

## **Summary of Changes to the SOA and PES Policies**

Over the past several months, the NFL and NFLPA have been discussing changes to the Substances of Abuse Policy (“SOA”) and the Performance Enhancing Substances Policy (“PES”). Last week, we reached agreement with the NFL on several beneficial changes to the policies. Below is a summary of the changes.

### **SOA**

1. Increase positive THC level from 150 ng/ml to 350 ng/ml.
2. Employing club only informed of the penalty and that the violation was caused by a positive test and/or a missed test. No longer notified of the substance which caused the positive.
3. The Medical Director may test players in the Program for Fentanyl if clinically indicated. No discipline for a positive test. However, failing to comply with a mandatory meeting regarding Fentanyl will result in a \$15,000 fine.
4. Fines reduced for positive tests.
5. Fine for a second missed test changed from a 1 game fine to \$45,000.
6. Number of missed tests reset to zero if a period of time without any additional missed tests.
7. All players who currently have discipline pending for missed tests will have those missed tests excused. Will be considered as having no missed tests.
8. Language regarding improper use of prescription drugs clarified.
9. \$15,000 fine for recording and posting collection process on social media.
10. If suspended prior to 12 pm Eastern three days before the player’s next game, suspension starts that week. If after that time, suspension starts after the next game.

### **PES**

1. Testing window from time of notification to time of test extended.
2. Suspended players under some circumstances will be reinstated after a suspension (and therefore get paid) even if they still test positive.
3. Number of missed tests reset to zero if a period of time without any additional missed tests.
4. All players who currently have discipline pending for missed tests will have those missed tests excused. Will be considered as having no missed tests.
5. \$15,000 fine for recording and posting collection process on social media.
6. If suspended prior to 12 pm Eastern three days before the player’s next game, suspension starts that week. If after that time, suspension starts after the next game.

On the following pages is a side-by-side comparison of the previous and updated SOA and PES policies.



### Side-by-Side Comparison | Substances of Abuse Policy

Substances of Abuse (SOA) Policy	
Previous Policy	Updated Policy
THC positive at 150 ng/ml	THC positive at 350 ng/ml
Employing club notified of the substance which caused the positive test.	Notification does not include the substance that caused the positive test.
Suspensions begin immediately when discipline is final.	If suspended prior to 12 pm Eastern three days before the player’s next game, suspension starts that week. If after that time, suspension starts after the next game.
Players cannot be tested for Fentanyl.	Players in the Program may be tested if clinically indicated. No discipline for positive tests. Discipline only if player refuses to meet for a mandatory meeting about Fentanyl. In such a case, a \$15,000 fine
<p>Positive Tests:</p> <p>1<sup>st</sup> violation – ½ game fine            2<sup>nd</sup> violation – 1 game fine            3<sup>rd</sup> violation – 2 game fine            4+ violations – 3 game fine</p>	<p>Positive Tests:</p> <p>1<sup>st</sup> violation – \$15,000            2<sup>nd</sup> violation – \$20,000            3<sup>rd</sup> violation – 1 game fine            4+ violations – 2 game fine</p>
<p>For a missed test, the Parties must agree on the nature of the failure.</p> <p>If agreed it was not a deliberate effort to avoid testing:</p> <p>1<sup>st</sup> violation – \$20,000 fine            2<sup>nd</sup> violation – 1 game fine            3<sup>rd</sup> violation – 2 game fine            4+ violations – 4 game fine</p> <p>If agreed it <b>was</b> a deliberate effort to avoid testing:</p> <p>1<sup>st</sup> violation – 1 game fine            2<sup>nd</sup> violation – 2 game fine            3<sup>rd</sup> violation – 3 game fine</p>	<p>For a missed test, the Parties will confer within 10 business days on the nature of the failure. If the NFL believes it was not a deliberate effort to avoid testing, the player will be subject to discipline, subject to appeal</p> <p>1<sup>st</sup> violation – \$20,000 fine            2<sup>nd</sup> violation – \$45,000 fine            3<sup>rd</sup> violation – 2 game fine            4+ violations – 4 game fine</p> <p>If the NFL believes it was a deliberate effort to evade or avoid testing, the player will be subject to the current discipline, subject to appeal.</p>





**NFLPA**

<p>4<sup>th</sup> violation – 3 game suspension 5<sup>th</sup> violation – 4 game suspension 6<sup>th</sup> violation – 8 game suspension 7+ violations – Suspension for at least 1 year</p> <p>If no agreement, the failure is excused.</p>	<p>If the Parties do not confer, the failure will be excused if the NFL caused the delay. If the NFLPA caused the delay, the NFL can determine the nature of the failure.</p>
<p>Missed tests are cumulative. If a player has his first missed test his rookie year and a second missed test in his fourth year, he will be fined 1 game check.</p>	<p>Reset to zero if no missed test for 365 days or within 180 days after discharged from the Program.</p>
<p>Use of an otherwise permissible prescription is prohibited if:</p> <ul style="list-style-type: none"><li>• No valid prescription</li><li>• Use more than 14 days after prescription expired or 30 days after prescription was authorized.</li></ul>	<p>Clarify that concurrent prescriptions for an opiate issued to the player by two or more licensed healthcare providers within 30 days without disclosure to the subsequent prescribing provider is prohibited.</p>



### Side-by-Side Comparison | Performance Enhancing Substances Policy

Performance Enhancing Substances (PES) Policy	
Previous Policy	Updated Policy
Players must test within 3 hours of notification.	Notification before morning activities, must test before afternoon activities.  Notification before afternoon activities, must test within 1 hour of the end of afternoon activities.
Suspensions begin immediately when discipline is final.	If suspended prior to 12 pm Eastern three days before the player’s next game, suspension starts that week. If after that time, suspension starts after the next game.
A suspended player cannot be reinstated until he tests negative.	Reinstated if the presence of a substance(s) provides no performance enhancing effect.
For a missed test, the Parties must agree the failure to appear was a deliberate effort to avoid testing before the player will be suspended, subject to appeal. Discipline for avoidance the same as for a positive test.  If no agreement, then the failure subject to the following discipline, subject to appeal:  1 <sup>st</sup> violation – \$25,000 fine  2 <sup>nd</sup> violation – 2 game fine  3+ violations – 2 game suspension	For any missed test, the Parties will confer on the nature of the failure. If the NFL believes it was a deliberate effort to avoid testing, the player will be suspended, subject to appeal. Discipline for avoidance the same as for a positive test.  If a failure is not excused, but not a deliberate effort to avoid testing, player will be subject to current discipline, subject to appeal.  If the Parties do not confer the failure will be excused if the NFL caused the delay. If the NFLPA caused the delay, the NFL can determine the nature of the failure.
Missed tests are cumulative. If a player has his first missed test his rookie year and a second missed test in his fourth year, he will be fined 2 game checks.	Reset to zero if no missed test for 365 days or within 180 days after discharge from Reasonable Cause testing.
Undefined penalty for recording and posting collection process on social media. Potential for large fines and possible suspension	\$15,000 fine for recording and posting collection process on social media.