

Appendix B

MX Sports Pro Racing Substance Abuse Policy

AMA Pro Racing has delegated and assigned the development, administration and enforcement of any and all professional motocross substance abuse testing to MX Sports Pro Racing (MXS). Accordingly, the following Substance Abuse Policy is implemented and enforced solely and exclusively by MXS. Compliance with the MXS Substance Abuse Policy and participation in the testing program is mandatory for all pro motocross licensed participants as a condition of participation in pro motocross competition.

The Substance Abuse Policy established by MXS serves as a supplement to the provisions of the AMA Pro Racing Rules for Professional Motocross Competition, and will be interpreted, enforced and applied exclusively by MXS. The MXS Substance Abuse Policy is binding upon all licensed participants in the same manner and to the same extent as the AMA Pro Racing Rules for Professional Motocross Competition.

Persons participating in any MXS event must agree to the following:

“I recognize the importance of maintaining the safety and integrity of professional motorcycle racing. Accordingly, I agree to strictly comply with the MX Sports Pro Racing Substance Abuse Policy. I understand that my agreement to comply with the Substance Abuse Policy is an essential precondition to eligibility to compete and that I must abide by the Substance Abuse Policy and submit to such testing procedures as may be conducted from time to time at the sole discretion of MXS as a condition of participation. I further understand that any violation of the Substance Abuse Policy, or failure or refusal to submit to testing and honestly participate in any testing procedure, will result in immediate disciplinary action which may include the suspension of my eligibility to compete and denial of my privilege to participate in any MXS sanctioned events.”

All licensed riders are provided a copy of the MX Sports Pro Racing Substance Abuse Policy, the Event Participant Notification of USADA Drug Testing, and the Consent to Doping Control, which they are required to execute with the issuance of their rider license.

Program Administration and Integrity

Although not a WADA Code signatory, MXS recognizes the importance of clean competition, and has taken an unusually proactive stance in implementing an anti-doping program on behalf of clean athletes and the integrity of our sport, which includes adherence to the WADA Prohibited List.

MXS is opposed to the practice of doping in sport, on ethical and medical grounds, and fully supports the position of the World Anti-Doping Agency (WADA) against the use of banned substances and methods.

The anti-doping **and intravenous hydration** rules for MXS events are set forth in the USADA Protocol and are fully applicable to each competitor, each member of the competitor's team, and all athletic support personnel involved in the events.

The use, possession and/or trafficking of banned substances, methods, or the encouragement or counseling to use banned substances, or methods, and/or taking measures to mask the use of banned substances, or methods by any participant in competitions over which MXS has jurisdiction is unacceptable and will not be tolerated.

Accordingly, MXS has adopted WADA's anti-doping policies and procedures in order to ensure a clean, healthy and fair sporting atmosphere for all athletes. To administer this policy, MXS designates the U.S. Anti-Doping Agency (USADA).

USADA's anti-doping programs are comprehensive, including in-competition and out-of-competition testing, results management and adjudication processes, drug reference resources and therapeutic use exemption process, scientific research initiatives, and athlete and outreach education.

USADA shall have the responsibility to establish and conduct all testing strategies, collect all samples, transport all samples safely and securely to a WADA-accredited laboratory for analysis, maintain sample collection documentation, and manage all results.

B1 Prohibited Acts and Substances

Riders competing in MXS events are subject to blood and/or urine testing for any substances or methods on the World Anti-Doping Agency ("WADA") Prohibited List: <http://www.wada-ama.org>. Participants are prohibited from using any such Prohibited Substances or engaging in any such Prohibited Methods as set forth therein.

B2 Rider Selection

Unannounced tests of riders for prohibited substances and/or methods shall be conducted from time to time at the sole

discretion of MXS. Riders chosen to provide specimens for testing shall include riders finishing or currently ranked in the top three (3) positions overall in each of the 450 and 250 classes, plus two riders per class selected at random, with all registered riders having an equal chance of selection. Selection of riders for random testing shall be overseen by the Program Administrator in collaboration with MXS.

B3 Reasonable Suspicion

In addition to the podium and random selection, MXS may require designated riders or crew members to submit to urine, blood, breath and/or eye testing if officials have a reasonable suspicion that the person may have violated one or more provisions of this Policy. Conditions, observations, and/or reports that may cause MXS officials to have such a reasonable suspicion include, but are not necessarily limited to, the following:

- a. Red or droopy eyes, dilated or constricted pupils
- b. Slurred speech, stumbling or hyperactivity
- c. Needle marks
- d. Sudden, repeated disappearances
- e. Persistent sniffing, red or runny nose
- f. Time distortion, repeated tardiness or missed appointments
- g. Frequent accidents
- h. Inability to concentrate, remember or follow instructions
- i. Mental confusion, paranoia or manifestation of bizarre thoughts or ideas
- j. Violent tendencies, inability to control temper
- k. Extreme personality changes or mood swings
- l. Deteriorating personal hygiene or appearance as observed over time

In addition, MXS may require a designated rider to submit to a urine, blood, breath and/or eye test following any incident or accident involving injury, death or property damage.

B4 Sample Collection

Sample collection shall be in accordance with the WADA International Standard for Testing. Testing strategies may include blood tests collected prior to an event and/or urine tests collected during an event.

B5 Sample Analysis

All samples will be sent for analysis to a WADA-accredited laboratory. Samples shall be tested promptly, in accordance with the WADA International Standard for Laboratories ("ISL"), for the presence of prohibited substances and evidence of use of prohibited methods in accordance with the current WADA List of Prohibited Classes of Substances and Prohibited Methods for in-competition testing.

B6 Notification

All tests results shall be reported promptly in a manner consistent with the terms and conditions of the USADA Protocol. Results are generally reported no earlier than six weeks following the conclusion of the event.

B7 Results Management Procedures

In the event of a positive result from any test conducted, USADA shall have jurisdiction to manage the resulting case in accordance with the USADA Protocol and WADA Code ("Code"), and enforce all aspects of the USADA Protocol and the Code. Participant shall comply with any sanctions imposed through the Results Management Procedures set forth therein, including suspension from competition during any period of ineligibility imposed. Anti-doping rule violations will be adjudicated in accordance with the USADA Protocol. Arbitration under the terms of the USADA Protocol shall be the participant's sole and exclusive legal recourse and means of addressing any charge of doping, ineligibility, loss of results or any other issues arising from any anti-doping rule violation or any other matter arising in connection with the collection, transport, and analysis of samples, results management, or the reporting or communication of drug testing information or doping control results by USADA or its designees.

B8 Therapeutic Use Exemptions (TUE)

In the event that a participant requires a therapeutic use exemption ("TUE") to use any prohibited substance or method, USADA shall, in its sole determination, either retain the responsibility to process the TUE application in accordance with the USADA Protocol, the Code and the WADA International Standard for Therapeutic Use Exemptions (the "IS TUE") or shall refer the application to the appropriate International Federation National Federation for processing.

B9 Penalties

The penalties for a doping violation are significant, and may be established through any reliable means including, but not limited to, drug testing, admissions, third-party testimony, and circumstantial evidence. Penalties for first and subsequent offenses may include but not be limited to:

- a. Suspension from competition for an indefinite period, such period to cover a minimum of two-years, or a period to be determined by MXS. MXS shall at its sole discretion determine the effective date and length of suspension;
- b. Fine, and paid before reinstatement will be considered;
- c. Reimbursement of all testing and associated costs incurred by MXS, to be paid before reinstatement will be considered;
- d. Pass a subsequent test for prohibited substances/methods, such test to be conducted at a time and place as designated. The costs of the test are to be paid by the participant under suspension. Failure to pass this test may constitute a second offense of this Policy. Under no circumstances will any person be reinstated until they have passed a follow-up test;
- e. Compliance with all provisions of any probationary period imposed. During the probationary period, the participant shall be subject to further routine testing under the random and reasonable suspicion provisions of this Policy. Additionally, the participant shall be subject to unannounced urine or blood tests upon request. Costs of such tests are to be paid by the participant on probation; and
- f. Permanent ban from competition or participation in any MXS event in any capacity.

B10 Non-Compliance with Policy Provisions

Any participant refusing to participate in testing under this Policy or to execute the "Consent to Doping Control"; or who fails to comply with any other procedures related to this Policy when instructed by MXS; shall be suspended from participation in any MXS competition for an indefinite period of not less than two years, in addition to any other penalties imposed by MXS in its sole discretion, or as set forth in the USADA Protocol.

B11 Falsifying or Withholding Information

Any participant who attempts to or does falsify, alter or otherwise tamper with a urine or blood sample, or any documentation related to the Substance Abuse Policy; or who attempts to or does withhold required information; shall be suspended from any participation in MXS competition for an indefinite period of not less than two years, in addition to any other penalties imposed by MXS in its sole discretion, or as set forth in the USADA Protocol.

B12 Release of Information

MXS reserves the right, in its sole discretion, to release and disclose the results of any substance abuse tests performed under this Policy, together with any conclusions and interpretations related to such test results or the performance of such tests. MXS further reserves the right, in its sole discretion, to release and disclose the background and details related to any disciplinary actions taken under the provisions of this Policy.

B13 Treatment for Drug or Alcohol Abuse

MXS does not recommend or provide specific drug or alcohol rehabilitation programs. Rather, MXS strongly encourages self-help and professional treatment for those afflicted with a drug or alcohol abuse problem. Many assistance programs, both public and private, are available and can provide quality care and treatment.