of the CFL/CFLPA Policy and may be used for the purpose of its interpretation.

2.05.3 – TIME DELAYS

Unless otherwise specified, time periods in this policy are total consecutive days irrespective of weekends or holidays. When a deadline falls on a weekend or holiday, the next business day shall be the deadline.

2.05.4 – CHOICE OF THE FRENCH OR ENGLISH VERSION

The English and the French versions of the CFL/CFLPA Policy are equally authoritative. The parties involved in the procedure have a right to decide (once, at the beginning of the procedure) if they wish to use the French or the English version of the CFL/CFLPA Policy.

SECTION 3. RESPONSIBILITIES

3.01 – RESPONSIBILITIES OF STAKEHOLDERS

3.01.1 – CFL and CFLPA

The CFL/CFLPA Policy was jointly approved by the CFL and the CFLPA. Both organizations are responsible for educating their members on the CFL/CFLPA Policy and making amendments to the CFL/CFLPA Policy as required.

Decisions regarding the content and structure of the CFL/CFLPA Policy must be done in consultation between the CFL and CFLPA. The CFL and CFLPA reserve the right to consult with other organizations and/or experts before making decisions.

The CFL and CFLPA shoulder responsibility for ensuring that members uphold and respect the principles outlined in the CFL/CFLPA Policy and in doing so, take the necessary and timely steps to enforce the CFL/CFLPA Policy as per the provisions described in this document.

3.01.2 – PLAYERS

The CFL/CFLPA Policy is binding on all members of the CFLPA. Players are responsible for:

- a) learning and understanding the CFL/CFLPA Policy, including the CFL Prohibited List, and;
- b) abiding by the principles and requirements outlined in this document.

Players are ultimately responsible for the medications or supplements they ingest. They must take reasonable steps and precautions, including a detailed review of the packaging of products they apply or ingest, to ensure that their medications and/or nutritional supplements do not contain ingredients that are contained on the Prohibited List.

3.01.3 – CFL-CFLPA JOINT HEALTH AND SAFETY COMMITTEE

The CFL-CFLPA Joint Committee on Players' Safety and Welfare, or its members, will be responsible for the following:

- a) preventing the use of Performance Enhancing Drugs through education and advocacy;
- b) assisting Players in the interpretation and understanding of the CFL/CFLPA Policy;
- c) reviewing possible amendments to the CFL/CFLPA Policy.

3.01.4 – TEAM PHYSICIAN

The Team Physician plays a pivotal role in preventing the use of Performance Enhancing Drugs by ensuring that Players are informed about the alternatives to Performance Enhancing Drugs

and by helping to deter Players from using Performance Enhancing Drugs. The relationship that Team Physicians enjoy with their Players puts them in a unique and privileged position to assist the CFL and CFLPA implement the CFL/CFLPA Policy.

The Team Physician is relied on for the following:

- a) recording the medications and/or supplements a Player reports to be taking;
- b) maintaining up-to-date Player files that include a history of any medications or supplements a Player reports to be taking, Therapeutic Use Exemption applications and subsequent response/s provided following an application;
- c) advising Players on substances or drugs that are contained on the CFL Prohibited List as well as the inherent risk of using supplements;
- d) seeking alternatives, if any are available, to the use of substances or drugs that are contained on the CFL Prohibited List and educating Players accordingly;
- e) completing and forwarding a Therapeutic Use Exemption application to the CFLPA Lawyer and the Designated Medical Authority prior to prescribing or administering a Performance Enhancing Drug to a Player they are treating;
- f) completing and forwarding a Therapeutic Use Exemption application to the CFLPA Lawyer and the Designated Medical Authority in instances where a medication on the Prohibited List that he or she has not previously prescribed or administered, is to be used by a Player; and
- g) advocating for the health and safety of Players and Canadian football free of Performance Enhancing Drugs.

3.01.5 – SAMPLE COLLECTION AUTHORITY

The Sample Collection Authority is responsible for assisting the CFL and CFLPA in carrying-out the CFL/CFLPA Policy as per the contractual obligations it has with the CFL and CFLPA.

The Sample Collection Authority may also be contracted by the CFL and CFLPA to provide expertise in different areas including sample collection, the granting of a Therapeutic Use Exemption, and/or the administration of specific elements of the results management process.

The Sample Collection Process is detailed in Appendix B.

3.01.6 – SUBSTANCE ABUSE COUNSELLING ORGANIZATION

The Substance Abuse Counselling Organization will be responsible for:

- a) providing Players and/or their families with the highest quality of assessment and clinical services to address their full range of personal issues;

- b) determining the level of need of a Player, including a potential counselling program. Their initial assessment will only be shared with the CFLPA Lawyer;
- c) All recommended programs will be kept confidential. While strongly recommended that the Player follow the recommended program, it is at the discretion of the player to avail themselves of the recommended program.

SECTION 4. CONFIDENTIALITY

4.01 – PUBLIC DISCLOSURE

4.01.1 – SHARING OF INFORMATION ABOUT A PLAYER; PLAYER CONFIDENTIALITY

Other than as specifically provided under this CFL/CFLPA Policy, the CFL, CFLPA, CFL Safety Committee, Sample Collection Authority, or the Substance Abuse Counselling Organization, will not be permitted to share any information about a Player's medical information with other persons connected with the team or CFL and CFLPA including team officials, affiliates, agents, members of the media, other Players, consultants, or employees. Stakeholders who breach this confidentiality will be immediately removed from their position in connection with the CFL/CFLPA Policy.

Any breach of confidentiality shall not invalidate the Adverse Analytical Finding or other proof that the CFL/CFLPA Policy was violated by a Player.

4.01.2 – PUBLIC DISCLOSURE

The CFL and CFLPA will not disclose the name of a Player who is suspended by the CFL for violating the CFL/CFLPA Policy, or otherwise make public comment relating to such Player and such violation, until after all appeals available under the CFL/CFLPA Policy have been exhausted.

Only the CFL Commissioner and the President of the CFLPA, or their respective designates, have the authority to speak publicly and disclose any information about a Player who has violated the CFL/CFLPA Policy.

4.01.3 – THE ARBITRATOR

The Arbitrator is prohibited from publicly disclosing any information obtained during the course of its duties. An Arbitrator who breaches this condition shall be immediately removed from his duties under the CFL/CFLPA Policy and excused from serving as an Arbitrator connected to the CFL/CFLPA Policy in the future.

4.02 – REPORTING OF ADVERSE ANALYTICAL FINDINGS

Each Adverse Analytical Finding reported on a Player will be communicated by the Sample Collection Authority only to the CFL's Lawyer and the CFLPA's Lawyer. The CFL Lawyer may share this information with the CFL Commissioner, provided that the CFL Commissioner shall treat any information received as strictly confidential. The CFLPA Lawyer may share this information with the CFLPA President and Executive Committee, provided that the CFLPA President and Executive Committee shall treat any information received as strictly confidential.

SECTION 5. TESTING

5.01 – LABORATORY STANDARDS

5.01.1 – WORLD ANTI-DOPING AGENCY STANDARDS

The CFL/CFLPA Policy recognizes, adopts and applies the World Anti-Doping Agency (WADA) International Standard for Laboratories. These standards may be modified by WADA from time to-time, in accordance with its own regulations.

Test results of samples will only be recognized by the CFL and CFLPA under this CFL/CFLPA Policy when they have been analyzed by a WADA accredited laboratory.

5.01.2 – STANDARDS UPDATES

The Sample Collection Authority will inform the CFL and CFLPA of any significant updates made to the Laboratory Standards, regarded to be significant by the Sample Collection Authority. It is the CFL and CFLPA's responsibility to update Players on any significant changes that may be brought to their attention and that may affect them.

5.02 – PERFORMANCE ENHANCING DRUGS AND METHODS

5.02.1 – PROHIBITED LIST

The CFL and CFLPA will publish a Prohibited List which will identify the Performance Enhancing Drugs or Methods that are prohibited by the CFL and CFLPA under this CFL/CFLPA Policy. The CFL and CFLPA reserve the right to bring modifications to the Prohibited List from time to time only by mutual agreement, in writing, and must inform Players of those changes.

5.02.2 – PROHIBITED LIST AMENDMENTS

Amendments made to the Prohibited List will only enter into effect upon the later of:

- a) six (6) months after publication; and
- b) the generally accepted period of time that it takes for a specific substance being added to the Prohibited List to become undetectable within an individual following a test performed under the CFL/CFLPA Policy, such period of time being agreed upon by the CFL and CFLPA, both parties acting reasonably.

5.03 – THERAPEUTIC USE EXEMPTION

5.03.1 – DESIGNATED MEDICAL AUTHORITY

On or before May 1 in any given year, the CFL and CFLPA shall jointly appoint an individual to act as the Designated Medical Authority pursuant to the CFL/CFLPA Policy. Such appointment shall be for a period of four years commencing on June 6 and ending on June 5, provided that either the CFL or CFLPA, acting in their sole discretion, may unilaterally elect to terminate the appointment of an individual serving as the Designated Medical Authority upon sixty (60) days written notice to the other party. In the event of such early termination, the CFL and CFLPA shall jointly appoint another individual to act as the Designated Medical Authority pursuant to the CFL/CFLPA Policy.

In the event that the parties are unable to agree on the appointment of an individual, then the independent arbitrator appointed by the CFL and CFLPA pursuant to Section 8.03.1 of the CFL/CFLPA Policy shall be directed to appoint an individual to serve as the Designated Medical Authority on behalf of the CFL and CFLPA, acting in his sole discretion.

The CFL and CFLPA agree that Dr. Andrew Pipe shall be appointed as the Designated Medical Authority pursuant to the CFL/CFLPA Policy for the period commencing on the date of execution of the CFL/CFLPA Policy and ending on June 5, 2014.

The use of certain drugs may require a Therapeutic Use Exemption. Unless otherwise stipulated by the CFL and CFLPA, the Designated Medical Authority will have the sole responsibility for reviewing a Therapeutic Use Exemption application and granting a Therapeutic Use Exemption.

5.03.2 – PROCEDURE FOR A THERAPEUTIC USE EXEMPTION

The application for a Therapeutic Use Exemption must be submitted by the CFLPA's Lawyer on behalf of the Player to the Designated Medical Authority. The Designated Medical Authority reserves the right to request additional information or clarification prior to making its determination on the application. Following the application, the CFLPA's Lawyer will receive a letter that either approves or rejects an application made by a Player for a Therapeutic Use Exemption.

The application for a Therapeutic Use Exemption can be made to the Designated Medical Authority prior to the use of a Performance Enhancing Drug. Applications can also be submitted retroactively, in the event of an emergency medical intervention where the health of a Player has been threatened or following an Adverse Analytical Finding.

5.03.3 – RISK OF VIOLATION

A Player who uses a Performance Enhancing Drug without first applying for a Therapeutic Use Exemption does so at his own risk – retroactive granting of a Therapeutic Use Exemption is not assured. Therapeutic Use Exemption applications that are rejected by the Designated Medical Authority following an Adverse Analytical Finding may result in a violation under the CFL/CFLPA Policy.

5.03.4 – CRITERIA FOR GRANTING A THERAPEUTIC USE EXEMPTION

A Therapeutic Use Exemption will only be granted by the Designated Medical Authority for medically justified reasons and under the following circumstances:

- a) the Player could experience a significant impairment to health if the Performance Enhancing Drug were to be withheld in the course of treating an acute or chronic medical condition; and
- b) the use of the Performance Enhancing Drug would produce no additional achievement or performance other than that which might be anticipated by a return to a state of normal health following the treatment of a legitimate medical condition; and
- c) there is no reasonable therapeutic alternative or the alternative is inefficient.

5.03.5 – THERAPEUTIC USE EXEMPTION CANCELLATION

A Therapeutic Use Exemption application may be cancelled or suspended by the Designated Medical Authority in the event that a Player fails to comply with the requirements or conditions set-out by the Designated Medical Authority for the granting of a Therapeutic Use Exemption.

5.04 – TESTING SELECTION

5.04.1 – RANDOM TESTING

Unless applicable under Section 5.04.2 and 5.04.3, testing administered by the Sample Collection Authority will be conducted on a random, No Advance Notice basis during the course of the calendar year. The number of annual tests to be administered by the Sample Collection Authority is set forth in Appendix C, provided that such number of tests may be reduced by the CFL at any time acting in its sole discretion.

5.04.2 – TARGET TESTING

Notwithstanding Section 5.04.1, Players may be targeted for testing through common accord between the Sample Collection Authority, the CFL and the CFLPA, based upon any of the following circumstances:

- a) the laboratory has recommended follow-up testing based on their analytical investigation;
- b) the Player is presently undergoing counselling and as a condition of their counselling, they are subject to further testing; or
- c) the Player has been granted a retroactive exemption pursuant to Section 7.04.

5.04.3 – MANDATORY TESTING

A Player who has committed a violation of the CFL/CFLPA Policy pursuant to Section 6.01 will be subject to mandatory testing by the Sample Collection Authority for a period of two (2) years following the Adverse Analytical Finding.

During that period, a Player may be tested up to a maximum of eight (8) times and will be subject to testing during the season and out-of season.

5.04.4 – NO-NOTICE TESTING

5.04.4.1 IN-COMPETITION NO-NOTICE TESTING

In-competition testing refers to Drug Tests that are conducted on a no-notice basis during the pre-Season, regular season and playoffs, at the conclusion of the game.

5.04.4.2 OUT-OF COMPETITION NO-NOTICE TESTING

Out-of-competition no-notice testing refers to Drug Tests that are conducted on a no-notice basis during the pre-Season, regular season and playoffs, at the conclusion of practices and/or training sessions.

5.04.5 – SHORT-NOTICE TESTING

OUT-OF-COMPETITION SHORT-NOTICE TESTING

Out-of-competition short-notice testing refers to Drug Tests that are conducted on a Short-Notice basis (24 hour notification) during the off-season, at a location agreed to by both parties (i.e. the sample collection officer and the player).

SECTION 6. VIOLATIONS

6.01 – USAGE, REFUSAL TO COMPLY, AND TAMPERING VIOLATIONS

6.01.1 – USE OF A PERFORMANCE ENHANCING DRUG

Use of a Performance Enhancing Drug is a violation of the CFL/CFLPA Policy.

6.01.2 – REFUSAL TO COMPLY

Refusing to submit to a drug test requested by the Sample Collection Authority pursuant to the provisions of the CFL/CFLPA Policy or otherwise evading sample collection is a violation of the CFL/CFLPA Policy each time such a request is refused or evaded.

A Player who refuses to submit to a drug test duly requested by the Sample Collection Authority, or otherwise evades such a test, may request a retroactive exemption from such test pursuant to Section 7.04.

6.01.3 – TAMPERING OR ATTEMPTED TAMPERING

Tampering, or attempting to tamper, with any part of the sample collection process is a violation of the CFL/CFLPA Policy.

6.02 – OTHER VIOLATIONS

6.02.1 – ADMINISTRATION

Administration or attempted administration of a Performance Enhancing Drug to any Player, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving Use or Attempted Use or any other violation of the CFL/CFLPA Policy or any attempted violation, is a violation of the CFL/CFLPA Policy.

6.02.2 – POSSESSION OR TRAFFICKING

Conviction of a Player in Canada of a criminal offence for possession or trafficking of a Performance Enhancing Drug on the CFL Prohibited List is a violation of the CFL/CFLPA Policy.

SECTION 7. DISCIPLINARY ACTIONS

7.01 – LABORATORY ANALYTICAL REPORTS

Laboratory analytical reports will be prepared and sent by the WADA accredited Laboratory to the Sample Collection Authority, for every test conducted in the League. The Sample Collection Authority will only share these reports with the CFL and CFLPA at the end of the season, unless a report provides conclusive evidence of an Adverse Analytical Finding, in which case, the Sample Collection Authority will take the necessary and timely steps to inform the rightful parties, as per the provisions outlined in Section 4.02.

As per the Laboratory Standards, the WADA accredited Laboratory must share all Adverse Analytical Findings with WADA and the relevant International Federation.

7.02 – ADVERSE ANALYTICAL FINDINGS

Excepting those drugs for which a quantitative reporting threshold is specifically identified in the Prohibited List, the detected presence of any quantity of a Performance Enhancing Drug, its Metabolites or Markers in a Player's sample shall result in an Adverse Analytical Finding.

The Prohibited List may establish special criteria for the evaluation of Performance Enhancing Drugs that can also be produced naturally within the body.

Adverse Analytical Findings reported by the accredited WADA Laboratory on drugs contained on the CFL Prohibited List will serve as prima facie evidence that a Player has used a Performance Enhancing Drug and violated the CFL/CFLPA Policy, unless a Player took reasonable steps to avoid using the Performance Enhancing Drug(s) in question and can provide sufficient supporting evidence during the appeal process outlined in Section 8.

7.03 – PLAYER VIOLATIONS FOR USAGE, REFUSAL TO COMPLY, OR TAMPERING

A Player that has committed a violation of the CFL/CFLPA Policy pursuant to Section 6.01 will be disciplined according to the following:

1st Offence:

- a) the Player, the CFL Lawyer, and the CFLPA Lawyer will be informed of the violation;
- b) the Player will be subject to mandatory drug testing by the Sample Collection Authority as per the provisions outlined in Section 5.04.3 for a period of two (2) calendar years, following the violation; and

- c) the Player must participate in an assessment and clinical evaluation, to determine whether a counselling program¹ would be recommended, and participate in remedial education, within three (3) months of the violation and provide satisfactory evidence to the CFL Lawyer that this was completed within that period.

2nd Offence:

- a) the Player, the CFL Commissioner, the CFLPA President, the Team President, the Team Physician, the CFL Lawyer and the CFLPA Lawyer will be informed of the violation;
- b) the Player will be suspended by the CFL for three (3) regular season or playoff games commencing from the date the Player is notified of the violation;
- c) the Player may be subject to Drug Testing during the period of suspension;
- d) the Player will be subject to mandatory drug testing by the Sample Collection Authority as per the provisions outlined in Section 5.04.3 for a period of two (2) calendar years following the expiry of the period of suspension; and
- e) the Player must participate in an assessment and clinical evaluation, to determine whether a counselling program¹ would be recommended, and participate in additional remedial education within three (3) months of the formal notice handed down by the CFL and CFLPA and provide satisfactory evidence to the Team Physician, CFL Lawyer and CFLPA Lawyer that this was completed within that period.

3rd Offence:

- a) the Player, the CFL Commissioner, the CFLPA President, the Team President, Team Physician, the CFL Lawyer and the CFLPA Lawyer will be informed of the violation;
- b) the Player will be suspended by the CFL for a one year (calendar) period commencing from the date the Player is notified of the violation;
- c) the Player may be subject to Drug Testing during the period of suspension;
- d) the Player will be subject to mandatory drug testing by the Sample Collection Authority as per the provisions outlined in Section 5.04.3 for a period of two (2) calendar years following the expiry of the period of suspension;
- e) the Player must participate in an assessment and clinical evaluation, to determine whether a counselling program¹ would be recommended, and participate in additional remedial education within three (3) months of the formal notice handed down by the CFL and CFLPA and provide satisfactory evidence to the Team Physician, CFL Lawyer and CFLPA Lawyer that this was completed within that period; and

¹ Any recommended or prescribed counselling program, while strongly recommended by the CFL and CFLPA, would be entirely voluntary on the part of the Player.

- f) the Player may be requested to participate in community service that is pre-approved by the CFL and CFLPA.

4th Offence:

The Player who violates the CFL/CFLPA Policy a fourth time during his career will receive a life-time suspension from the CFL and will be ineligible to participate in any activities held or organized by his team, any other team, or the CFL.

7.04 – PLAYERS REFUSING TO SUBMIT TO A DRUG TEST

A Player who refuses to submit to a drug test duly requested by the Sample Collection Authority, or otherwise evades such a test, may request a retroactive exemption from such test according to the following process:

1. the Player may first request a retroactive exemption from the CFLPA President and CFL Commissioner, which shall be granted only upon the mutual agreement of the CFLPA President and CFL Commissioner that the test was refused or evaded with compelling justification and under extraordinary circumstances;
2. if the CFLPA President and CFL Commissioner do not mutually agree to grant a retroactive exemption in any particular case, the Player may then request a retroactive exemption from the Arbitrator, provided that the request is accompanied by the written endorsement of the CFLPA President. The Arbitrator shall only grant a retroactive exemption where he finds that the test was refused or evaded with compelling justification and under extraordinary circumstances. The Arbitrator may consider any information that he deems to be relevant to his review, and his decision shall be final and binding. The Arbitrator shall communicate his decision in writing to the Player, the CFLPA Lawyer, and the CFL Lawyer within twenty-four (24) hours of completing his review.

If the CFLPA President and CFL Commissioner, or the Arbitrator, grants a retroactive exemption then (i) the Player will not be in violation of the policy for refusing or evading the test to which the request relates, and (ii) the Player shall be subject to one drug test at a time and date determined by the Sample Collection Authority, but not disclosed in advance to the Player, within six (6) months of the decision of the CFLPA President and CFL Commissioner, or the Arbitrator, as applicable.

If the Arbitrator refuses to grant a retroactive exemption following the review of a request submitted by a Player, then the Player shall pay \$500 to the CFL to be applied against the Arbitrator's fee to review and decide upon the Player's request.

If (i) the CFLPA President and CFL Commissioner refuse to grant a retroactive exemption and the Player does not duly request a retroactive exemption from the Arbitrator, or (ii) the Arbitrator refuses to grant a retroactive exemption, then the Player's refusal to submit to a drug test requested by the Sample Collection Authority pursuant to the provisions of the CFL/CFLPA Policy, or other evasion of sample collection, will remain a violation of the CFL/CFLPA Policy.

7.05 – SUSPENSION PROCEDURES

The CFL will notify the Player and his team (in accordance with Section 7.03 above) of the suspension. Such notification shall be made in writing to the Player.

During a suspension, the Player will not receive any pay, including pay for any playoff game that they miss because of their suspension.

Players who are suspended may not participate in any activities with either their team or within the CFL, with the exception of team practices without pay and at the sole discretion of the Player's CFL team.

Subject to any appeal, the suspension will begin on the date set in the CFL notification of suspension to the Player. A public statement regarding the suspension will only be made following the completion of the appeal process pursuant to the CFL/CFLPA Policy, or upon the election by the Player not to pursue such appeal process.

If there are fewer than the prescribed number of games remaining in the current season when the suspension begins, including any playoff games for which the Player's team qualifies, the suspension will continue into the next regular season.

7.06 – OTHER PLAYER VIOLATIONS

A Player that has committed a violation of the CFL/CFLPA Policy pursuant to Section 6.02 will be subject to discipline by the Commissioner pursuant to the provisions of the CFL Constitution and the Collective Bargaining Agreement between the CFL and CFLPA (the "CBA") in force at the time of such violation. All grievance procedures set out in the CBA shall be available to the Player in relation to discipline administered to such Player for a violation of the CFL/CFLPA Policy pursuant to Section 6.02.

7.07 – NON-PLAYER VIOLATIONS

The Commissioner shall have the power to fine in an amount not exceeding twenty-five thousand dollars (\$25,000), suspend, or fine and suspend any coach, league employee, team employee (excluding Players), official or team executive who commits a violation of the CFL/CFLPA Policy. The person fined or suspended may, within ten days, request in writing a hearing which will be held within seven days of such request, after which the Commissioner may vary the amount of the fine or term of the suspension acting in his sole discretion.

SECTION 8. RESULTS MANAGEMENT

8.01 – DETERMINATION OF A PRESENCE IN SAMPLE VIOLATION ON A PLAYER

The Sample Collection Authority will confirm with the CFL Lawyer and CFLPA Lawyer any Adverse Analytical Findings that are reported by the Laboratory, in cases where a Player has not been previously approved for a Therapeutic Use Exemption for a Prohibited Drugs and Methods.

Adverse Analytical Findings on Players that have previously violated the CFL/CFLPA Policy will also be reported to the CFL and CFLPA.

Such confirmations will be made in writing and will accompany a copy of the Certificate of Analysis within ten (10) days of the Sample Collection Authority receiving the Certificate from the Laboratory.

For the purpose of the CFL/CFLPA Policy, a Certificate of Analysis from an Accredited Laboratory is prima facie evidence of the test result and is proof of the statements contained in the certificate.

8.02 – INFORMING THE PLAYER OF AN ADVERSE ANALYTICAL FINDING

Upon receiving notification of an Adverse Analytical Finding and a copy of the Laboratory Certificate of Analysis, the CFLPA Lawyer will have five (5) days to inform the Player and will document in the Player's file, the date and time the Player was notified of his Adverse Analytical Finding and shall advise the Player on the procedures and timelines for appealing the findings and/or requesting the examination and analysis of the "B" sample.

8.03 – DISPUTES

Any dispute concerning the application, interpretation or administration of this CFL/CFLPA Policy shall be resolved exclusively and finally through the following procedures:

8.03.1 – ARBITRATOR

On or before May 1 in any given year, the CFL and CFLPA shall jointly appoint an independent arbitrator to preside over all appeals requested by a Player pursuant to the CFL/CFLPA Policy. Such appointment shall be for a period of three years commencing on June 6 and ending on June 5, provided that either the CFL or CFLPA, acting in their sole discretion, may unilaterally elect to terminate the appointment of an individual serving as the independent arbitrator upon sixty (60) days written notice to the other party. In the event of such early termination, the CFL and CFLPA shall jointly appoint another individual to act as the independent arbitrator pursuant to the CFL/CFLPA Policy.

In the event that the parties are unable to agree on the appointment of an independent arbitrator as provided for herein, then The Honourable Neil C. Wittmann, Chief Justice of the Court of Queen's Bench for Alberta, shall be directed to appoint an independent arbitrator on behalf of the

CFL and CFLPA, acting in his sole discretion but on terms of compensation acceptable to the CFL, acting reasonably.

The CFL and CFLPA agree that Richard H. McLaren shall be appointed as the independent arbitrator to preside over all appeals requested by a Player pursuant to the CFL/CFLPA Policy for the period commencing on the date of execution of the CFL/CFLPA Policy and ending on June 5, 2014.

8.03.2 – PLAYER'S 'S RIGHT TO APPEAL

Any Player who is notified by the CFL that he is subject to a suspension for violation of the terms of this CFL/CFLPA Policy, may appeal such discipline directly to the Arbitrator.

Any Player who is denied a Therapeutic Use Exemption by a Designated Medical Officer may appeal such decision directly to the Arbitrator.

A Player must indicate his desire to appeal in writing within seven (7) days of receiving notice from the CFL and CFLPA (in the case of a fine or suspension) or a Designated Medical Officer (in the case of a denial of an application for a Therapeutic Use Exemption). A Player will be given fifteen (15) days following submission of his notice of appeal to present to the Arbitrator his reasons for appealing the relevant decision. This shall be known as the appeal period.

Appeals made to the Arbitrator must also be accompanied with a \$500 Administrative Fee. In the event that a Player's appeal is successful, the \$500 Administrative Fee shall be refunded.

A Player's request to appeal a suspension or denial of a Therapeutic Use Exemption will not be considered until full payment of the Administrative Fee has been received by the Arbitrator. Such requests, including payment, must be made within the specified period of time.

The Arbitrator must inform the Player, the Commissioner of the CFL, the President of the CFLPA, the CFL Lawyer, and the CFLPA Lawyer in a timely manner, of the decision of a Player to appeal his suspension or denial of a Therapeutic Use Exemption.

8.03.3 – "B" SAMPLE ANALYSIS

Any Player who wishes to appeal or has already launched an appeal with the Arbitrator can request, at his expense, to have his B sample promptly analyzed by a WADA accredited Laboratory. Such requests must be made to the Arbitrator in writing when notifying the Arbitrator of his intent to appeal. The Arbitrator will, in turn, notify the Sample Collection Authority, CFL, and CFLPA of such request.

Any subsequent reports prepared by the Laboratory will be issued to the Sample Collection Authority, who in turn, will forward such reports to the CFL and the CFLPA. It can take up to ten (10) days for the accredited Laboratory to report on a Player's B sample.

At the time a Player requests to have his B sample analyzed, a Player can also request to be present or to have a representative present at the accredited Laboratory for the opening of his B

sample. The Director of the accredited Laboratory will appoint a representative for the Player in the absence of such requests. The Arbitrator or his representative can also be present during the B sample opening. Individuals that are present at the accredited Laboratory during the B sample opening will be asked to verify the integrity and security of the sample at the time of opening.

Once notified of a Player's wish to have his B sample opened by the Arbitrator, the Sample Collection Authority will confirm a convenient date and time set by the Laboratory for the B sample opening with the CFL and CFLPA.

8.03.4 – REQUEST FOR ADDITIONAL TIME TO PREPARE AN APPEAL

No later than three (3) days before the end of the initial appeal period granted to the Player, the Player may request additional time from the Arbitrator, in order to prepare his or her appeal. Such requests must be made in writing to the Arbitrator. In doing so, the Player must provide the Arbitrator with reasons for requesting more time.

A Player may be given up to an additional thirty (30) days to finalize his or her appeal.

Any additional time granted to a Player by the Arbitrator must be communicated to the Player, the CFL Lawyer and the CFLPA Lawyer in a timely manner following the decision.

8.03.5 – CONDUCT OF APPEALS BEFORE THE ARBITRATOR

The Arbitrator will set the time and date of the appeals hearing and shall make it known to the Player. The appeals hearing should be set as soon as is reasonable after the Player's appeal period ends (e.g. within fifteen (15) days). A Player may be accompanied by counsel and present relevant evidence or testimony in support of his appeal.

The Arbitrator will make his decision known to the Player, to the Commissioner of the CFL and to the President of the CFLPA within seven (7) days after the hearing by way of a written report. The report of the Arbitrator will constitute a full, final and complete disposition of the appeal, including the issues argued on appeal by the Player, and which will be binding on all parties.

The Commissioner of the CFL and the President of the CFLPA has three (3) days to formally notify the Player, by written notice, of any resulting disciplinary action and the applicable dates being imposed, as a result of the decision of the Arbitrator.

Only the Commissioner of the CFL and the President of the CFLPA will be entitled to publicly comment on the decision of the Arbitrator.

8.03.6 – EFFECT OF PENDENCY OF AN APPEAL

A disciplinary action (including any requirement to participate in an assessment and clinical evaluation) that has been appealed by a Player, will not take effect until completion of the Player's appeal.

The pendency of an appeal shall not excuse a Player from compliance with any other aspect of this CFL/CFLPA Policy.

8.03.7 – PROCEDURAL DISPUTES

The Arbitrator shall have exclusive and final authority to resolve all issues affecting the presentation of appeals and the conduct of appeals, including the timing and location of the hearing, the timeliness of appeals, access to information, and the relevance of evidence.

All issues affecting the conduct of appeals that are known to either party to an appeal hearing must be resolved at least two (2) days prior to commencement of the appeal hearing.

8.03.8 – COSTS

The fees and expenses incurred by the Arbitrator shall be paid by the CFL.

The CFL and CFLPA shall be responsible to pay their own respective costs, including without limitation legal fees and expenses, for all matters relating to the CFL/CFLPA Policy including the conduct of appeals.

SECTION 9. REHABILITATION

9.01 – PLAYER SUBSTANCE ABUSE COUNSELLING

9.01.1 – SUSPENDED PLAYER

If a Player is suspended by the CFL pursuant to the terms of this CFL/CFLPA Policy, such Player must participate in an assessment and clinical evaluation, to determine whether a counselling program would be recommended. Such programs would be made available to the Player by the Substance Abuse Counselling Organization, in consultation with the CFLPA. The program would be tailored to meet the specific needs of the Player and may include, but is not limited to, the following:

- a) counselling from medical personnel or substance abuse experts;
- b) remedial education that provides various information including alternatives to the use of performance enhancing substances; and
- c) community service, including speaking to other Players or members of the public about the dangers of using Performance Enhancing Drugs in sport.

While the CFL and the CFLPA highly recommend that a player take advantage of the opportunity to receive counselling assistance, it is at the sole discretion of the player whether he chooses to avail himself of this service. Participation in counselling would be kept confidential by the Substance Abuse Counselling Organization.

9.01.2 – PRIOR VOLUNTARY DISCLOSURE OF SUBSTANCE ABUSE

A Player who voluntarily and in good faith admits to having a problem regarding the use of Performance Enhancing Drugs to the CFLPA President or CFLPA Lawyer, will be invited to participate in an assessment and clinical evaluation.

Players shall be protected from the offences which are outlined in the CFL/CFLPA Policy, prior to obtaining the assistance he needs, as long as that Player agrees to have his name divulged to the CFL Lawyer by the CFLPA President or CFLPA Lawyer, and is willing to participate and cover any additional expenses that may be associated with a treatment program that is recommended and prescribed by the Substance Abuse Counselling Organization.

A Player will become subject to mandatory testing once he has commenced a treatment program. That Player must remain drug-free during his treatment program or will be subject to the disciplinary actions outlined in Section 7.

If the Player continues to participate with his Team following his disclosure and throughout his treatment program, such a Player remains subject to doping control pursuant to the CFL/CFLPA Policy. If tested prior to commencing his treatment program, the Player will be protected from the relevant disciplinary actions that follow a violation of the CFL/CFLPA Policy.

APPENDICES

APPENDIX A – GLOSSARY

The words and expressions which appear in the glossary should be understood as they are defined for the use of the present anti-doping policy, unless contra-indicated by the applicable context.

Adverse Analytical Finding: A report from a World Anti-Doping Agency accredited Laboratory that, consistent with the International Standards for Laboratories or related Technical Documents, identifies in a sample the presence of a performance enhancing drug, metabolites or markers (including elevated quantities of endogenous substances – those substances capable of being produced by the body naturally) on the CFL Prohibited List or evidence of the use of a performance enhancing drug on the CFL Prohibited List.

Arbitrator: An individual jointly appointed by the CFL and CFLPA to adjudicate appeals requested by a Player pursuant to the CFL/CFLPA Policy.

Attempt: Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of a violation of the CFL/CFLPA Policy. Provided, however, there shall be no violation of the CFL/CFLPA Policy based solely on an attempt to commit a violation if the person renounces the attempt prior to it being discovered by a third party not involved in an attempt.

Chaperone: An official who is trained and authorized by the Sample Collection Authority to carry out specific duties including notification of the player selected for sample collection, accompanying and observing the player until arrival at the Drug Testing Station, and/or witnessing and verifying the provision of the sample where the training qualifies him/her to do so.

Designated Medical Authority: A medical professional jointly appointed by the CFL and CFLPA for the sole purpose of reviewing and deciding upon an application for a Therapeutic Use Exemption.

Drug Testing: The process including test distribution planning, sample collection and handling and laboratory analysis.

Drug Testing Station: The location where the sample collection session is conducted.

Failure to Comply: A failure to comply with the requirements of the performance enhancing drug policy.

Marker: A compound, group of compounds or biological parameters that indicates the use of a performance enhancing drug or method.

Metabolite: Any substance produced by a biotransformation process.

No Advance Notice: A drug test which takes place with no advance warning to the player and where the player is continuously chaperoned from the moment of notification through sample provision.

Player: For purposes of drug testing, any individual who is party to the terms of a CFL Standard Player Contract or a CFL Practice Roster Agreement, but shall not include:

- (i) A Player who has been listed on the CFL Retired Players List for nine months or longer;
- (ii) A Player who is listed on the CFL Suspension List for failing to attend at Training Camp at the commencement of the season; and
- (iii) A Player who is listed on the CFL Deferred List.

Performance Enhancing Drug: Any substance or method so described on the CFL Prohibited List.

Public Disclose or Public Report: To disseminate or distribute information to the general public or persons beyond those persons entitled to earlier notification in accordance with the CFL.

Random Testing: Selection of a player for testing where the players are selected on a random basis for drug testing during a game or a practice.

Sample: A urine or blood sample collected for the purposes of drug testing.

Sample Collection Authority: An independent organization contracted by the CFL and CFLPA to conduct any part of the sample collection process.

Sample Collection Officer: An official who has been trained and authorized by the Sample Collection Authority with delegated responsibility for the on-site management of a sample collection session.

Sample Collection Personnel: A collective term for qualified officials authorized by the Sample Collection Authority who may carry out or assist with duties during the Sample Collection Session, especially Chaperones and Sample Collection Officers.

Sample Collection Session: All of the sequential activities that directly involve the player from notification until the Player leaves the Drug Testing Station after having provided the Sample(s).

Target Testing: Selection of Players for testing where a specific Player or Players are selected on a non-random basis for drug testing at a specified time.

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

Use: The application, ingestion, injection or consumption by any means whatsoever of any performance enhancing drug or method.

APPENDIX B – SAMPLE COLLECTION PROCESS

1. Upon reporting to the Drug Testing Station following his notification to provide a Sample, the selected Player may be asked to provide photo identification.

Note: Once notified for doping control, a Player will be chaperoned until and after he reports to the Drug Testing Station or given a specified time to report to the Drug Testing Station.

2. The Player will be handed a form and asked to complete it prior to reporting to the Drug Testing Station or he will be required to provide the Sample Collection Officer with any relevant information upon arrival to the Drug Testing Station.
3. Once the Player is ready to provide his sample, he will be asked to choose a sealed urine collection vessel from an available selection and to verify that the container has remained intact and has not been damaged.
4. The Player will open the sealed container once he reaches the toilet and will be asked to provide a specific minimum amount of urine while being observed by a member of the Sample Collection Personnel.

Note: When providing a Sample, the Witnessing Officer must have an unobstructed view of the passing of the urine from the Player. In order to accomplish this, the Player will be asked to lower his trousers to his mid thighs and lift his sweater to his mid chest.

5. The Player will return to the Drug Testing Station with his Sample, where he will be asked to divide his Sample by pouring it into two separate “A” and “B” bottles, which he will have chosen as part of a kit, in advance.

Note: Once the Player is asked to close the bottles, his Sample will have been sealed, secured and identified with a unique sample code number that is engraved on the bottles.

6. Before being excused from the Drug Testing Station, the Player will be asked to sign the form used to record the sample code number, the time his sample was sealed, the date of the Sample Collection Process, as well as personal information of the Player.
7. Following the Sample Collection Process, the Sample/s collected by the Sample Collection Officer/s will be placed in a transportation bag and their sample code number/s recorded on a Chain of Custody Form. The Sample/s as well as a copy of the Form will be forwarded to the testing laboratory.

Note: At no time during and after the Sample Collection Process or through the documentation provided, will the name of the Player be shared or provided to the testing laboratory. The sample code number, which appears on the bottles used to secure the Player’s Sample, will be used to associate the Player to his Sample.

APPENDIX C – ANNUAL TESTING FREQUENCY

SEASON	Annual % of Players Tested* <i>* Excluding mandatory tests and target testing required under the CFL/CFLPA Policy, which shall be additional</i>
2011-12	25
2012-13	30
2013-14 and future years	35

APPENDIX D – CFL PROHIBITED LIST

Performance-Enhancing Drugs, Stimulants and Masking Agents

acetazolamide	famprofazone	norandrostenediol
adrafinil	fenbutrazate	norboletone
adrenaline	fencamfamin	norclostebol
amfepramone	fencamine	norethandrolone
amiloride	fentylline	norfenefrine
amiphenazole	fenfluramine	norfenfluramine
amphetamine	fenproporex	octopamine
amphetaminil	fluoxymesterone	ortetamine
androstenediol	formebolone	oxabolone
androstendione	fulvestrant	oxandrolone
benzphetamine	furosemide	oxilofrine
bolandiol	furazabol	oxymesterone
bolasterone	furfenorex	oxymetholone
boldenone	gestrinone	pemoline
boldione	heptaminol	pentetrazol
bromantan	hydroxytestosterone	phendimetrazine
bumetanide	human growth hormone	phenmetrazine
calusterone	indapamide	phenpromethamine
canrenone	isometheptene	phentermine
carphedon	meclofenoxate	propylhexedrine
cathine	mefenorex	prolintane
chlorothalidone	mephentermine	probenecid
clenbuterol	mesocarb	prostanazol
clobenzorex	mestanolone	quinbolone
clomiphene	mesterolone	selegiline
clostebol	metolazone	sibutramine
cropropamide	metenolone	spironolactone
crotetamide	methamphetamine	stanozolol
cyclazodone	methandienone	stenbolone
cyclofenil	methandriol	strychnine
danazol	methasterone	testosterone
dehydrochlormethyltestosterone	methylamphetamine	tetrahydrogestrinone
dehydroepiandrosterone (DHEA)	methyldienolone	tibolone
desoxymethyltestosterone	methylenedioxyamphetamine	thiazides
dihydrotestosterone	methylephedrine	trenbolone
dimethylamphetamine	methyl-1-testosterone	triamterene
drostanolone	methylphenidate	zeranol
ephedrine with a threshold of 5 µg/ml (micrograms/milliliter) or more	methylnortestosterone	zilpaterol
epitestosterone	methyltrienolone	
etacrynic acid	methyltestosterone	
etamivan	mibolerone	
ethylestrenol	modafinil	
etilamphetamine	nandrolone	
etilefrine	nikethamide	
	norandrostenedione	