



**2021**

**INDYCAR**

**SUBSTANCE ABUSE POLICY**

**I. Preamble.**

**A.** INDYCAR, LLC (“INDYCAR”) strives to maintain the safety and integrity of the sanctioning body, Series, and its Events.

**B.** INDYCAR is concerned about the problem of substance abuse in American society and, more particularly, the threat that this may create for motorsports and its participants. The use of illegal drugs, the improper use of alcohol, and even the proper use of certain medications, may create safety risks to Competitors, Officials, other Members, and spectators, and may result in harm to motorsports and its participants. Such conduct cannot be permitted by INDYCAR.

**C.** With the above in mind, this 2021 INDYCAR Substance Abuse Policy (“Policy”) has been adopted.

**D.** Capitalized terms used in the Policy shall have the meanings set forth in the Rules.

**E.** This Policy is effective upon issuance and applies to the 2021 INDYCAR season.

**II. Administration of the Policy, Program Administrator, Testing Laboratory, and Medical Review Officer.**

**A. Administration of the Policy.** The Policy is overseen by INDYCAR, but it is administered and implemented through a Program Administrator, Medical Review Officer, Sample Collector, Testing Laboratory, and substance abuse professionals.

**B. Program Administrator and Medical Review Officer.** INDYCAR has designated Dr. Doug Aukerman, M.D. as the independent Program Administrator (“PA”) and Medical Review Officer (“MRO”). Dr. Aukerman is a board-certified Sports Medicine physician and a medical review officer certified by the American Association of Medical Review Officers (AAMRO).

**1. PA.** Generally, the PA acts to oversee the administration and implementation of the substance abuse testing program, but its primary role is to act as an advocate for the accuracy and integrity of the substance abuse testing process. In that regard, the PA is responsible for, among other things, determining whether any Member has tested positive for ingestion of drugs, alcohol or Prohibited Substances (defined below) or otherwise violated this Policy, and, ultimately, informing INDYCAR and the Member of any such violation. In making this determination, the PA shall consider all information derived from the testing process, as well as all information derived from the investigation of the circumstances from a medical standpoint. The PA will also facilitate evaluations for Members by coordinating evaluations with the appropriate substance abuse professional for counseling, treatment or rehabilitation. INDYCAR reserves the right to designate other

program administrators, as needed in INDYCAR's sole discretion, to facilitate this Policy throughout the year.

**2. MRO.** The MRO is an independent and impartial physician responsible for receiving and reviewing testing results generated pursuant to this Policy and determining whether there is a legitimate medical explanation for a positive or non-negative drug test, or whether a refusal to test (as defined below), or other Policy violation has occurred. The MRO is also responsible for receiving requests for legitimate medical use of Prohibited Substances and the approval of such use in connection with Events. INDYCAR reserves the right to designate other medical review officers, as needed in INDYCAR's sole discretion, to facilitate this Policy throughout the year.

**C. Sample Collector.** INDYCAR has appointed Square 1 Services, headquartered in Opelika, Alabama, the principal of which is a Drug & Alcohol Testing Industry Association Certified Professional Collector Trainer<sup>®</sup> (DATIA CPCT) ("Sample Collector"), to administer collection of samples under this Policy and coordinate secure shipment of (where applicable ) bodily fluids, such as saliva, urine, blood, and breath specimens, as well as hair specimens (each individually may be referred to herein as a "Specimen" or "Specimens") to the Testing Laboratory (as defined below) , pursuant to this Policy. INDYCAR reserves the right to designate other sample collection agencies or individuals, as needed in INDYCAR's sole discretion, to facilitate this Policy, throughout the year.

**D. Testing Laboratory.** INDYCAR has appointed Aegis Sciences Corporation, headquartered in Nashville, Tennessee (also referred to as the "Testing Laboratory"), to carry out laboratory testing of Specimens, pursuant to this Policy. INDYCAR reserves the right to designate other testing facilities, as needed in INDYCAR's sole discretion, to facilitate this Policy, throughout the year. All results will be communicated by the Testing Laboratory to the PA and MRO as needed. Certification of the Testing Laboratory by any government agency, such as the Department of Health and Human Services Substance Abuse and Mental Health Services Administration ("SAMHSA") or other third party, such as the College of American Pathologists ("CAP") Forensic Urine Drug Testing Program, verifies the Testing Laboratory. However, the Testing Laboratory is not limited by any certification regarding the substances to be tested, the procedures to be followed, and/or the sensitivity of any tests applied by it under this Policy. Aegis is the largest American Association for Laboratory Accreditation (A2LA) / ISO-17025 accredited Sports Doping Laboratory in the United States. All specimens are handled forensically, which ensures the confidentiality of results and accuracy of testing.

### **III. Members Subject to Testing and Testing Overview.**

**A.** The Policy is intended to apply principally to the Members listed below:

1. IndyCar Series:

a. **Competitors:** Drivers, Tire Changers, Airjacks, Fuelers, Mechanics, Engineers, and Spotters

b. **Officials:** Race Control, Technical Inspection, Medical, Track Safety, Fuel Services, and Pace Car

2. Indy Lights:

a. **Competitors:** Drivers, Mechanics, and Engineers

b. **Officials:** Race Control, Technical Inspection, Medical, Track Safety, Fuel Services, and Pace Car

3. Indy Pro 2000:

a. **Competitors:** Drivers and Mechanics

b. **Officials:** Race Control, Technical Inspection, and Pace Car

4. USF2000:

a. **Competitors:** Drivers

b. **Officials:** Race Control, Technical Inspection, and Pace Car

**B.** All other Members designated by INDYCAR are required to adhere to the Policy, including without limitation its annual test, random test and/or reasonable suspicion test provisions, as well as any subsequent follow-up testing that is necessary.

**C.** Members are personally responsible for whatever goes into their bodies.

**D.** INDYCAR will implement the Policy as specified herein including (1) testing Competitors and Officials whose performance at an Event can potentially affect the safety of Participants, including their own safety and that of other Members, spectators, and guests and (2) testing Competitors for performance enhancing drugs (“PEDs”) and related substances whose use of PEDs or related substances could alter or enhance their performance at an Event to create an unfair advantage or impact the integrity of competition.

#### **IV. Prohibited Substances and Acts.**

##### **A. Prohibited Substances.**

1. For this Policy, “Prohibited Substances” are substances that, in the PA’s and MRO’s determination, in consultation with INDYCAR, may adversely affect the integrity of the sanctioning body or safety and well-being of Competitors, Officials or others, or the performance of a Competitor or Official in connection with an Event.

a) Prohibited Substances include, but are not limited to, illegal drugs such as marijuana (THC), cocaine, and hallucinogens. For the purposes of this Policy, federal bans and definitions of illegal substances supersede any state and/or local ordinance, regulation or law allowing use of a substance.

b) Furthermore, the definition of Prohibited Substances also includes, without limitation, paraphernalia associated with illegal drug use and mind-altering and/or addictive substances, which are not sold as drugs or medicines, but are used or marketed for their mind or behavior-altering effect.

c) Prohibited Substances also include drugs or chemicals that may be used to alter a sample with the intent to defeat a drug test.

d) Alcohol, if used improperly as defined by this Policy, is also considered a Prohibited Substance.

e) In addition to the prohibition of illegal drugs described above, the improper use of the following non-exhaustive list of drugs, including chemical and pharmacological analogs and related compounds thereof, is prohibited under this Policy:

(1) Performance Enhancing Drugs

*a. Anabolic Androgenic Steroids and Other Anabolic Agents*

Including without limitation: androstenediol, androstenedione, bolandiol, bolasterone, boldenone, boldione, calusterone, chloroxomesterone (dehydrochlormethyltestosterone), clostebol, danazol, dihydroepiandrosterone, dihydrotestosterone, dromostanolone, drostanolone, epitestosterone, ethylestosterone, 4-chlortestosterone, fluoxymesterone, formebolone, furazabol, mestanolone, mesterolone, methandienone (methadrostenolone), methandriol, methenolone, methylclostebol, methyldienolone, methylnortestosterone, methyltestosterone, methyltrienolone, mibolerone, nandrolone, norandrostendione, norbelethone, norclostebol, norethandrolone, norethindrone, oxabolone, oxandrolone, oxymesterone, oxymetholone, quinbolone, stanozolol, stenbolone, testosterone, trenbolone, probenecid, clenbuterol, tibolone, zeranol; and their metabolites, isomers, selective androgen receptor modulators (SARMs, e.g. andarine, LGD-4033, enobosarm (ostarine) and RAD140), tibolone, zeranol and zilpaterol; and other substances with a similar chemical structure or similar biological effect(s).

*b. Stimulants*

Including without limitation, the Amphetamine class such as (Adderall<sup>®</sup>), Methamphetamine (Desoxyn<sup>®</sup>), Ecstasy (MDMA), Eve (MDEA), MDA, and PMA; Phentermine; Methylphenidate (including but not limited to Ritalin<sup>®</sup>); Cocaine; and other stimulant derivatives, analogs, and related compounds.

(2) Narcotics and Opioid Analgesics

Including without limitation, Alfentanil, Buprenorphine (Suboxone<sup>®</sup>), Codeine (Tylenol<sup>®</sup> #3, 4), Norcodeine, Dihydrocodeine (Synalgos-DC<sup>®</sup>), Fentanyl (Duragesic<sup>®</sup>), Norfentanyl, Heroin, Hydromorphone (Dilaudid<sup>®</sup>), Hydrocodone

(Lortab<sup>®</sup>), Norhydrocodone, Meperidine, Methadone (Demerol<sup>®</sup>), EDDP, Morphine (MS Contin<sup>®</sup>), Oxycodone (OxyContin<sup>®</sup>), Oxymorphone Noroxycodone, Pentazocine, Propoxyphene (Darvon<sup>®</sup>), Sufentanil, Tramadol (Ultram<sup>®</sup>), and their analogs and related compounds (including those available over the counter).

**(3) Ephedrine class**

Including without limitation, Ephedrine, Pseudoephedrine, Phenylpropanolamine, Norpseudoephedrine, and/or their chemical and pharmacological analogs and related compounds if used in a manner or amount inconsistent with legitimate medical use, the instructions provided by the drug manufacturer, or which may increase health and safety risks or cause impairment of ability to perform his or her duties in connection with an Event.

**(4) Benzodiazepines**

Including without limitation, Alprazolam and Alpha-Hydroxy-Alprazolam (Xanax<sup>®</sup>), Clonazepam (Klonopin<sup>®</sup>), Diazepam and Nordiazepam (Valium<sup>®</sup>), Flurazepam (Dalmane<sup>®</sup>), Lorazepam (Ativan<sup>®</sup>), Oxazepam (Serax<sup>®</sup>), Temazepam (Restoril<sup>®</sup>), and/or chemical and pharmacological analogs and related compounds.

**(5) Barbituates**

Including without limitation, Amobarbital, Butobarbital, Butalbital, Pentobarbital, Phenobarbital, Pentobarbital, Secobarbital, and/or chemical and pharmacological analogs and related compounds.

**(6) Muscle Relaxers**

Including without limitation, Carisoprodol (Soma<sup>®</sup>), Meprobamate, and/or chemical and pharmacological analogs and related compounds.

**(7) Sleep Aids**

Including without limitation, Zolpidem (Ambien<sup>®</sup>), and/or chemical and pharmacological analogs and related compounds.

**(8) Beta Blockers**

Including without limitation, alprenolol, carteolol, levobunolol, mepindolol, metipranolol, nadolol, oxprenolol, penbutolol, pindolol, propranolol, sotalol, timolol, acebutolol, atenolol, betaxolol, bisoprolol, esmolol, metoprolol, nebivolol, amosulalol, landiolol, tilisolol, and/or chemical and pharmacological analogs and related compounds.

**(9) Synthetic drugs, including without limitation, synthetic cannabinoids, synthetic THC (e.g. spice. K-2, K-3, and K-4 and all other synthetic cannabinoids and marijuana mimetics) and cathinones (bath salts).**

**B. Proper and Improper Use of Prescription and Over-the-Counter Medications/Substances.**

1. INDYCAR recognizes that there are many prescription and over-the-counter medications that serve essential or beneficial purposes for the health and well-being of Members, and nothing in this Policy is intended to discourage the proper use of these medications. Just as importantly, however, there are some medications that, even when properly used, may adversely affect a Member's well-being, performance, and/or fitness to be involved in an Event. For example, many types of cough medicines contain codeine, a potent narcotic that may result in drowsiness or diminished alertness.

2. Improper use of prescription or over-the-counter medication or any mind-altering or addictive substance by a Member is prohibited. Improper use includes, without limitation:

a) the use of such a medication or substance in a manner that is not prescribed by a licensed physician or is inconsistent with the instructions provided by the manufacturer, pharmacist and/or the prescribing physician;

b) the use of such a medication or substance that causes an individual to have a competitive advantage or a diminished or impaired ability to perform his or her duties in an Event;

c) the use of a prescription medication without a valid prescription from a licensed and treating physician who has personally performed a physical and diagnosis of a problem and that was given for a legitimate medical purpose;



- d) the use of a prescription medication prescribed by a physician who was not advised that another physician was prescribing the same or similar medication;
- e) the use of a prescription medication supplied by an internet pharmacy; and/or
- f) the use of a prescription medication that was dispensed more than ninety (90) Days prior to the sample collection date.

3. To the extent it is determined that the use of any prescribed medication or other substance, including properly prescribed prescription drugs and properly used over-the-counter medications, causes an individual to have a diminished, improved, or impaired ability to perform his or her duties on the day of an Event, those substances shall be deemed to be Prohibited Substances for purposes of this Policy at the time of such determination, including and without limitation at the time of discovery of the substance following a drug test.

#### **C. Alcohol.**

1. No Competitor or Official may consume alcohol within twelve (12) hours prior to or during any on-track activity, nor may any Competitor or Official be under the influence of alcohol at the track. "Under the influence," for purposes of this Policy, means that the Competitor or Official has an impaired ability due to alcohol consumption to conduct him or herself as INDYCAR, in the exercise of its sole judgment, would expect at an Event.

2. A Member with breath, urine, saliva, or blood alcohol level above 20mg per 100ml (.02%) at the time of testing is automatically deemed under the influence and unfit to participate in an Event, and any Member whose sample produces a result above the .02% threshold will also be subject to discipline in accordance with this Policy and the Rules.

3. Nothing in this Policy shall preclude INDYCAR from determining that a Competitor or an Official with any alcohol usage, however minimal, including a test result below 20mg per 100ml (.02%), is physically unfit for driving, participating, or officiating in an Event and taking such actions as INDYCAR may deem appropriate under this Policy and the Rules.

#### **D. Nutritional and CBD Supplements.**

1. Nutritional and CBD supplements may contain a Prohibited Substance under this Policy, whether through contamination or added purposefully, and may not be included on the supplement label. Members should carefully scrutinize any

nutritional supplement and should avoid any product sold with a warning advising non-use if the purchaser is subject to a drug testing program.

2. For additional information, Members are strongly encouraged to review the AegisShield website containing information on over 140,000 nutritional supplements, prescription and over the counter medications ([www.aegisshield.com](http://www.aegisshield.com)).

**E. Masking Agents.** The use or attempted use of any agent or technique that is designed to avoid detection of a Prohibited Substance under this Policy and/or falsify, alter, compromise, or otherwise tamper with the integrity of a drug test is prohibited. This includes providing false urine samples (e.g., urine substitution or synthetic urine), contaminating a drug test sample with chemicals or other substances, and/or illegitimate use of other substances, whether or not prohibited, which may, depending on the circumstances, include using pharmaceutical diuretics to purposely dilute or attempt to dilute a drug test sample and/or mask the detection of a Prohibited Substance.

**F. Substances That Mimic Effects of Prohibited Substances.** Members are prohibited from using any legal or illegal substance, or combination of substances, including but not limited to analogues and derivatives of a Prohibited Substance that mimic effects of Prohibited Substances

**G. Manner of Use.**

1. The use of any legal or illegal substance or combination of substances, which when taken into the body, can alter or enhance a person's ability to compete in a manner unfair to other Competitors is a violation.

2. A legal substance may be substantially similar to an illegal drug – i.e., an analogue or derivative of an illegal drug – use of that substance will result in a violation of the Policy.

3. Intravenous infusions and/or injections of more than fifty (50) milliliters per six (6) hour period are prohibited within twenty-four (24) hours of any on-track activity at an Event, except for those legitimately given by a licensed and treating physician who has personally performed a physical examination and diagnosed an acute problem requiring such infusion and/or injection for a legitimate medical purpose or in an approved clinical investigation.

**H. Independent Violations Related to Drugs and Alcohol.**

1. Members are prohibited from using, possessing, purchasing, selling, administering, manufacturing and/or participating in the distribution of Prohibited

Substances or any drug that is illegal to use, possess, purchase, sell, administer, manufacture and/or distribute by the laws of the United States of America and/or any of its 50 states, regardless of the amount, at any time. For the purposes of this Policy, federal bans and definitions of illegal substances, including without limitation marijuana (THC), supersede any state and/or local ordinance, regulation or law allowing use of a substance.

2. Members are prohibited from the illegal acquisition and/or illegal distribution of any prescription or over-the-counter medication at any time.

3. The commission of any of the conduct referenced in subsections IV(H)(1)–(2), even where INDYCAR receives information regarding such conduct by reliable means other than a positive drug test, including but not limited to a criminal charge regardless of the classification, constitutes a violation of this Policy and may result in discipline under this Policy, as determined by INDYCAR. For the sake of clarity, independent violations related to drugs involving stimulants, which are prohibited under Section IV(A)(1)(e)(1)(b), will not automatically result in the consequences for PED violations set forth in Section XIII(A). The circumstances and proximity of the independent violation related to drugs to an Event shall serve as important factors in reaching a determination as to whether discipline under the Policy will be imposed and the severity thereof.

4. Any citation or arrest regardless of the outcome of the matter, for violations of law related to alcohol, including without limitation driving under the influence (“DUI”), operating while intoxicated (“OWI”), and non-motor vehicle infractions such as public intoxication also constitutes a Policy violation and may result in discipline under this Policy, as determined by INDYCAR, particularly where such citation or arrest occurs during the racing season, which for purposes of this provision shall be defined as the period after a License and/or membership has been issued by INDYCAR through the last race on the INDYCAR schedule. Citations or arrests for non-motor vehicle alcohol related offenses shall be evaluated on a case by case basis as to whether discipline under this Policy, including without limitation the consequences set forth in Section XIII, will be imposed. The circumstances and proximity of the non-motor vehicle alcohol related conduct to an Event shall serve as important factors in reaching the determination as to whether discipline under this Policy will be imposed and the severity thereof.

5. With respect to all of the types of offenses described above in Sections IV(H)(1)–(4) above, Members are required to report these violations of this Policy to the INDYCAR President immediately upon the violation occurring. In the case of applicants applying for membership, such offenses which occurred within the time period prior to the application designated by INDYCAR at the time of

application shall be disclosed to INDYCAR when the application is submitted. Failure by Members and applicants to immediately report these violations shall result in discipline under this Policy, including but not limited to suspension or denial of membership, as INDYCAR deems appropriate, and which may exceed the consequences typically imposed for the violations themselves.

**6.** All Members and/or membership applicants shall comply with any request by INDYCAR, the PA and/or the MRO, and within the prescribed time period indicated to the Member and/or applicant, to provide any drug or alcohol incident related information, documentation and/or records, including without limitation, police arrest reports and/or court records, in order to assist in the determination of whether any discipline under this Section IV(H), including without limitation denial of an applicant's membership, is appropriate under the circumstances. Refusal by a Member or applicant to comply with such a request shall result in discipline under this Policy, including without limitation, suspension or ineligibility to participate in an Event.

**V. Prescription Documentation for Prohibited Substances to the Medical Review Officer.**

**A.** Competitors and Officials designated in Section III(A) of the Policy are required to notify and provide proof of prescriptions to the MRO for all Prohibited Substances under this Policy and receive the MRO's approval for use of the Prohibited Substances prior to participating in an Event. Competitors and Officials shall comply with the following procedure immediately upon receipt of such a prescription from his/her treating physician. Failure to comply with this procedure shall constitute a violation of this Policy and may subject Competitors and Officials to suspension as a result of his or her violation. Where a legitimate medical prescription exists but where the MRO has not pre-approved a Member's use of a Prohibited Substance, the nature of the Prohibited Substance, the circumstances surrounding the Member's use of the medication, and the proximity of the use to an Event shall all serve as important factors in determining the consequences of this Policy violation.

1. Using a fax cover sheet, print "INDYCAR Substance Abuse Policy Information", the Competitor or Official's name and telephone number, name of medication, the prescribing physician, and the physician's telephone number. Attach a copy of the prescription providing the dosage and duration instructions for proper use.

2. Fax both the cover sheet and copy of the prescription to the MRO at (888) 595-4949 or (888) 575-3215, or email scanned copies to [mro@aukmed.net](mailto:mro@aukmed.net).

3. The Competitor or Official's physician may receive a call from the MRO to discuss the prognosis and expected length of treatment and corresponding duration of the prescription
4. The Competitor or Official shall cooperate with the MRO and provide the MRO any information requested by the MRO in order to receive the MRO's approval prior to using any Prohibited Substance in connection with an Event.
5. The same procedure applies to Members other than Competitors and Officials who receive notice that they are required to notify and provide proof of prescriptions to the MRO and receive MRO approval prior to using Prohibited Substances under this Policy.

## **VI. Testing for Prohibited Substances.**

### **A. General.**

1. Specimen samples will be collected by the Sample Collector which include but are not limited to urine testing (escorted collections) and /or oral fluid.
2. INDYCAR may designate specific INDYCAR representatives to be present at any or all testing collections and it may be required that testing collections are observed.
3. Under certain circumstances, INDYCAR may require Members to provide a sample for purposes of testing under this Policy at a reasonable location other than the Event locations and at a time other than directly prior to, during, or after an Event.
4. With regards to any type of testing, a dilute result shall not be deemed to be evidence of a negative result, and such a result may warrant additional testing of a Member if deemed necessary by the PA.

### **B. Pre-Licensing Testing.**

1. Competitors and Officials applying for an INDYCAR License and/or membership who intend to perform a job listed above in subsection III(A) must submit to a drug test and provide evidence of a negative result from a test conducted within thirty (30) days<sup>1</sup> of the date of the application and meeting the terms and conditions of this Policy. Failure to comply with this requirement and/or a

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<sup>1</sup> This within 30-day requirement may be waived by INDYCAR for Members who submit to drug testing during an INDYCAR organized pre-season testing session(s).

determination that the applicant has committed conduct that would constitute a violation of this Policy will result in INDYCAR's denial of a License and/or membership, and INDYCAR may impose conditions upon the approval of such application. Notwithstanding the foregoing, the pre-license requirement established in this Section VI(B) shall not apply to non-IndyCar Series Competitors and Officials listed in subsection III(A) prior to their participation in private team tests as described in the applicable Rules. Nothing in the preceding sentence shall be interpreted as a waiver of any other conditions to becoming a Member (e.g. receiving a Hard Card, successfully completing all required paper work and physical examinations, and being approved as a Driver by INDYCAR or other appropriate sanctioning body or authority, etc.).

2. No Competitor or Official who requires a hard card to participate but who has not provided INDYCAR a negative drug testing result will receive his or her hard card or be permitted to participate in activities during a race weekend. For purposes of clarification (and without limiting the foregoing), Drivers and Officials must complete pre-licensing testing in accordance with this Section VI(B) prior to participating in any on-track activities for the first time during a racing season.

3. In order to encourage compliance with this Section VI(B), INDYCAR may arrange opportunities for Member applicants to submit to drug testing conducted by the Testing Laboratory, as part of the pre-licensing testing program.

4. Except for Drivers and IndyCar Series Officials for which INDYCAR shall bear the pre-licensing testing costs, the costs of pre-licensing testing for Competitors in accordance with this Section VI(B) shall be borne by the Entrants with which Competitors are affiliated and/or the Competitors themselves.

5. All Driver pre-licensing testing results shall be reported to INDYCAR in accordance with this Policy. Upon being notified by the PA of a Driver's non-negative result, INDYCAR will notify such Driver of the denial of his or her License and/or membership application. The applicant who failed to achieve a negative result (excluding a dilute sample) in accordance with this Section VI(B) with respect to his or her first attempt shall, in addition to being denied access to the benefits and privileges of membership, be prohibited from reapplying for membership for a period of not less than 30 Days after the date upon which INDYCAR was notified of the applicant's non-negative result. A second failure to achieve a negative result shall result in the applicant being prohibited from applying for membership for a period of 180 Days after the date upon which INDYCAR was notified of the applicant's second non-negative result. Additionally, after any non-

negative result, consistent with Section XI(G), INDYCAR and/or the PA may impose certain conditions of approval, including without limitation certain follow up testing consistent with the Policy, on the applicant's reapplication and/or eligibility after such Competitor or Official has subsequently obtained membership.

**C. Scheduled Testing.**

1. At its sole discretion, INDYCAR may require Competitors, Officials and other Members to submit to annual tests, pre-licensing testing, random testing and/or reasonable suspicion testing for the use of one or more Prohibited Substances and/or alcohol.
2. Competitors and Officials designated in Section III(A) of the Policy must also follow the prescription notification procedure outlined in the Policy in order to lessen the likelihood of a delay in their on-track activity.
3. INDYCAR reserves the right to apply scheduled testing to other Members as it deems appropriate in its discretion.

**D. Reasonable Suspicion.**

1. INDYCAR may require a Member to submit to a test, including without limitation, urine, Breathalyzer, blood, oral fluid/saliva, hair, breath, and/or any other scientifically-acceptable method of testing when INDYCAR has reasonable suspicion that the Member has violated any part of this Policy at any time or that he/she has a diminished, improved, or impaired ability to perform during an Event due to the use of any Prohibited Substance or alcohol. Examples of the conditions, observations and/or reports that may result in "reasonable suspicion" include, but are not limited to, the following:

- a) When a Member is found or observed:
  - (1) in possession of illegal drugs or drug paraphernalia;
  - (2) in improper drug-related or alcohol-related activity; or
  - (3) under the improper influence of drugs or alcohol on the day of an Event.
- b) Observation of signs, symptoms and/or behaviors that may be associated with the use of Prohibited Substances or alcohol including, but not limited to:

- (1) Odor or residual odor associated with Prohibited Substances or alcohol.
- (2) Statements made by an individual that may indicate that he/she improperly uses Prohibited Substances or alcohol.
- (3) Red or droopy eyes, dilated or constricted pupils.
- (4) Slurred speech, stumbling, or hyperactivity.
- (5) Needle marks or other physical evidence that an individual has used a Prohibited Substance.
- (6) Unexplained disappearances from an Event.
- (7) Nose constantly runs, appears red, or persistent sniffing.
- (8) Unexplained tardiness, absences, or missed appointments;
- (9) Chronic forgetfulness or broken promises.
- (10) Involvement in an accident during an Event.
- (11) Inability to concentrate, remember, or maintain attention.
- (12) Mental confusion, paranoia, or expression of abnormal or threatening statements.
- (13) Violent tendencies, loss of temper, or irritability.
- (14) Unexplained or excessive negligence or carelessness.
- (15) Extreme, unusual, or unexplained personality change, or unusual, irrational or erratic behavior.
- (16) Deteriorating personal hygiene or appearance.
- (17) Pattern of abnormal conduct.
- (18) Repeated failure to follow instructions or operating procedures.
- (19) Violation of INDYCAR safety policies or failure to follow safe practices.
- (20) Display of any item that reflects that the individual may be in violation of this Policy.



(21) Evidence that an individual has tampered with or not cooperated with a prior drug or alcohol test.

c) An arrest or conviction for a drug or alcohol related offense, including without limitation driving under the influence of alcohol and/or drugs.

d) An examination or test, as provided by the Series Rules and/or this Policy, which shows evidence of or suggests use of a Prohibited Substance or alcohol abuse or of adulteration or manipulation of the examination or test.

e) Aroma of an alcoholic beverage or Prohibited Substance on or about the breath or body of a Member consistent with use of a Prohibited Substance or alcohol.

f) Following an incident in which reckless and/or dangerous conduct, as determined by INDYCAR, was observed in connection with an Event.

**E. Random Testing.**

1. Random testing rates will be effective at the beginning of every season, and the rate will be set by the PA in consultation with INDYCAR. The drug testing rates may either increase or decrease based upon program test results of the previous year, quarterly program test results, incidents of increased substance abuse activity, other indicators of Policy violations, and substance abuse trends impacting professional sports and the public.

2. Random selection for testing will be conducted by the Sample Collector in consultation with the PA through a computer-based random number generator. The testing pool may be based upon Competitors and Officials attending a specific Event or from the current pool of Competitors and Officials.

3. Based upon their training and experience, the Sample Collector may require a random test to be observed to prevent someone from altering a specimen.

**F. Follow-up Testing.**

1. Members may be required to undergo follow-up testing.

2. Such tests may be:

a) Administrative. INDYCAR and/or the PA may request follow-up testing for administrative issues.

b) MRO requested. The MRO may request follow-up testing for a variety of reasons, including but not limited to:

- (1) If the MRO finds that test results are invalid, the MRO may request a follow-up test to assist in analysis.
- (2) Monitor or determine therapeutic levels of prescription drugs.
- (3) Assist in the investigative process to determine if there is a legitimate medical reason for test results.

**G. Re-Entry.**

1. Members who violate this Policy are required to be tested before returning to INDYCAR.
2. In conjunction with the terms and conditions of reinstatement of an INDYCAR License and/or membership, the PA will provide for an evaluation with an appropriate substance abuse professional, which may include substance abuse counseling, treatment or rehabilitation. The PA will determine how many times the Member will be tested, for how long, and for what substances. The PA may also require that collections be under direct observation. Furthermore, additional testing as a condition of probation may be required even after the Member has returned to participation.

**VII. Specimens for Testing.**

- A. Members may be required to submit to a test or tests, including without limitation urine, blood, saliva, hair, and/or breath tests.
- B. Generally, the type of test, time of testing, and the choice of specimen for a particular test will be decided by the PA. However, under certain circumstances, INDYCAR and/or one of its representatives may also participate in those determinations.

**VIII. Refusal to Test and Removal from an Event.**

- A. **Refusal to Test.** Refusing to submit to testing will be treated as if the test was found to be positive. For the purposes of this Policy, Members have refused to take a test if they:
  1. Fail to participate, authorize or cooperate for testing, including failure to follow procedures of Section X.

2. Fail to appear for a test within the time period designated by the PA after being notified of the test with the time period required.
3. Fail to remain for the duration of testing or until all testing requirements are completed.
4. Fail to provide sufficient amount of the required specimen, and the MRO determines that no legitimate medical reason exists for the insufficient specimen.
5. Fail to permit or allow a required observed collection.
6. Fail to take a requested follow-up test.
7. Fail to consult and/or cooperate with the MRO.
8. Fail to provide an unadulterated specimen. A test is considered a refusal for any findings of specimens that are adulterated, substituted, including but not limited to a finding of synthetic urine, synthetic marijuana, adulterants, intentional dilution of specimens, etc., and where no legitimate medical explanation supports the laboratory findings.
9. Any attempts by Members to mask or alter the results of the test will be considered a refusal.

**B. Removal from an Event.** If a Member refuses to consent to and participate in a test within the time period designated, the Member may be removed from the Event location by INDYCAR and may be subject to other disciplinary action as may be appropriate pursuant to this Policy and the Rules.

## **IX. Required Authorizations.**

**A. Authorization for Testing and Release.** If a Member refuses to promptly execute the 2021 INDYCAR Substance Abuse Policy Authorization for Testing and Release form enclosed with this Policy and deliver it to INDYCAR by the time designated by INDYCAR for receipt, that Member may not be issued a License and/or membership and, if already issued, the INDYCAR License and/or membership may be suspended until the Member executes the above- mentioned authorization and release and delivers it to INDYCAR.

### **B. Authorization for Release of Medical Records.**

1. If a Member refuses to authorize the release of that Member's medical records, as deemed relevant in INDYCAR's discretion, or withdraws such authorization for testing and release pursuant to this Policy, the Member will not be issued a License and/or membership and, if already issued, the License and/or

membership will be suspended until the Member executes the above mentioned authorization and release and delivers it to INDYCAR.

2. If INDYCAR directs a Member to submit to a Specimen test as provided by this Policy, that Member must consent to and participate in the test by the time designated by INDYCAR. If that Member refuses to consent to and participate in such test or tests within the time period designated by the INDYCAR, INDYCAR may remove the Member from the racing premises or take such other action as may be appropriate, and that Member will also be subject to disciplinary action.

**X. Collection and Transport of Specimen(s) – The PA and Sample Collector, as applicable, will, among other things, be responsible for the following procedures:**

**A. Identification & Direct Observation.** The Sample Collector or his designated agent will confirm the identity of the person whose specimen is taken. Where necessary, the Sample Collector or his designee will conduct direct observation of the collection of the specimen(s) if directed by the MRO, or, if in the PA's own discretion, the integrity of the testing process requires it. To direct an observed collection, the PA and his/her agents may consider not only their training and experience, but other factors, not limited to, but including: materials brought to the collection site, a temperature of the original specimen was out of range or the Member's behavior indicates an attempt to tamper with a specimen, etc.

**B. Designated Times.** The Sample Collector will ensure that the Specimen(s) are collected within the designated time period. Normally, collection shall be made within one (1) hour or less of the notification of the Member that testing will be conducted, unless a different time is designated by the PA and/or INDYCAR based on the circumstances.

**C. Specimen Quality.** The Sample Collector or his designated agent will promptly measure the temperature of the specimen(s) to ensure it has not been manipulated. Where results indicate that the sample is inappropriate for testing, the Sample Collector, PA and/or INDYCAR may require the Member to provide additional specimen(s) as necessary.

**D. Specimen Handling.** The Sample Collector or his designated agent will split specimens into "A" and "B" samples (when possible), label, secure, and transport the specimen(s) to the testing laboratory in such a manner as to ensure that the specimen(s) are not misplaced, tampered with, or relabeled.

**E. Prescription Drug Forms.** The Sample Collector or his designated agent will provide a form to be completed by the Member that identifies all prescription and over-the-counter medications consumed by Member in the preceding three (3) months.

**F. Specimen Ownership.** Under this Policy, all specimens collected, including both “A” and “B” samples, are exclusively the property of INDYCAR.

**XI. Procedures if a Test Shows the Presence of Prohibited Substances, Adulteration, or Substitution, and Cancelled Tests.**

**A. MRO Requests for an Interview and Additional Information.** Once a Member has been notified he or she has a positive drug test, refusal to test, or other non-negative test, and where the MRO makes a request for an interview and/or additional information from the Member, the Member has seventy-two (72) hours from the time of notification to respond to the MRO’s request in accordance with the following procedures:

1. The MRO may request the following information, for example and without limitation: suitable proof of valid medical prescriptions given by a licensed and treating physician, consent to review records of the prescribing physician, or any other reasonable requests that assist the MRO’s investigation.

2. To assist the MRO’s investigation, the MRO may also direct the Member to undergo further independent medical evaluation from a professional designated by the MRO, at the Member’s expense. After a medical exam is requested, Members have thirty (30) Days to have the test examination conducted. By applying for and/or obtaining a License and/or membership, Members have consented for the MRO to contact their physician for the purposes of a MRO investigation. The failure to cooperate with the MRO’s investigation, or provide suitable proof in a timely manner shall be treated as confirmation of the positive test.

3. When required by this Policy, the MRO is to make reasonable efforts to notify Members of the MRO request. Reasonable efforts may include the PA using email, phone or mail to contact the Member via the contact information the Member provided at the time of collection of the specimen and/or on the License and/or membership application.

4. If the MRO determines that there is no legitimate medical use or legitimate medical explanation for a positive test or refusal to test because of adulteration, substitution, the MRO is to report the results to the PA.

**B. PA’s Reporting of Results.** Once a non-negative test or refusal to test has been subjected to the MRO’s review from a medical standpoint, the PA is to consider all information derived from the testing process, including the aforementioned medical circumstances review, and then make a determination of whether the results are positive. If the PA ultimately decides the results are positive, the PA shall inform INDYCAR of a

positive result, irrespective of whether the split Specimen procedures (set forth below) have been completed. In the case of a Competitor's positive result, INDYCAR may notify the principal of the Entrant of record of the Competitor's result, irrespective of whether the split Specimen procedures have been completed. Once split Specimen procedures are completed, the PA shall then issue to INDYCAR either a confirmed negative test result or a confirmed positive test result. If split Specimen procedures are waived or never acted upon, the PA shall issue a confirmed positive result and violation of this Policy to INDYCAR.

**C. Split Specimen Procedures.** Once the PA notifies a Member that he/she has a positive drug test or refusal to test because of adulteration, substitution, or other non-negative test, the Member has seventy-two (72) hours from the time of notification to request in writing a test of the split Specimen or B sample in accordance with the following procedures:

1. All requests to test a "B" sample must be made in writing to the PA. A request must be sent with a cover sheet to the MRO at (888) 595-4949 or (888) 575-3215, or by email to [mro@aukmed.net](mailto:mro@aukmed.net).
2. The "B" sample test shall be conducted at the Testing Laboratory using the "B" Specimen from the original collection. The Member may be present (either personally or be represented by a qualified toxicologist not affiliated with the Testing Laboratory) during the second test at his/her own expense. If the Member chooses to be present personally or represented by a qualified toxicologist during the "B" sample test, the Member must notify the PA within the seventy-two (72) hour period in writing mentioned above.
3. The "B" sample test will be performed in accordance with the same procedures used by the Testing Laboratory in the original test of the "A" specimen. If the "B" sample fails to confirm the original test, then the Specimen and test will be recorded as negative, and there will be no violation under this Policy. If the "B" sample test confirms the original test, then the specimen and test will be recorded as a confirmed positive test and a violation of this Policy.
4. If no "B" sample is available due to the nature of the collection, then the MRO and PA will act upon the procedures in this Policy. The final determination of whether there has been a violation of this Policy will be made by the PA.
5. After a "B" sample test is requested, Members have seven (7) Days to have the "B" sample test conducted, and results finalized.

6. If the PA is concerned about the safety and integrity of the competition or other exigent circumstances, the PA may notify INDYCAR of the original “A” specimen positive test prior to the verification of the results.

7. Upon notification of the original “A” specimen positive test, INDYCAR, in its sole discretion, may temporarily suspend a Member’s License and/or membership before the “B” sample test is completed based on the following reasons:

- a) Concerns regarding the safety of the Members and others at the Event or on-track.
- b) Concerns regarding the fairness of a competition.
- c) Exigent circumstances.
- d) Undue delay to accommodate the presence of the Member (or his/her representative) at the “B” sample test.

For these same reasons, it will also be INDYCAR’s standard practice to suspend Competitors and Officials from participating in Events until their Policy violation matters have reached final resolution, including the conclusion of the review and appeal process, whether the violation is the result of a positive drug test or any other violation under this Policy. Additionally, as set forth in Section XI(B), in the case of a Competitor’s positive drug test, INDYCAR may notify the principal of the Entrant of record of the Competitor’s result, irrespective of whether the split specimen procedures have been completed.

8. The “A” and “B” specimen samples remain the exclusive property of INDYCAR.

9. A Member is not entitled to seventy-two (72) hours to request a B sample test when no Specimen was produced or tested due to refusal or when the Member waives the seventy-two (72) hours during the MRO interview.

**D. Cancelled and/or Negative Tests.** If the PA verifies a test as cancelled or negative, the results will be reported to INDYCAR. A cancelled and negative test will not be treated as a violation of this Policy.

**E. Notification of Suspension of License and/or Membership.** Upon being notified by the PA of a verified positive test, refusal to test, or any violation of this Policy, INDYCAR will suspend a Member’s License and/or membership for an indefinite period and/or take such other disciplinary action deemed appropriate under the circumstances

pursuant to the Rules and notify the Member of such action. In the case of a Policy violation by a Competitor or Official, INDYCAR shall notify in writing the Competitor or Official. If a Member is a Competitor, INDYCAR shall notify his or her Entrant of record according to the membership application of the Competitor's or Official's Policy violation by copying the team principal on the notice letter sent to the Competitor or. Additionally, if INDYCAR is aware that a Competitor or Official competes and/or participates in another professional racing series, INDYCAR may notify such series only that the Competitor or Official has violated this Policy and regarding the period of ineligibility from participation and/or other disciplinary action imposed, without reference to the specific substance and/or nature of the Policy violation. In the case of a Driver, INDYCAR will also notify ACCUS-FIA of the Driver's Policy violation and resulting period of ineligibility and/or other disciplinary action imposed without reference to the specific substance and/or nature of the Policy violation

**F. Testing Results Publishing.** With the exception of the notifications described in this Policy or Rules, under many circumstances, INDYCAR will endeavor to keep the results of any tests as confidential; however, INDYCAR may determine, in its sole discretion, that circumstances warrant the disclosure of such results, and notwithstanding any other provision of this Policy, INDYCAR may publish the results of any tests conducted pursuant to this Policy and the circumstances giving rise to such tests to such third parties as INDYCAR, in its sole discretion, deems reasonable under the circumstances. The Member shall have no claim or cause of action of any kind against INDYCAR or the directors, officers, members, owners, successors, assigns, employees, representatives, affiliates or agents of INDYCAR with respect to such publication, and/or shall be deemed to have waived any such claim or cause of action.

**G. Re-Entry.** The PA or INDYCAR shall also send the suspended Member a letter containing terms and conditions for consideration of reinstatement of the Member's License and/or membership. If the Member wishes to have INDYCAR lift the suspension, the Member must agree to the PA's terms and conditions. In conjunction with the terms and conditions of reinstatement, the PA will also facilitate an evaluation by coordinating an evaluation with the appropriate substance abuse professional that may include substance abuse counseling, treatment or rehabilitation. The PA will determine how many times the Member will be tested, for how long, and for what substances. The PA may also require that collections be under direct observation. Testing will be done at a time and place and under conditions specified by the PA, at the Member's expense, which will include laboratory fees and all other direct and indirect costs incurred by INDYCAR or the laboratory in connection with each test. When a Member has, to the satisfaction of the PA, completed the requirements set forth in the letter, the Member is eligible for reconsideration of reinstatement of a License and/or membership.



**XII. Disciplinary Action for Prohibited Acts Where There is No Testing for Prohibited Substances or Alcohol.** With respect to any prohibited act described herein, if it is determined that a Member has engaged in any such prohibited act, INDYCAR may immediately and at any time remove the Member from the Event location and/or restricted areas or take such other action as is appropriate, and that Member will also be subject to disciplinary action pursuant to this Policy and the Rules. Generally, in the event of a Policy violation that does not involve a positive test (a “non-analytical” violation), the violation will be treated as if a positive has occurred for the Prohibited Substance(s) involved and the consequences that apply to a positive test for that substance(s) will also apply to the non-analytical violation.

**XIII. Consequences for Prohibited Substances and Acts.**

The following is a non-exhaustive schedule of the standard consequences generally imposed under this Policy for various violations. INDYCAR reserves the right to enhance and/or have additional consequences imposed and to reduce the standard consequences where it deems such modification appropriate under the circumstances.

**A. PED Related Violations.**

For purposes of this paragraph, “PED Related Violations” include violations by Competitors of Section IV(A)(1)(e)(1) (Prohibited PEDs), Section IV(E) (Masking Agents), Section IV(F) (Mimic Effects of Prohibited Substances if related to PEDs), Section IV(H) (Independent Violations Related to PEDs), subject to the limitations set forth in that Section, and Section VIII (Refusal to Test):

1. A PED Related Violation as described in this Section XIII(A) in connection with an Event test (a sample collected during an Event weekend) by any Driver automatically leads to disqualification of the Driver’s and his or her Entrant’s results obtained in that Event, including forfeiture of any awards, points and prizes, with all resulting consequences as set forth below.
2. First violation:
  - a) Suspension of Competitor from participation in any Event and forfeiture of annual credential for one (1) year (365 calendar Days).
  - b) Successful completion of a psychological evaluation and/or substance abuse program prescribed by the PA before a request for reinstatement will be considered.
  - c) Successful completion of observed reinstatement testing as ordered by the PA, meaning that the Competitor has been tested pursuant to the schedule prescribed by the PA and that Competitor’s samples have yielded results acceptable to the PA and which indicate, to the PA’s satisfaction that

the Competitor is fit to resume participation in Events, before a request for reinstatement will be considered.

**d)** Medical examination by a board-certified physician and submission of Competitor's evaluation to INDYCAR may be required before a request for reinstatement will be considered.

**e)** \$5,000 monetary fine, which must be paid, in full, before a request for reinstatement of the privilege of participation will be considered.

**f)** The costs associated with complying with these conditions are borne by the Competitor.

**B. Policy Violations other than PED Related Violations:**

This paragraph generally applies to Policy violations by Competitors and Officials.

**1.** First violation:

**a)** Suspension from participation in any Event and forfeiture of annual credential for a period of no less than sixty (60) Days.

**b)** Successful completion of a psychological evaluation and/or substance abuse program prescribed by the PA before a request for reinstatement will be considered.

**c)** Successful completion of observed reinstatement testing as ordered by the PA, meaning that the Competitor or Official has been tested pursuant to the schedule prescribed by the PA and that Competitor or Official's samples have yielded results acceptable to the PA and which indicate, to the PA's satisfaction that the Competitor or Official is fit to resume participation in Events, before a request for reinstatement will be considered.

**d)** Medical examination by a board-certified physician and submittal of Competitor or Official's evaluation to INDYCAR may be required before a request for reinstatement will be considered.

**e)** Up to a \$2,500 monetary fine, which must be paid, in full, before a request for reinstatement of the privilege of participation will be considered.

**f)** The costs associated with complying with these conditions are borne by the Competitor or Official.

**C. Multiple Violations.** Where a Member has incurred multiple Policy violations at once or subsequent separate Policy violations, the consequences will be determined on a reasonable basis and after careful consideration of the specific circumstances surrounding the Member's conduct. For multiple and/or repeat violations, the consequences listed in this Section XIII generally will be enhanced and/or combined, and additional consequences may also be imposed based on the specific circumstances of the case and which may ultimately result in a Member's permanent suspension from participation in Events.

**D. Other Members.** For violations under this Policy, INDYCAR may suspend any Member's License and/or membership for an indefinite period and/or take any such other disciplinary action deemed appropriate under the circumstances and/or pursuant to the Rules.

**XIV. Challenges Disciplinary Action.** Challenges by Members to disciplinary action taken by INDYCAR as a result of any violation of this Policy shall be governed under the procedures set forth in Sections 10 (Review) and 11 (Appeals) of the Rules.

**XV. Self-Reporting.** Pain medications and other substances prohibited or misused under this Policy can be addictive, abused, and generally harmful to the health and well-being of Members. A Member who believes he/she may have a substance abuse issue or problem is encouraged to seek professional assistance or self-help solutions. No penalty will be imposed under the Policy on a Member who voluntarily acknowledges a substance abuse issue or problem to the President prior to notice of a drug test. INDYCAR may, however, for the integrity of the individual and sport, temporarily suspend the Member's License and/or membership until the Member has been rehabilitated to the satisfaction of INDYCAR. INDYCAR strongly encourages both self-help and professional treatment for those suffering from a substance abuse issue or problem. INDYCAR does not provide drug or alcohol rehabilitation programs. Many worthy programs, both public and private, are available for the treatment of substance abuse addictions. INDYCAR will continue its efforts to support a drug-free America and a society in which alcohol is not abused.

**XVI. Confidentiality.** Members consent to INDYCAR disclosing information concerning Members as it relates to this Policy, at the sole discretion of INDYCAR. Notwithstanding such consent, under many circumstances INDYCAR will endeavor to maintain confidentiality with respect to Members' information as it relates to this Policy, subject to exceptions described in this Policy (including without limitation Section XI(E)) and the Rules, but INDYCAR shall not be obligated to do so under any circumstances. Without limitation, in the event a Member or his or her representative(s) or others associated with the Member makes public comments about the Member's matters under the Policy or the processes under this Policy in which the Member is involved, then INDYCAR may publicly respond to such comments. Under no circumstances shall

the Member shall have a claim or cause of action of any kind against INDYCAR or the directors, officers, members, owners, successors, assigns, employees, representatives, affiliates, or agents of INDYCAR with respect to such disclosures and/or shall be deemed to have waived any such claim or cause of action.

**XVII. Applicability of the Rules.** This Policy, as it may be amended from time to time, is a supplement to the provisions of the Rules, and will be interpreted and applied by INDYCAR. This Policy is binding upon INDYCAR Members in the same manner and to the same extent as are the provisions of the Rules.