



# Scottish Rugby

## Illicit Drugs Policy

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## FOREWORD

The benefits of participation in sport are widely recognised, not just in terms of health but in building confidence, teamwork and friendships. Scottish Rugby's Values of **Leadership, Engagement, Achievement, Enjoyment and Respect** apply across all areas of our sport, from mini rugby through to our international teams.

We all have a responsibility to look after the participants in our game, with their wellbeing and safety being at the centre of everything we do. Scottish Rugby's aim is that everyone who is involved with our sport has a positive experience and goes on to achieve their full potential both within the game and in life.

Scottish Rugby takes the issue of Illicit Drugs extremely seriously. Illicit Drugs can affect the health and wellbeing of those who take them and their use has the potential to adversely affect the reputation of our game. In view of this Scottish Rugby has adopted the attached *Illicit Drugs Policy* and associated Illicit Drugs Regulation, *SDR 21.2 Illicit Drugs*.

To support our Policy and Regulation, we will provide advice and guidance to players, clubs and to the volunteers who are the heartbeat of our game. We will also monitor best practice in this area and will, where necessary and appropriate, update our Policy and Regulation accordingly.

### MARK DODSON

Chief Executive

Scottish Rugby

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## POLICY STATEMENT

Scottish Rugby considers that:

- Illicit Drug use represents a threat to the health and wellbeing of those who participate in rugby;
- through their actions, players and others can influence the lives and behaviours of others; and
- the use of Illicit Drugs can bring the sport into disrepute.

Scottish Rugby wishes to prevent the use of Illicit Drugs by those participating in rugby. It has therefore adopted a Regulation (SDR 21.2 : Illicit Drugs) with a view to protecting the health and wellbeing of players and to protect the image of the game.

All those under the jurisdiction of Scottish Rugby must comply with SDR 21.2 : Illicit Drugs.

### Key principles:

- Primary responsibility for the health and wellbeing of each player lies with the individual player.

- Scottish Rugby has adopted a Regulation (SDR 21.1 Anti-Doping) in relation to the testing of players for WADA Prohibited Substances (both in and out-of-competition), and the subsequent sanctioning of offenders. This Regulation conforms with the World Anti-Doping Code, the UK Anti-Doping Rules and World Rugby Regulation 21 (Anti-Doping).

- Scottish Rugby has also adopted a Regulation (SDR 21.2 Illicit Drugs) in relation to the testing and sanctioning of out-of-competition use of certain Illicit Drugs.

- First offences under SDR 21.2 Illicit Drugs shall ordinarily be dealt with through the provision of support and education. Second and subsequent offences will normally lead to a period of suspension from the game.

- The welfare and safety of the player is paramount.

## SCOTTISH RUGBY CORE VALUES

Scottish Rugby is the Governing Body of the sport of Rugby Union in Scotland and promotes these core values from our National Teams through to grassroots rugby.

Our core values are:

**LEADERSHIP**

**ENGAGEMENT**

**ACHIEVEMENT**

**ENJOYMENT**

**RESPECT**

## ROLES AND RESPONSIBILITIES

To ensure an environment in which all participants can enjoy their rugby, everyone involved in the game must work together. It is **EVERYONE'S** responsibility to contribute to the wellbeing of players.

### SCOTTISH RUGBY WILL:

- Appoint a Chief Medical Officer to oversee best practice in the medical support of players at all levels.
- Develop and publish an Illicit Drugs regulation, SDR 21.2 Illicit Drugs, and ensure that the Regulation and any associated guidance is regularly reviewed and updated.
- Require that member clubs comply with the Regulation as part of the Club Minimum Operating Standards.
- Provide advice and assistance in relation to the Regulation to players and their clubs.
- Manage and respond to referrals and/or concerns in an efficient and fair manner.
- Take disciplinary action against those who breach the Regulation.

### MEMBER/AFFILIATED CLUBS WILL:

- Ensure that their players, coaches, medics and other club officials are aware of Scottish Rugby's Regulation SDR 21.2 Illicit Drugs.
- Ensure that players and club officials comply with the terms of the Regulation and any associated guidance.
- Report any suspected breaches of the Regulation.

### PLAYERS, COACHES AND TEAM MEDICS WILL:

- Ensure that the game is played in accordance with Scottish Rugby's Core Values.
- Take responsibility for their own safety and that of other players.
- Abide by the terms of Scottish Rugby's SDR 21.2 Illicit Drugs and any associated guidance.

## DEFINITIONS

### ADVERSE ANALYTICAL FINDING

A report from the Testing Agent that identifies the presence of an Illicit Drug (including elevated quantities of endogenous substances).

### CHIEF MEDICAL OFFICER (CMO)

The person, having appropriate knowledge and expertise, who is appointed by Scottish Rugby to act on its behalf in this capacity in matters arising under this Regulation.

### ILLICIT DRUG

Means any substance (or metabolite or marker thereof) listed in Appendix 1 to SDR 21.2 Illicit Drugs as revised from time to time.

### PROGRAMME MANAGER

Means the person, having appropriate knowledge and expertise, who is appointed by Scottish Rugby to act on its behalf in this capacity in matters arising under this Regulation.

### SCOTTISH RUGBY

Means the Scottish Rugby Union, Scottish Rugby Union Limited or any of its wholly or majority owned subsidiaries.

### TESTING AGENT

Means the individual or organisation appointed by Scottish Rugby to conduct or arrange sample collection and testing in connection with Illicit Drugs.

### VIOLATION

Shall have the meaning ascribed to it in more detail in clause 5 of this Regulation.

### WORLD RUGBY

The international governing body for the sport of Rugby Union.

# SCOTTISH RUGBY DOMESTIC REGULATION 21.2 : ILLICIT DRUGS

## 1. POSITION STATEMENT

- 1.1 Scottish Rugby considers that:
  - 1.1.1 the use of Illicit Drugs represents a threat to the health and wellbeing of those who participate in the game of rugby football;
  - 1.1.2 through their actions, players and others associated with the game have the ability to influence the lives and behaviours of others;  
and
  - 1.1.3 the use of Illicit Drugs can bring the sport into disrepute.

## 2. OBJECTIVES

- 2.1 Scottish Rugby wishes to prevent the use of Illicit Drugs by those participating in rugby and has therefore developed this Regulation (SDR 21.2 : Illicit Drugs) with a view to:
  - 2.1.1 protecting the health and wellbeing of players and others; and
  - 2.1.2 protecting and promoting the image of the game of rugby football.
- 2.2 These objectives shall be effected through:
  - 2.2.1 educating those involved in the game about the dangers of using Illicit Drugs;
  - 2.2.2 providing positive examples for young players and others in the rugby community;
  - 2.2.3 providing effective deterrents to the use of Illicit Drugs;
  - 2.2.4 providing, on the first occurrence, an avenue for the rehabilitation of participants who may have an issue with Illicit Drug use; and
  - 2.2.5 protecting and promoting the image and interests of the game, its clubs, teams, sponsors and other stakeholders as a sport free of Illicit Drugs.

## 3. APPLICATION

- 3.1 This Regulation shall apply to all persons and all bodies subject to the authority of Scottish Rugby.
- 3.2 Players, including any player participating for a Scottish Rugby representative team irrespective of their home Union, must observe and comply with this Regulation. Violations of this Regulation shall be dealt with in accordance with clause 8 (Sanctions) below. Scottish Rugby may instead or additionally elect to deal with non-compliance by players who are employees of Scottish Rugby as a disciplinary matter under the terms of the player's employment contract.
- 3.3 Other participants in the game must comply with this Regulation and, where alleged to have committed or to have contributed to a breach of this Regulation, may be subject to investigation and sanction under the Misconduct provisions of Scottish Rugby's Disciplinary Rules and / or under the terms of their employment contract if they are employees of Scottish Rugby.
- 3.4 Scottish Rugby has adopted an anti-doping Regulation, SDR 21.1 Anti-Doping, which conforms with the World Anti-Doping Code, the UK Anti-Doping Rules and World Rugby Regulation 21 (Anti-Doping). Any In-Competition testing and any Out-of-Competition testing for Prohibited Substances conducted under SDR 21.1 Anti-Doping, shall be dealt with under that Regulation.
- 3.5 In the event of a clash between sample collections under the Illicit Drugs testing programme and the Anti-Doping programme, or in the event of any inconsistency between the two Regulations, SDR 21.1 Anti-Doping shall take precedence.
- 3.6 Players under the age of 18, unless participating in adult competition, shall not ordinarily be subject to testing under this Regulation.

## 4. OBLIGATIONS

- 4.1 All participants in the game shall be bound by this Regulation as a condition of their participation or other involvement in the game of rugby football in Scotland.
- 4.2 Roles and Responsibilities – All participants must to the greatest extent possible:
  - 4.2.1 Be knowledgeable of, and comply with, all of the requirements applicable to them under this Regulation;
  - 4.2.2 Read and understand the List of Prohibited Illicit Drugs as set out in Appendix 1, and keep up to date with any changes to the List;
  - 4.2.3 Use their influence to reinforce positive education messages in relation to not using or taking any Illicit Drug; and
  - 4.2.4 Act in a discreet and confidential manner in discharging their obligations under this Regulation.
- 4.3 Roles and Responsibilities – Players must in addition:
  - 4.3.1 Make themselves available for, and participate in, Illicit Drugs education and prevention programmes where requested to do so;
  - 4.3.2 Provide whereabouts information and submit to testing as may be required under this Regulation;
  - 4.3.3 Take full responsibility for any substance that they ingest or otherwise use;
  - 4.3.4 Ensure that no Illicit Drug, its markers or metabolites are found to be present in any sample provided by them in accordance with this Regulation;
  - 4.3.5 Attend any assessment, counselling, drug treatment or education programme as directed by the Chief Medical Officer or Disciplinary Committee following a Violation of this Regulation; and
  - 4.3.6 Participate in any on-going monitored testing programme as directed by the Chief Medical Officer following a Violation of this Regulation.
- 4.4 Roles and Responsibilities – Scottish Rugby will:
  - 4.4.1 Adopt, implement and comply with this Regulation;
  - 4.4.2 Publish the Regulation on the Scottish Rugby website and make it available on request;
  - 4.4.3 Develop and make available (via the Scottish Rugby website) Illicit Drugs education materials;
  - 4.4.4 Appoint a Programme Manager to manage its testing programme in respect of Illicit Drugs and to undertake certain other duties as outlined in this Regulation;
  - 4.4.5 Appoint a Programme Group (comprising Scottish Rugby's Chief Medical Officer, the Programme Manager and such others as may be determined from time to time by the Scottish Rugby Board) to undertake certain duties in respect of this Regulation; and
  - 4.4.6 Maintain confidentiality as required under this Regulation.

## 5. VIOLATIONS

- 5.1 A player shall commit a Violation of this Regulation where:
  - 5.1.1 there is present in a sample provided by them any Illicit Drug, its metabolites or markers; or
  - 5.1.2 in the reasonable opinion of the Programme Group, the player:
    - 5.1.2.1 refuses or fails to submit a sample for collection when requested to do so as authorised under this Regulation or otherwise evades any sample collection; or
    - 5.1.2.2 is guilty of tampering/attempted tampering with any part of the Illicit Drugs testing process; or
    - 5.1.2.3 fails to comply with any of the other obligations imposed under this Regulation; or
  - 5.1.3 the player is deemed to have committed a Violation in consequence of their self-disclosure of Illicit Drug use (other than a first admission as set out in clause 8.4 below); or
  - 5.1.4 the player's use of Illicit Drugs is disclosed in consequence of testing undertaken under SDR 21.1 Anti-Doping (providing such disclosure does not of itself result in Anti-Doping disciplinary proceedings).

- 5.2 For the avoidance of doubt, it shall not be an acceptable defence for the Player to contend that:
- 5.2.1 the use of the Illicit Drug was not intentional, or that it had been used or ingested inadvertently;
  - 5.2.2 the Player was negligent, ignorant or otherwise not at fault;
  - 5.2.3 the Player did not know the Illicit Drug was prohibited under this Regulation; or
  - 5.2.4 use of the Illicit Drug in question did not enhance the performance of the player or was otherwise not performance enhancing.
- 5.3 Any player who returns an Adverse Analytical Finding for Illicit Drugs following an in-competition doping control test shall be dealt with under the relevant Anti-Doping regulations and / or employment discipline procedure (if an employee of Scottish Rugby) and any sanction applied accordingly. The Player will not be sanctioned for any such finding under this Regulation. However, any such finding shall count as a Violation for the purposes of any subsequent findings under this Regulation.
- 5.4 This Regulation focuses on the presence of Illicit Drugs in a player's sample. Any player or other person involved in the trafficking, supply or possession of Illicit Drugs shall be liable to whatever consequences are prescribed or available under SDR 21.1 Anti-Doping and/ or the Misconduct provisions of the Disciplinary Rules and, if an employee of Scottish Rugby, under the terms of their employment contract.

## 6. PRIOR APPROVAL USE

- 6.1 Players who have a documented medical condition requiring the therapeutic use of an Illicit Drug (as listed in Appendix 1), and who participate in the game at the levels noted in 6.1.1 to 6.1.4 below, must first obtain a prior approval from the Chief Medical Officer. The designated levels shall be:
- 6.1.1 Scotland male squads: Scotland, Scotland 7, Scotland "A", Scotland U20 and Scotland Club XV;
  - 6.1.2 Scotland female squads: Scotland Women, Scotland Women 7 and Scotland Women U20;
  - 6.1.3 Edinburgh Rugby and Glasgow Warriors (including Academy players); and
  - 6.1.4 Teams participating in the Super 6 Tournament or any successor to it; and
  - 6.1.5 Teams participating in the Club Premiership (male or female) or any successor to it.
- 6.2 In such circumstances, where the player both:
- (a) holds a prior approval in respect of that Illicit Drug; and
  - (b) establishes to the reasonable satisfaction of the Chief Medical Officer that they had not used the Illicit Drug other than in accordance with the conditions (if any) of the prior approval;
- then that use of the Illicit Drug shall not be deemed to represent a Violation.
- 6.3 An application for a therapeutic use from a player at these designated levels shall not be considered retroactively except in cases where emergency treatment or treatment of an acute medical condition was necessary, or due to exceptional circumstances, there was insufficient time or opportunity for an applicant to submit an application prior to testing under this Regulation.
- 6.4 Players playing out with these designated levels of the game may request a retroactive approval for therapeutic medical use. It shall be at the discretion of the Chief Medical Officer as to whether to grant retroactive approval.

## 7. TESTING

- 7.1 Scottish Rugby shall appoint an agency to conduct or arrange sample collection and sample analysis for the purposes of this Regulation ("Testing Agent").
- 7.2 All players shall be obliged to submit to testing under this Regulation. Such testing may be conducted without advance warning at any time and at any place. Players may be selected for any number of tests and such testing may be targeted or on a random basis.
- 7.3 The Testing Agent shall obtain samples from players and perform analysis on samples substantially in accordance with the procedures adopted in respect of SDR 21.1 Anti-Doping. Urine, blood or hair samples may be tested.
- 7.4 The Programme Group shall have the absolute discretion to determine whether any sampling, testing, analytical or other procedural irregularities could reasonably be considered to have affected the results of a test to the extent that the test results should be invalidated. Sampling, testing, analytical or other procedural irregularities that cannot reasonably be considered to have affected the results of otherwise valid tests shall not invalidate such results.
- 7.5 The Programme Manager shall be responsible for receiving sample results from the Testing Agent.

## 8. SANCTIONS

- 8.1 On receipt of an Adverse Analytical Finding for an Illicit Drug, the Programme Manager shall without undue delay check the result details, identify the player, check that there is no apparent reason not to consider the finding a Violation, and determine whether the Adverse Analytical Finding constitutes a Violation.
- 8.2 First Violation – where a player has been deemed to have committed a first Violation, the Programme Manager shall inform the player, initially verbally but also confirmed in writing, that they have committed a Violation. The verbal notification to the player shall take place as soon as practical and where possible shall normally be within 48 hours of the Testing Agent reporting the Adverse Analytical Finding. The following procedure shall then apply:
  - 8.2.1 Notification - the Chief Medical Officer shall inform the player’s club medical officer or equivalent (“Club MO”), on a confidential basis, that the player has committed a Violation, with a view to involving the Club MO, as far as practical, in the education, counselling and treatment of the player. In the case of a Scotland / Scotland Women player the appropriate national team doctor shall also be informed.
  - 8.2.2 Initial Case Review - the player shall be required to participate in an initial review with the Chief Medical Officer to discuss the circumstances of the Violation and, where appropriate, a referral for medical treatment and/or Illicit Drug education may be agreed. The initial review may be conducted by telephone conference if each party so agrees. The Player may be accompanied by a representative in addition to their Club MO.
  - 8.2.3 Treatment / Education – where determined as a result of the Initial Case Review, the player must attend a drug treatment and/or education programme in respect of Illicit Drugs.
  - 8.2.4 Monitored Target Testing - the player may be placed on a monitored target testing programme for Illicit Drugs for such period considered appropriate by the Chief Medical Officer. The player may be required to provide whereabouts information to assist the monitoring and testing process.
  - 8.2.5 Warning – the player shall be formally warned that a further Violation will result in formal disciplinary proceedings before the Disciplinary Committee.
  - 8.2.6 If the player is an employee of Scottish Rugby, disciplinary action may be taken under the player’s employment contract.
- 8.3 Second and subsequent Violations – where a Player commits a second or subsequent Violation, the Programme Manager shall inform the player, initially verbally but also confirmed in writing, that they have committed a second Violation. The verbal notification to the player should take place as soon as practical and where possible normally be within 48 hours of the Testing Agent reporting the Adverse Analytical Finding. The following procedure shall then apply:
  - 8.3.1 Notification - the Chief Medical Officer shall inform the player’s Club MO that the player has committed a second Violation. In the case of a Scotland / Scotland Women player the appropriate national team doctor shall also be informed.
  - 8.3.2 Initial Case Review - the player shall be required to participate in an initial review with the Chief Medical Officer to discuss the circumstances of the Violation and, where appropriate, a referral for medical treatment and/or further Illicit Drug education may be agreed. The initial review may be conducted by telephone conference if each party so agrees. The Player may be accompanied by a representative in addition to their Club MO.
  - 8.3.3 Disciplinary Action – The matter shall be referred to a Scottish Rugby Disciplinary Committee and / or (in the case of a Scottish Rugby employee) treated as a disciplinary matter under the player’s employment contract. The Disciplinary Committee, if involved, shall consider whether, on the balance of probabilities, the Violation(s) have been established and, if so, determine what period of ineligibility (if any) should be applied. In this regard:
    - 8.3.3.1 Any period of ineligibility imposed shall take account of the particular circumstances of the case, including any aggravating and/or mitigating factors.
    - 8.3.3.2 The Player shall be subject to a provisional suspension pending the Disciplinary Committee’s decision.
    - 8.3.3.3 The entry point for the period of ineligibility shall be 12 months for a second Violation, or 24 months in respect of a third or subsequent Violation.
    - 8.3.3.4 Other than in exceptional cases, the minimum period of ineligibility for a second Violation shall not be less than 6 months.

- 8.3.3.5 Where a Player is ruled ineligible in consequence of this Regulation, the player shall not be selected for any match or competition (nor enter the Playing Enclosure in any capacity) until the period of ineligibility has expired. For the avoidance of doubt, Scottish Rugby will not provide a release or clearance for the Player to play rugby outside Scotland until it is satisfied that the applicable period of ineligibility has expired.
- 8.3.3.6 The Disciplinary Committee shall determine whether the period of ineligibility (or parts thereof) shall apply only to matches or to other aspects of the game.
- 8.3.4 Treatment / Education – where determined as a result of the Initial Case Review, the player must attend a drug treatment and/or education programme in respect of Illicit Drugs.
- 8.3.5 Monitored Target Testing - the player may be placed on a monitored target testing programme for Illicit Drugs for such period considered appropriate by the Chief Medical Officer. The player may be required to provide whereabouts information to assist the monitoring and testing process.
- 8.4 Admission – A first admission of the use of Illicit Drugs, made to the Chief Medical Officer prior to notice to submit to testing and prior to a first Violation, shall not in itself count as a Violation. Upon admission the player shall be subject to the treatment and target testing provisions of clause 8.2. For the avoidance of doubt, second or further admissions shall each count as a Violation.
- 8.5 Expiry of Violations – If that a player fully complies with the requirements imposed upon them following a Violation, and providing they commit no further Violations within 24 months, then the previous Violation shall be deemed to have lapsed and shall not be considered when aggregating subsequent Violations.
- 8.6 “B” Samples - A player whose “A” Sample gives rise to an Adverse Analytical Finding shall have the right to request that their “B” Sample be analysed. Any such request must be made within 10 days of the written notification to the player of the result of their “A” Sample. If the “B” Sample analysis does not give rise to an Adverse Analytical Finding, which discloses the same Illicit Drug detected in the “A” Sample, the test shall be considered negative. If a player requests that their “B” Sample be analysed, the analysis shall be at their own expense.
- 8.7 Additional Offences - Notwithstanding anything else in this Regulation, a failure by a player to comply with any requirement or sanction listed in this clause 8 shall be deemed to be a separate and additional Violation for the purposes of this Regulation.
- 8.8 Appeals – The duration and terms of any period of ineligibility and of any other sanction imposed in consequence of this Regulation, may be appealed in accordance with the Appeal provisions of the Disciplinary Rules.
- 8.9 If the player is an employee of Scottish Rugby they may instead or additionally be subject to disciplinary action under the terms of their employment contract, with sanctions applied in accordance with Scottish Rugby’s employment discipline policy.

## 9. CONFIDENTIALITY AND PERMITTED DISCLOSURES

- 9.1 Information in respect of the testing of individual players and in relation to potential Violations must not be disclosed to any person unless expressly authorised under this Regulation.
- 9.2 This Regulation imposes obligations on the Chief Medical Officer and the Programme Manager to disclose information to third parties, including, without limitation, those involved in the education, counselling and treatment of players. The Chief Medical Officer and the Programme Manager may also require to disclose such information to others for the orderly management of the Regulation and of the game in Scotland. As a condition of their participation, each player and other person agrees to the collection, processing and disclosure of such information (including special category personal data) as may be required to properly implement this Regulation.
- 9.3 All persons in receipt of information in respect of the testing of individual players or in relation to potential Violations shall be required to observe the confidentiality requirements of this clause 9.
- 9.4 In the event of a player being alleged to have committed an Anti-Doping rule violation in relation to Illicit Drugs, the Programme Manager shall, if so requested by the relevant Anti-Doping authority, disclose the player’s test history, including details of any Violations to the relevant Anti-Doping authority.
- 9.5 In the event that a player who is in the process of undergoing assessment, treatment or rehabilitation under this Regulation transfers to another Club, the Chief Medical Officer shall be entitled to share such information as they deem appropriate with the player’s new Club MO.
- 9.6 Should a player disclose details of any Violation (or potential Violation), or where such information becomes known in the public domain other than through the actions of Scottish Rugby, Scottish Rugby shall be free to comment thereon.
- 9.7 Where a player commits a second or subsequent Violation, Scottish Rugby may disclose details of the Violations committed by the player, including details of any first Violation, and of any sanction applied by the Disciplinary Committee.
- 9.8 Nothing in this Regulation shall prevent Scottish Rugby from disclosing statistical information in respect of its Illicit Drugs testing programme.

# APPENDIX 1

## LIST OF PROHIBITED ILLICIT DRUGS

Substances, and their metabolites and markers, which are designated as Illicit Drugs for the purpose of this Policy:

Amphetamines

Benzodiazepines

Cannabis <sup>(1)</sup>

Cocaine

Methamphetamines (Including “Ecstasy”)

Opiates

(1) The WADA reporting threshold for cannabis metabolites in urine is set at a level to avoid possible passive ingestion being reported. For urine tests under this policy the WADA threshold shall apply.

## CONTACT US

Advice with regard to SDR 21.2 Illicit Drugs may be obtained by contacting the Programme Manager. Advice in relation to Illicit Drugs and associated medical queries may be addressed to Scottish Rugby's Chief Medical Officer.

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## USEFUL RESOURCES

Scottish Rugby Illicit Drugs information <https://www.scottishrugby.org/rules-and-regulations/player-welfare/medical/illicit-drugs>

Scottish Rugby Anti-Doping Information <https://www.scottishrugby.org/rules-and-regulations/discipline/anti-doping/>

## RAISING A CONCERN

Where a concern arises in the relation to the participation of a player who may be using Illicit Drugs, or where there is concern that best practice is not being followed, the matter may be referred in confidence to Scottish Rugby Union's Chief Medical Officer (CMO).

## POLICY AMENDMENT PROCESS

Changes to this policy shall be subject to approval by the Safeguarding, Wellbeing, Diversity and Inclusion sub-committee of the Scottish Rugby Board.



**SCOTTISH RUGBY**

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