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# THE FA HANDBOOK 2020/2021

Version: 1.0



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## PARTS

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SOCIAL DRUGS REGULATIONS



# SOCIAL DRUGS REGULATIONS

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# SOCIAL DRUGS REGULATIONS

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## 1. EFFECTIVE DATE

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1.1 These Social Drugs Regulations are issued pursuant to FA Rule J1.3.1. The amendments to the Social Drugs Regulations shall come into full force and effect on 10 August 2020 (the “Effective Date”).

1.2 The substantive amendments to the Social Drugs Regulations that are introduced by this version shall not apply to conduct occurring prior to the Effective Date. Instead, that conduct and its consequences shall be governed by the substantive provisions of the Social Drugs Regulations and the Rules and Regulations of The Association that were in force at the time the conduct occurred. However, all procedural aspects of any case will be governed by this version of the Social Drugs Regulations, whenever the conduct at issue occurred.

## 2. DEFINITIONS

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2.1 As of the Effective Date, the term “Social Drug” means any of the following: amphetamine, cannabinoids (for example, hashish and marijuana), cocaine, diamorphine (aka heroin), lysergic acid diethylamide (aka LSD), mephedrone, methadone, methylamphetamine, methylenedioxymethylamphetamine (aka MDMA or ecstasy) and methylenedioxyethylamphetamine (MDEA).

2.2 The Association may at any time designate further substances as “Social Drugs” for the purposes of these Social Drugs Regulations.

2.2.1 Any changes to the list of Social Drugs after the Effective Date will be published on The Association’s website (located at [TheFA.com](https://www.thefa.com)) and will take effect from the date of such publication.

2.2.2 The Association’s designation of a substance as a Social Drug is final and may not be challenged on any basis.

2.3 Where used in these Social Drugs Regulations:

2.3.1 The term “Club” has the same meaning as it is given in FA Rule A2.

2.3.2 The following terms have the same meaning as they are given in the Association’s Anti-Doping Regulations, reading in the alterations that are required to reflect the different context (e.g., references to Prohibited Substances and/or Prohibited Methods shall be read as references to Social Drugs; and references to anti-doping rule violations shall be read as references to breaches of these Social Drugs Regulations): Administration; Adverse Analytical Finding; Attempt; In Competition; Intentional Marker; Metabolite; Minor; No Fault or Negligence; Out of Competition; Player; Player Support Personnel; Possession; Provisional Suspension; Sample; Trafficking; and Use.

2.3.3 Terms denoting the male gender shall be read to include as an alternative the female gender.

2.3.4 Unless otherwise indicated, references to a “Regulation” are to particular provisions in these Social Drug Regulations.

## 3. PURPOSE

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3.1 These Social Regulations are not concerned with the presence, Use, etc. of Social Drugs during the In Competition period or with the illicit enhancement of sports performance. Such concerns are addressed solely and exclusively by The Association’s Anti-Doping Regulations. To that end, nothing in these Social Drugs Regulations is intended or should be interpreted or applied in a manner that undermines the strict application and enforcement of The Association’s Anti-Doping Regulations in accordance with their terms. In particular, if any

conduct that would constitute a breach of these Social Drugs Regulations also constitutes a breach of the Anti-Doping Regulations, it shall be pursued as a breach of the Anti-Doping Regulations, and not as a breach of these Social Drugs Regulations.

3.2 Instead, these Social Drugs Regulations have been adopted because experience shows that, due to their age, spare time, disposable income, etc., Players are at risk of being exposed to Social Drugs while Out of Competition, with the following potential consequences:

3.2.1 Damage to the physical and/or mental health and welfare of a Player using Social Drugs (and so to his career, as well as to his general well-being), both in the short-term and (because of the addictive qualities of Social Drugs) in the long-term.

3.2.2 Players under the influence of Social Drugs injuring themselves or others during training, due to the negative effect that Social Drugs can have on both mental and physical functioning (such as motor functioning, reaction time, altered perception, concentration, judgment, and decision-making).

3.2.3 Players testing positive immediately after a match for a Social Drug taken Out of Competition (because metabolites of the drug remain in the system for several days or even weeks), and consequently being banned from the sport for a lengthy period under the Association's Anti-Doping Regulations.

3.2.4 Harm to public health where Players' Use of Social Drugs is copied by young players and fans who see them as role models.

3.2.5 Damage to the image and reputation of the sport, with parents potentially being deterred from permitting their children to pursue a career in the sport and/or commercial partners potentially being deterred from associating their brands with the sport.

3.3 The purpose of these Social Drugs Regulations is to prevent these damaging consequences to the health and welfare of Players and/or of those who regard Players as role models, and also to protect the image and reputation of the sport, by providing for (i) courses of education, counselling and treatment, where appropriate, to rehabilitate Players who have become involved with Social Drugs while Out of Competition; and (ii) the imposition of proportionate sanctions when necessary to address such conduct and to deter similar conduct in the future.

3.4 These Social Drugs Regulations are to be interpreted and applied (including where an issue arises that is not expressly provided for in these regulations) by reference to the foregoing objectives. This purposive interpretation and application will take precedence over any strict legal or technical interpretations that may otherwise be proposed.

## 4. PROHIBITED CONDUCT

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4.1 Subject always to Regulation 4.3, each of the following shall constitute a breach of these Social Drugs Regulations (whether or not it takes place in connection with a training session or other activity organised by a Club):

4.1.1 The presence of a Social Drug or its Metabolite(s) or Marker(s) in a Sample provided by a Player while he is Out of Competition.

4.1.1.1 Such presence is a strict liability offence, i.e., to establish a breach of Regulation 4.1.1 no proof is required that the Player ingested the Social Drug intentionally, recklessly, negligently or even knowingly; and nor is proof of lack of such intent, recklessness, negligence or knowledge a defence to a charge for breach of Regulation 4.1.1.

4.1.1.2 The following evidence shall be sufficient to establish the presence of a Social Drug or its Metabolite(s) or Marker(s) in a Sample collected from the Player while he was Out of Competition: an Adverse Analytical Finding for the Social Drug or

its Metabolite(s) or Marker(s) in the A Sample, where either (a) the Player waives analysis of the B Sample or (b) analysis of the B Sample confirms the Adverse Analytical Finding made in respect of the A Sample.

#### 4.1.2 The Use or Attempted Use of a Social Drug by a Player while he is Out of Competition.

4.1.2.1 Such Use is a strict liability offence, i.e., to establish the offence of Use of a Social Drug by a Player while he is Out of Competition, in breach of Regulation 4.1.2, no proof is required that the Player Used the Social Drug intentionally, recklessly, negligently or even knowingly; and nor is proof of lack of such intent, recklessness, negligence or knowledge a defence to a charge of Use in breach of Regulation 4.1.2.

4.1.2.2 In contrast, to establish the offence of Attempted Use of a Social Drug by a Player while Out of Competition, The Association must prove intent on the part of the Player.

#### 4.1.3 Possession of a Social Drug by a Player while he is Out of Competition.

4.1.3.1 For purposes of Regulation 4.1.3, in addition to bearing the meaning given to it in the Anti-Doping Regulations, the term "Possession" shall also encompass circumstances where a Player Support Personnel or other third party is holding a Social Drug on behalf of the Player while he is Out of Competition, at the direction of the Player and/or with the Player's knowledge and acquiescence.

4.1.3.2 For the avoidance of doubt, a Player Support Personnel who holds a Social Drug on behalf of a Player while the Player is Out of Competition may be charged with a breach of Regulation 4.1.4 (whether or not the Player is charged with a breach of Regulation 4.1.3).

#### 4.1.4 Possession of a Social Drug by a Player Support Personnel on behalf of a Player while the Player is Out of Competition.

#### 4.1.5 Administration or Attempted Administration of a Social Drug by a Player or Player Support Personnel to a(nother) Player (with or without his knowledge) while the (other) Player is Out of Competition.

#### 4.1.6 Trafficking or Attempted Trafficking of one or more Social Drugs by a Player or Player Support Personnel.

#### 4.1.7 Assisting, encouraging, aiding, abetting, conspiring, covering up, or any other type of intentional complicity by a Player or Player Support Personnel in relation to a breach by another Player or Player Support Personnel of these Social Drugs Regulations.

4.2 All Players and Player Support Personnel are responsible for ensuring that they know what substances have been designated Social Drugs and what conduct is prohibited under these Social Drugs Regulations. Professed ignorance of these Social Drug Regulations shall not be a defence to a charge of breach of these Social Drugs Regulations. Nor shall it be a defence that the breach did not have any effect on any Player's sports performance.

4.3 A Player with a documented medical condition may apply in advance in writing to The Association for permission to Use a Social Drug for a defined period to treat that condition. Such application must be accompanied by accurate and complete medical evidence justifying such Use. The Association may grant or deny such application, conditionally or otherwise, in its absolute discretion. Any permission granted must be in writing in order to be valid for these purposes. Any presence of a Social Drug in a sample, or any Use, Possession, Administration or supply of a Social Drug that is consistent with such permission shall not amount to a breach of these Social Drugs Regulations. An application for permission to use a Social Drug will not be considered for retroactive approval except in cases where the emergency treatment or treatment of an acute medical treatment was necessary or due to exceptional circumstances there was insufficient time or opportunity for a Player to submit an application prior to drug testing.

## 5. MONITORING/INVESTIGATING COMPLIANCE

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5.1 In accordance with its general power under Rule F to monitor compliance with its Rules and regulations, The Association may monitor compliance with these Social Drugs Regulations as it sees fit, including (without limitation) by having Samples that are collected Out of Competition pursuant to the Anti-Doping Regulations analysed for the presence of Social Drugs.

5.1.1 Samples may be collected for this purpose at any time and place during Out of Competition periods, without any advance notice, including (without limitation) in reliance on whereabouts information provided pursuant to the Anti-Doping Regulations.

5.1.2 The procedures set out in the Anti-Doping Regulations for the collection and analysis of Samples, altered as necessary to reflect the different context, shall apply to Samples that are collected Out of Competition and analysed for the presence of Social Drugs in accordance with Regulation 5.1.

5.2 The Association may also exercise its powers of inquiry under Rule F to investigate possible instances of breach of these Social Drugs Regulations.

5.3 The private testing/screening of Players for Social Drugs by any Participant is prohibited, and amounts to Misconduct contrary to Rule E. A Club may refer any good faith concerns that it has about a Player's or Player Support Personnel's lack of compliance with these Social Drugs Regulations to The Association, which shall address such concerns as it sees fit.

5.4 Where The Association has evidence that it considers may justify a charge of Misconduct based on a breach of these Social Drugs Regulations, prior to issuing any charge The Association may inform the Player or Player Support Personnel in question of that evidence, and give him the opportunity to provide a written explanation within a designated time.

5.4.1 If the Player or Player Support Personnel is a Player, the letter may also be sent to a senior representative of his Club and (if the Player is a member of the PFA and consents to the letter being sent to a representative of the PFA) to a representative of the PFA.

5.4.2 Instead of or in addition to any written explanation, The Association may require the Player or Player Support Personnel to attend a personal interview to answer its questions. He may be accompanied at the interview by one representative of his Club, a legal adviser, and/or (where relevant) a representative of the PFA. Such interview may be recorded, and the recording may be used by The Association in any disciplinary proceedings brought against such Player or Player Support Personnel or others.

## 6. SUPPORT AND REHABILITATION OF PLAYERS THROUGH EDUCATION, COUNSELLING AND/OR TREATMENT

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6.1 The Association will identify options for support and rehabilitation through education, counselling and/ or treatment of Players who breach these Social Drugs Regulations, for consideration by the Regulatory Commission in the exercise of its powers under Regulation 8.1.1(a) and Regulation 8.6.1 to refer the Player for education, counselling and/or treatment. Where the Player so consents, The Association will identify such options in close consultation with the PFA.

6.2 If The Association has evidence that it considers may justify a charge against a Player of Misconduct based on a breach of these Social Drug Regulations, it may at any time require that Player to meet with a specialist in drug misuse and addiction for assessment and evaluation. The specialist's report shall be provided to The Association.

6.3 The Regulatory Commission may at any time order a Player charged with breach of the Social Drugs Regulations to meet with a specialist in drug misuse and addiction for assessment and evaluation, in order to assist the Regulatory Commission in deciding whether to exercise its powers under Regulation 8.1.1(a) or Regulation 8.6.1.

## 7. DISCIPLINARY PROCEEDINGS

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7.1 A breach of these Social Drugs Regulations shall constitute Misconduct contrary to Rule E25. Accordingly, The Association may bring disciplinary proceedings for Misconduct pursuant to Rule E1.2 against the Player or Player Support Personnel involved in the breach. The Regulations for Football Association Disciplinary Action shall apply to such proceedings, as amended/supplemented below.

7.2 The Association may provisionally suspend a Player or Player Support Personnel on or at any point after the date that it notifies him of an Adverse Analytical Finding, on or after the date that he admits to a breach of these Social Drugs Regulations (before being charged), or on or after the date that it charges him with a breach of these Social Drugs Regulations. No appeal shall lie against the imposition of a Provisional Suspension, but the Player or Player Support Personnel who is the subject of the Provisional Suspension shall be entitled to an expedited hearing and determination of the charge against him.

7.3 Where an Adverse Analytical Finding is reported for the presence of a Social Drug in a Player's A Sample collected Out of Competition, The Association shall afford the Player involved the same rights in respect of confirmatory analysis of the B Sample as he would have if the Adverse Analytical Finding had been issued under the Anti-Doping Regulations. The Player may exercise or waive those rights as he sees fit. If analysis of the B Sample does not confirm the presence of a Social Drug or its Metabolite(s) or Marker(s) in the B Sample, then the entire test shall be considered negative, any charge based on the Adverse Analytical Finding shall be withdrawn, and any Provisional Suspension that has been imposed based on the Adverse Analytical Finding shall be lifted automatically, without the need for further formality.

7.4 The Association must prove an alleged breach of these Social Drugs Regulations on the balance of probabilities. It may prove facts establishing that breach by any reliable means. Where it relies on an Adverse Analytical Finding and/or other analytical evidence from the testing of Samples collected under the Anti-Doping Regulations, Regulations 29-31 of the Anti-Doping Regulations shall apply, reading in any alterations that might be required to reflect the different context.

## 8. SANCTIONS

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8.1 Subject to the other provisions of this Regulation 8:

8.1.1 For a breach of Regulation 4.1.1 (presence in a Sample), Regulation 4.1.2 (Use or Attempted Use), or Regulation 4.1.3 (Possession), the following sanction shall be imposed:

- (a) if it is the Player's first breach of these Social Drugs Regulations, then the Regulatory Commission (i) shall issue a warning and/or require the Player to undergo a course of assessment/evaluation, education, counselling and/or treatment and (ii) may impose a period of suspension on the Player of up to 3 months.
- (b) if it is the Player's second breach of these Social Drugs Regulations - a suspension in the range of 6 to 12 months;
- (c) if it is the Player's third breach of these Social Drugs Regulations a suspension in the range of 18 to 24 months; and
- (d) if it is the Player's fourth breach of these Social Drugs Regulations - 24 months to a lifetime suspension.

A Regulatory Commission may choose to suspend all or part of any suspension it has imposed in accordance with Regulation 8.1.1, which may be subject to the Player fulfilling certain specified conditions (including undergoing any course of assessment/evaluation, education, counselling, and/or treatment mandated by the Regulatory Commission).

If the Player refuses or fails to complete the course of assessment/evaluation,



education, counselling and/or treatment to the satisfaction of The Association, and/or fails to satisfy any other specified conditions, then (A) any suspended period of suspension imposed by the Regulatory Commission shall be enforced with immediate effect; or (B) where no suspended period of suspension was previously imposed by the Regulatory Commission, The Association may refer the matter back to the Regulatory Commission to determine what (if any) further sanctions should apply.

8.1.2 For a breach of Regulation 4.1 (Possession by a Player Support Personnel), a sanction within the following range shall be imposed:

- (a) if it is the Player Support Personnel's first breach of these Social Drugs Regulations – a warning and/or suspension in the range of 0 to 3 months;
- (b) if it is the Player Support Personnel's second breach of these Social Drugs Regulations – a suspension in the range of 6 to 12 months;
- (c) if it is the Player Support Personnel's third breach of these Social Drugs Regulations – a suspension in the range of 18 to 24 months; and
- (d) if it is the Player Support Personnel's fourth breach of these Social Drugs Regulations – 24 months to a lifetime suspension.

8.1.3 For a breach of Regulation 4.1.5 (Administration or Attempted Administration) or Regulation 4.1.6 (Trafficking or Attempted Trafficking), a sanction within the following range shall be imposed:

- (a) if it is the Player's or Player Support Personnel's first breach of these Social Drugs Regulations – a suspension in the range of 6 to 12 months;
- (b) if it is the Player's or Player Support Personnel's second breach of these Social Drugs Regulations – a suspension in the range of 12 to 48 months;
- (c) if it is the Player's or Player Support Personnel's third breach of these Social Drugs Regulations – a suspension in the range of 48 months to a lifetime; and
- (d) if it is the Player's or Player Support Personnel's fourth breach of these Social Drugs Regulations – a lifetime suspension.

8.1.4 For a breach of Regulation 4.1.7 (complicity), the mandatory sanction shall be the same as if the Player or Player Support Personnel had personally committed the breach in which he was complicit.

8.1.5 For a breach of Regulation 5.3 (private testing for Social Drugs), the general powers for sanctioning Misconduct set out at Regulation 8.1 of the Regulations for Football Association Disciplinary Action shall apply.

The Regulatory Commission shall consider the following factors when determining the length of any suspension imposed under Regulation 8.1:

8.2 The Regulatory Commission shall consider the following factors when determining the length of any suspension imposed under Regulation 8.1:

- 8.2.1 The credibility of a Player's account leading up to the finding;
- 8.2.2 Any assessment report produced by a specialist in drug misuse and addiction;
- 8.2.3 Any factors that indicate the Player or Player Support Personnel may be a risk to other Participants and/or himself;
- 8.2.4 The fault of the Player or Player Support Personnel, including:
  - (a) Any mitigating factors that the Regulatory Commission considers relevant and appropriate;
  - (b) Any aggravating factors that the Regulatory Commission considers relevant and appropriate (without limitation, any conduct that harms or has the potential to harm Minors shall be treated as a serious aggravating factor);
- 8.2.5 Any other factors that the Regulatory Commission considers relevant and

appropriate bearing in mind the purposes of these Social Drugs Regulations.

8.3 For purposes of Regulation 8.1, a breach of the predecessor Rules and/or regulations to these Social Drugs Regulations shall be treated as a prior breach of these Social Drugs Regulations even though it took place prior to the Effective Date, provided that it took place within ten years of the breach of the Social Drugs Regulations for which a sanction is now being determined.

8.4 Notwithstanding any other provision in these Social Drugs Regulations:

8.4.1 In the event that a Social Drug or its Metabolite(s) or Marker(s) is found to be present in a Sample collected from a Player while he is Out of Competition (in breach of Regulation 4.1.1), or it is established that the Player has Used a Social Drug while he is Out of Competition (in breach of Regulation 4.1.2), it shall be presumed that the Player has acted intentionally, i.e. that the Participant engaged in conduct which he knew constituted a breach of the Social Drugs Regulations or knew that there was a significant risk that the conduct might constitute or result in a breach of the Social Drugs Regulations and manifestly disregarded that risk. Such intent will be a relevant factor in the Regulatory Commission's assessment of the Player's fault for the purposes of Regulation 8.2.4. The Player may however rebut this presumption if he establishes on the balance of probabilities that the presence of the Social Drug in his system did not arise as a result of his own intentional act.

8.4.2 If a Player or Player Support Personnel establishes in any case that he bears No Fault or Negligence for the breach in question, any otherwise applicable sanction will be eliminated. No Fault or Negligence will only be found in exceptional circumstances.

8.4.3 Where a Player or Player Support Personnel voluntarily admits to having committed a breach of these Social Drugs Regulations before receiving notice that The Association is investigating such breach or notice of a Sample collection that could establish such breach, and that admission is the only reliable evidence of the breach at the time of admission, then the otherwise applicable period of suspension may be reduced by up to one half, even if that takes it below the minimum period specified in Regulation 8.1.

8.5 Generally, a period of suspension shall start running from the date that such suspension is imposed. However:

8.5.1 The Player or Player Support Personnel will be given credit for any period of Provisional Suspension that he has served.

8.5.2 Where the Player or Player Support Personnel admits the breach promptly after being notified of it by The Association, the Regulatory Commission may deem the period of suspension to have started on or at any time after the date that the breach occurred. This discretion may not be exercised, however, where the period of suspension has been reduced under Regulation 8.4.3.

8.6 In any case that is brought before a Regulatory Commission for breach by a Player of these Social Drugs Regulations, in addition to applying the foregoing provisions of this Regulation 8:

8.6.1 The Regulatory Commission may refer the Player for evaluation and assessment by one or more specialists in drug misuse and addiction, in order to determine whether it is appropriate to require the Player to attend a course of education, counselling and/or treatment designed to assist in his rehabilitation.

8.6.2 The Regulatory Commission may order that the Player be tested with or without prior notice, including during any period of suspension and/or any course of education, counselling and/or treatment, in order to monitor his ongoing compliance with these Social Drugs Regulations.

8.7 In accordance with Regulation 40 of The Association's Disciplinary Regulations, in any case of breach of these Social Drugs Regulations the Regulatory Commission may where it sees fit impose a fine in addition to any other sanctions specified in this Regulation 8, provided

that such fine should not take the place of or reduce any period of suspension that would otherwise be imposed. The Regulatory Commission may also order the Player or Player Support Personnel charged to pay a contribution towards the costs incurred by The Association.

## **9. DISCIPLINARY DECISIONS**

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9.1 Any decision by a Regulatory Commission to uphold or not to uphold a charge for breach of these Social Drugs Regulations, and/or imposing sanctions or failing to impose sanctions for such a breach, may be appealed by the Player or Player Support Personnel in question and/or The Association to an Appeal Board, in accordance with Rule H and the Regulations for Football Association Appeals.

9.2 In addition to its powers of publication pursuant to Regulation 4 of the “General Provisions relating to Inquiries, Commissions of Inquiry, Regulatory Commissions of The Association, other Disciplinary Commissions, Appeal Boards and Safeguarding Review Panel Hearings”, The Association shall decide in its absolute discretion whether or not to publish any detail or information relating to a charge brought for breach of these Social Drugs Regulations and/or all or part of any decision issued by a Regulatory Commission and/or Appeal Board under these Social Drugs Regulations. In addition, The Association may respond to public comments on the matter attributed to the Player or Player Support Personnel or his representatives. Subject thereto and to Regulation 10.1, cases arising under these Social Drugs Regulations shall be kept confidential by all involved.

## **10. MISCELLANEOUS**

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10.1 Each Player and Player Support Personnel acknowledges that any of his/her personal information that is provided to The Association by him/her or on his/her behalf shall be processed for the purposes of carrying out these Social Drugs Regulations and ensuring the integrity of the sport. More information on the data processed for these purposes, and Participant’s rights, are set out in The Association’s Anti-Doping Privacy Policy.

10.2 The Association may report any breach of these Social Drugs Regulations that may also constitute a breach of non-sporting laws and/or regulations to the competent authority. If that authority decides to investigate and/or bring charges against a Player or Player Support Personnel in relation to the matter so reported, The Association may stay any related investigation and/or proceedings that it has previously commenced for breach of these Social Drugs Regulations.