The Anti-Doping in Sports (Amendment) Bill, 2023

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background

1. **The Anti-Doping in Sports (Amendment) Bill, 2023**\(^1\) (hereinafter referred to as “the Bill”) seeks to amend the **Anti-Doping in Sports Act, Chap. 40:56**\(^2\) (hereinafter referred to as “the Act”) to ensure compliance with the standards of the **World Anti-Doping Code**\(^3\) (hereinafter referred to as “the Code”).

2. The Bill was introduced in the House of Representatives on Friday May 26, 2023 by the Honourable Shamfa Cudjoe, Minister of Sport and Community Development, in the Third Session of the Twelfth Parliament.

3. The Code is a core document that provides the framework for anti-doping policies, rules, and regulations within sport organisations and among public authorities. It is designed to harmonise anti-doping policies, rules and regulations and ensure the standards are the same for all athletes. According to the World Anti-Doping Agency (WADA), the purpose of the Code is:

   \[(i) \text{“to protect the Athletes’ fundamental right to participate in doping-free sport and thus promote health, fairness and equality for Athletes worldwide, and } \]

   \[(ii) \text{to ensure harmonised coordinated and effective anti-doping programs at the international and national level with regard to the prevention of doping.”}\(^4\)

4. The Trinidad and Tobago Olympic Committee is a signatory of the Code and the new amendments mandate the compliance of the Trinidad and Tobago Anti-Doping Organisation.

5. All signatories are required to undertake three (3) steps to ensure that they are fully compliant with the Code. These include **acceptance** (agreement to the Code), **implementation** (amendment of laws, rules and policies to include mandatory articles and principles of the Code), and **enforcement**.

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\(^1\) [https://www.ttparliament.org/wp-content/uploads/2023/05/b2023h08.pdf](https://www.ttparliament.org/wp-content/uploads/2023/05/b2023h08.pdf)

\(^2\) [https://agla.gov.tt/downloads/laws/40.56.pdf](https://agla.gov.tt/downloads/laws/40.56.pdf)


BILL SUMMARY

The Anti-Doping in Sports (Amendment) Bill, 2023 is a focused effort to improve the legal and procedural framework surrounding doping in sports by further aligning with the revised international standards adopted by the WADA.

The Bill encourages enhanced measures for Members of the Trinidad and Tobago Anti-Doping Organisation. This is applicable to aspects of its leadership, results testing and the protocol of the Anti-Doping Disciplinary Appeal Panel.

The Bill will enable the Trinidad and Tobago Anti-Doping Organisation to allow athletes to upload their competition data for randomised testing seamlessly onto the ADAMS web platform. It will streamline the data process and modernise the submission of key information.

KEY FEATURES

6. Clause 2 of the Bill amends the Preamble of the Act to include the most recent revisions of the Code, which came into effect on 1st January 2015 and 1st January 2021.

7. Clause 4 of the Bill amends Section 4 of the Act to align several definitions with the Code. The clause also inserts a definition for ADAMS which has the same meaning assigned to it in the Code. “The Anti-Doping Administration and Management System” also known as “ADAMS” is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

PART II of the Act: The Trinidad and Tobago Anti-Doping Organisation (TTADO)

8. Clause 5 of the Bill amends Section 7(2)(a) of the Act by inserting a new subsection (4) which mandates that the Trinidad and Tobago Anti-Doping Organisation (“TTADO”) comply with the operational independence requirements in Article 20.5.1 of the Code.  

5 Article 20.5.1 requires National Anti-Doping Organisation “To be independent in their operational decisions and activities from sport and government, including without limitation by prohibiting any involvement in their operational decisions or activities by any Person who is at the same time involved in the management or operations
9. **Article 20.5.1** of the Code seeks to ensure that the operational decisions and activities of National Anti-Doping Organisations are conducted autonomously/separately between sport and government personnel. This promotes independent decision making by preventing the involvement of any Person who is simultaneously involved in the management or operations of any International or National sporting body or government department responsible for sport or anti-doping.

10. **Clause 6** of the Bill amends **Section 8(6)** of the Act to insert a new paragraph (e). This proposed amendment allows the President of the Board to terminate the appointment of a Board member who fails to comply with the operational independence requirements in Article 20.5.1 of the Code.

11. **Clause 8** seeks to amend **Section 17** of the Act by inserting a new subsection (5) to make clear that TTADO must upload the decisions of the Therapeutic Use Exemption Committee (TUEC) onto ADAMS.

12. Per **Clause 9**, which seeks to repeal and replace **Section 18(5)** of the Act, decisions of the Appeal Panel may be appealed, not only by WADA, but also by the relevant International Federation, the International Olympic Committee, or International Paralympic Committee to the Court of Arbitration for Sport.

13. Pursuant to **Clause 10, Section 19(3)** of the Act will be amended to mandate that the Results Management Committee, established under TTADO, comply with the requirements established in the International Standard for Results Management.

**Part III of the Act: Anti-Doping**

14. **Clause 13** seeks to amend **Section 23** of the Act to repeal the system of submitting whereabouts information\(^6\) to TTADO via a TTADO-approved form. National-level and International-level athletes must now submit their whereabouts information via the digitalised ADAMS for easier accessibility and use.

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\(^6\) Whereabouts information filings are submitted by athletes to notify TTADO of their whereabouts to facilitate random testing for illegal doping.
15. The information required, per the International Standard for Testing and Investigations, includes details on where they will reside, train or compete for the upcoming quarter. The athlete must also note which one hour of each day they would be available at said location for testing. Any change in circumstance or location must be updated on the Anti-Doping ADAMS as soon as possible.

16. Clause 14 will amend Section 24(2) of the Act to expand the uses of the samples provided for analysis. Rather than only for general anti-doping purposes, TTADO can now examine samples for DNA or genomic profiling.\(^7\)

17. According to Clause 15, which will amend Section 26 of the Act, any anti-doping Rules formulated, as well as any sanctions imposed, by TTADO must be consistent with the Code.

**PART IV of the Act: The Trinidad and Tobago Anti-Doping Disciplinary Panel**

18. Clause 16 will amend Section 28 of the Act to mandate that the Trinidad and Tobago Anti-Doping Disciplinary Panel (the Disciplinary Panel) comply with the operational independence requirements of the Code and the International Standard for Results Management.

19. The requirements of the International Standard for Results Management would encourage the effectiveness and credibility of the local Anti-Doping Disciplinary Panel by ensuring further alignment with international leadership norms and practices in sport.

**PART V of the Act: The Trinidad and Tobago Anti-Doping Appeal Panel**

20. Clause 19 seeks to amend section 32 of the Act to subject the Trinidad and Tobago Anti-Doping Appeal Panel (Appeal Panel) to the operational independence requirements and standards referred to by Article 20.5.1 in the Code.

21. Clauses 20 and 21 will amend sections 33(1) and 34 of the Act, mandating that the Appeal Panel comply with Article 13.2 of the Code when hearing appeals. Article 13.2 of the Code

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\(^7\)Genomic profiling is a laboratory method that uses a sample of tissue, blood, or other body fluid to learn about all the genes in a person or in a specific cell type, and the way those genes interact with each other and with the environment.
Code offers procedural directions on issues such as anti-doping rule violations and provisional suspensions.

22. **Clause 22** of the Bill proposes the addition of a **new section 39** into the Act. This new section authorises the Minister of Sport and Community Development to revise the Schedules of the Act, by Order, to ensure the evolving standards of WADA will be incorporated.

**Insertion of Schedules**

**Proposed Schedule 1 - the World Anti-Doping Code**

23. **Schedule 1** of the Bill incorporates the **World Anti-Doping Code** and all of its respective Articles. The Code sets the international standards to ensure consistency among anti-doping organisations globally. The five standards addressed include matters such as testing and investigations, licensed laboratories, therapeutic use exemptions, a list of prohibited substances and methods, and the protection of privacy and personal information.

**Proposed Schedule 2 - International Standard Results Management document**

24. **Schedule 2** of the Bill annexes the **International Standard Results Management** document which is closely related to the Code. The International Standard Results Management provides a standardised framework for managing anti-doping code violations and attempts to ensure fairness in the processes of organisations such as the Disciplinary Panel. The results management process encouraged during sample collection and analysis to hearings and/or sanctioning is discussed in detail via this new Schedule.

**Proposed Schedule 3 - International Standard for Testing and Investigations (ISTI)**

25. **Schedule 3** seeks to annex the **International Standard for Testing and Investigations (ISTI)**, which is a mandatory International Standard within the framework World Anti-Doping Program. The ISTI establishes mandatory standards which cover aspects such as preparing for and conducting sample collection, security of the samples and documentation taken and transportation of the samples to laboratories for analysis.

26. The establishment of ISTI seeks to provide a level of security to the testing process by promoting efficient and effective gathering, assessment, and use of anti-doping intelligence, to aid in a proper investigation into possible Anti-Doping Violations (ADRV).
Proposed Schedule 4 - International Standard for Therapeutic Use Exemptions (ISTUE)

27. Schedule 4 of the Bill seeks to annex the International Standard for Therapeutic Use Exemptions (ISTUE) which is a mandatory International Standard within the framework of the World Anti-Doping Programme. The goal of the ISTUE is to establish the conditions that must be satisfied for an athlete to qualify for the use of a prohibited substance via a Therapeutic Use Exemption. Therapeutic Use Exemptions are typically issued to athletes experiencing illness or recovering from major surgery.

REFERENCES

KEY LEGISLATION

💥 Anti-Doping in Sports Bill, Chap 40:56

INTERNATIONAL POLICIES

💥 The World Anti-Doping Code

💥 The International Standard for Testing and Investigations (ISTI)

💥 The International Standard for Therapeutic Use Exemptions (ISTUE)

💥 The International Standard Results Management (ISRM)

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