

## Supplementary Issued Decision

### UK Anti-Doping and Conner Duthie

#### Disciplinary Proceedings under the Anti-Doping Rules of the Scottish Football Association

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This is a Supplementary Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Regulations of the Scottish Football Association ('SFA'). It concerns a violation of the Anti-Doping Regulations committed by Mr Conner Duthie and is supplementary to the Issued Decision dated 16 January 2020.

The 2021 World Anti-Doping Code, 2021 SFA Anti-Doping Regulations (the '2021 SFA ADR'), Fédération Internationale de Football Association ('FIFA') Anti-Doping Regulations<sup>1</sup> (the 'FIFA ADR') and the 2021 UK Anti-Doping Rules (the '2021 UK ADR') came into effect on 1 January 2021. Mr Duthie applied to UKAD on 3 November 2020 to reduce his period of Ineligibility in light of the FIFA ADR. This Supplementary Issued Decision records UKAD's decision on that application and the applicable Consequences.

Capitalised terms used in this Decision shall have the meaning given to them in the 2021 SFA ADR and FIFA ADR unless otherwise indicated.

#### Background

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1. On 16 January 2020 UKAD issued a Decision imposing a period of Ineligibility of two years on Mr Duthie, a footballer, who during the 2018/2019 season played for Stenhousemuir FC in Scottish Professional League One. The Decision was issued as a result of Mr Duthie committing an Anti-Doping Rule Violation ('ADRV') pursuant to the SFA Anti-Doping Regulations in effect at the time (the 'then applicable SFA ADR').
2. Mr Duthie committed an ADRV pursuant to Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample) of the then applicable SFA ADR. The Prohibited Substance present in his Sample was carboxy-THC which is a metabolite of  $\Delta$ 9-tetrahydrocannabinol ('THC'), the psychoactive compound found in cannabis.
3. On the basis of the explanation provided by Mr Duthie for his ADRV and in light of the opinion UKAD received from Professor Kim Wolff, Head of the Drug Control Centre, King's College London, UKAD accepted the account given by Mr Duthie. UKAD was satisfied that Mr Duthie's ADRV was not intentional and that his ingestion of cannabis took place Out-of-Competition in a context unrelated to sport performance (applying

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<sup>1</sup> 2021 edition.

the definition of Out-of-Competition and meaning 'intentional' in Article 10.2.3 of the then applicable SFA ADR).

4. Mr Duthie's period of Ineligibility of two years was deemed to have commenced on 16 March 2019 and is to therefore expire at midnight on 15 March 2021.

### **The 2021 World Anti-Doping Code and 2021 SFA ADR**

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5. The 2021 World Anti-Doping Code, 2021 SFA ADR, FIFA ADR and 2021 UK ADR came into effect on 1 January 2021 (the 'Effective Date').
6. FIFA is the International Federation governing the sport of football. The SFA has adopted the FIFA ADR via Regulation 2.2 of the 2021 SFA ADR which states:

*The Scottish FA is required to adopt anti-doping regulations which are compliant with the FIFA Anti-Doping Regulations. These Regulations hereby adopt and incorporate the FIFA Anti-Doping Regulations (as amended from time to time) in their entirety, subject to the supplementary provisions set out below.*

7. Regulation 2.6 of the 2021 SFA ADR sets out that:

*As the National Anti-Doping Organisation for the United Kingdom, further to Code Article 5.2.1, UK Anti-Doping ("UKAD") has anti-doping authority over certain Persons who are subject to these Regulations, independently of the FIFA Anti-Doping Regulations. Wherever UKAD has responsibility for Results Management in respect of a Person who is subject to these Regulations, whether pursuant to Code Articles 5.2.1 or 7.1 or by agreement with the Scottish FA, Articles 7, 8, and 13 of the 2021 UK Anti-Doping Rules, as amended from time to time (the "UK ADR"), shall govern the procedural aspects of the matter, and otherwise the FIFA Anti-Doping Regulations shall apply.*

8. In accordance with Article 27.3 of the 2021 World Anti-Doping Code, art. 88 par. 5 d) of the FIFA ADR allows a Player still serving a period of Ineligibility as of the Effective Date, to apply for a reduction to their period of Ineligibility in light of the FIFA ADR. Art. 88 par. 5 d) of the FIFA ADR provides:

*With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the Player or other Person is still serving the period of Ineligibility as of the Effective Date, the Player or other Person may apply to FIFA or the Anti-Doping Organisation which had Results Management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of these Regulations. Such application must be made before the period of Ineligibility has expired.*

9. The 2021 Prohibited List classifies THC as a ‘Substance of Abuse’.

10. Art. 20 par. 4 of the FIFA ADR provides:

*Notwithstanding any other provision in art. 20, where the anti-doping rule violation involves a Substance of Abuse:*

*a) If the Player can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, then the period of Ineligibility shall be three months’ Ineligibility. In addition, the period of Ineligibility calculated under this paragraph may be reduced to one month’s Ineligibility if the Player or other Person satisfactorily completes a Substance of Abuse treatment programme approved by FIFA. The period of Ineligibility established in this paragraph is not subject to any reduction based on any provision in art. 23.*

11. Out-of-Competition is defined in the FIFA ADR as:

*any period which is not In-Competition.*

12. In-Competition is defined in the FIFA ADR as:

*the period commencing at 23:59 on the day before a Match in which the Player is scheduled to participate through to the end of said Match and including the Sample collection process relating to said Match.*

13. Accordingly, in relation to a Substance of Abuse, a period of Ineligibility of three months applies under art. 20 par. 4 of the FIFA ADR where a Player can establish that ingestion occurred Out-of-Competition and was unrelated to sport performance.

#### **Application of the 2021 SFA ADR to Mr Duthie’s ADRV**

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14. UKAD has responsibility for Results Management of Mr Duthie’s ADRV and his ADRV arose as a result of Sample collection carried out on 16 March 2019 by UKAD. Mr Duthie therefore submitted his application for a reduction under the FIFA ADR to UKAD.

15. Mr Duthie is still serving the two-year period of Ineligibility imposed on him by UKAD’s Issued Decision dated 16 January 2020.

16. UKAD is satisfied that Mr Duthie’s ingestion of cannabis took place Out-of-Competition (as defined in the FIFA ADR) and was unrelated to sport performance.

17. In accordance with art. 20 par. 4 and art. 88 par. 5 d) of the FIFA ADR, UKAD therefore reduces Mr Duthie's period of Ineligibility from two years to three months.
18. Mr Duthie's period of Ineligibility commenced on 16 March 2019. Mr Duthie has already served a period of Ineligibility of over 21 months. Accordingly, Mr Duthie's period of Ineligibility expires forthwith on 8 January 2021.

### Summary

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19. For the reasons given above, UKAD has considered Mr Duthie's application, period of Ineligibility and issued this Supplementary Issued Decision which records that:
  - a. Mr Duthie is still serving the period of Ineligibility imposed on him by UKAD's Issued Decision dated 16 January 2020;
  - b. Mr Duthie applied to UKAD on 3 November 2020 to reduce his period of Ineligibility in light of the FIFA ADR;
  - c. In accordance with art. 20 par. 4 and art. 88 par. 5 d) of the FIFA ADR Mr Duthie's period of Ineligibility is reduced from two years to three months; and
  - d. Given that Mr Duthie has served over 21 months of his period of Ineligibility, Mr Duthie's period of Ineligibility expires forthwith on 8 January 2021.
20. Mr Duthie, the SFA, FIFA and WADA have a right to appeal against this decision or any part of it in accordance with 2021 UK ADR Article 13.4.
21. This Supplementary Issued Decision will be publicly announced via UKAD's website in accordance with 2021 UK ADR Articles 8.5.3 and 14.1.3.

**8 January 2021**