

202-2197 promenade Riverside Drive, Ottawa, Ontario K1H 7X3 Canada
Tel./Tél. 613.521.3340 Fax/Télé. 613.521.3134 InfoLine 1.800.672.7775
info@cces.ca www.cces.ca

Know Now: Ethical Discussion Paper on Self-Testing for Drug-Use

Background

Until recently drug testing has been a cumbersome and expensive process requiring access to a laboratory and trained technicians. This has meant that self-testing (unsanctioned testing) was relatively uncommon, as it would require some form of organizational complicity. The advent of over-the-counter self-drug testing kits for home use has completely changed the environment with the availability of simple, inexpensive testing. The currently available product is “Know Now”. It retails for \$63.00 and is marketed by Novopharm (www.knownowtest.com) as being able to detect the following substances:

1. Depressants – sedatives, barbiturates, benzodiazepines, alcohol, and inhalants such as gasoline, glue and aerosol cleaners.
2. Stimulants – amphetamines (diet pills), methamphetamine, and cocaine
3. Hallucinogens – marijuana, hashish, LSD, and PCP
4. Narcotics – opiates such as heroin and some prescription pain killers

These products can clearly be used for a variety of different **sport** objectives:

- For an athlete to determine if an inadvertently taken product would result in a positive test.
- For an athlete to monitor a program of controlled doping.
- For a coach or parent to monitor the sport drug-use of his or her athletes.
- For a coach or parent to monitor alcohol or illegal drug-use by his or her athletes.

Problem

What should CCES’s public position be on the use of self-drug-testing in sport?

Ethical Issues

Personal freedom

The self-test kits are legally available, over-the-counter products. They are not banned. Their use does not directly harm the self or others.

Personal integrity

The intention behind the use of a self-test kit is the principal issue for discussions of personal integrity. If the kit is used to ensure that an inadvertently taken medication would not result in a positive test, then that is perfectly acceptable. (The issue this highlights is the extent to which athletes really are in the dark about the permissibility of a whole range of over-the-counter medications and nutritional supplements). An athlete should be able to be completely confident that he or she will not test positive “innocently.” Athletes should not need a new self-test kit to find that out. However, if the test is used to monitor a controlled-doping program (knowingly taking banned substances but using the self-test to avoid detection) then the athlete’s integrity is already compromised through having embarked on that program in the first place.

Integrity of sport

The use of self-test kits does not affect the actual conduct of sport. However, these tests will have a negative impact on sport to the extent that they enable athletes to more easily engage in a monitored, controlled-doping program.

Integrity of competition

The use of self-test kits may not affect the integrity or fairness of competition itself if the drugs that can be detected are game day drugs only (stimulants and narcotics) as opposed to training drugs (anabolic steroids).

Integrity of doping control

Use of the self-test kit is unlike the use of masking agents in that it does not hide drug-use. However, as noted above they could have the effect of making it easier to conduct a controlled-doping program, thus negatively affecting the integrity of anti-doping programs.

Privacy

If the athlete conducts his or her own test, he or she is responsible for protecting his or her own privacy. The more difficult situation occurs when the test is conducted at the behest of a coach or parent. The tests reveal not just sport-drug use but also the person's use of illegal drugs and alcohol.

Coercion

It would be easy for a coach to insist that his or her athletes use self-test kits before major competitions. It would also be easy for the coach to suggest that this was to protect team integrity and to make sure that no one lets the team or coach down. This type of testing would be highly coercive (the coach is in a position of power and authority) and the test provides a wide range of non-sport information. The information provided would enhance the power of the coach over the athlete.

Testing of minors

The issue around the testing of minors is who would be entitled to consent to a test on behalf of a minor. Is a parent entitled to consent to a test for his or her child, which, in effect, would constitute the power for a parent to insist that a child take the test?

This issue is further complicated in that the use of the test only requires access to a urine sample. There is, therefore, no invasive procedure required. Many parents would straightforwardly assume that they had the right to test their children in this way. Would they then have any obligations to respect privacy concerning the results of the test?

The same questions apply concerning the ability of parents to consent to sanctioned drug-tests.

Testing of minors contains more questions than answers. It is probably enough at this stage to raise the questions.

Reporting of test results

The integrity of the doping control system is predicated on the public reporting of confirmed positive tests. A positive test with a self-test kit has no official status, it is the equivalent of a rumour or hearsay.

Practical issues

Range of substances tested for

Current products are intended for parental use and cover illegal drugs, with only limited emphasis on sport drugs. This could change; if the manufacturers see a market they could produce testing kits targeted to athletes. Currently however, use of the kits could provide a feeling of false security.

Accuracy of test results

The self-test kits cannot operate to the degree of accuracy that laboratory testing can reach. The result is that use of these tests could well result in athletes making decisions on inadequate information.

Proposed position for CCES

CCES obviously cannot stop the use by athletes of self-testing kits. Nor can their use be tested for – so the practice cannot be banned. However, the use by coaches of this technology should be vigorously prevented. Use by coaches of these kits would be coercive, and a serious breach of the athlete's personal privacy. It would also have the effect of creating a sport-system sanctioned controlled-doping program – something that CCES has sought to prevent (by not conducting testing on demand).

1. CCES opposes the use of self-testing kits as a means of attempting to monitor a controlled-doping program. Doping in order to enhance performance in sport is unethical, so any attempt to hide the evidence of doping is also unethical.
2. CCES understands the use by athletes of self-testing kits in order to guard against inadvertent positives. CCES supports the development of clear, credible and timely information on the permissibility and effects of nutritional supplements.
3. CCES is completely opposed to the use self-testing kits by coaches or sport administrators on athletes. This is a breach of coaching ethics and fails to respect athletes. The request to administer such a test would be inherently coercive and the information gained as a result of such a test would be a breach of an athlete's privacy. Sport-system sanctioned self-testing would effectively be a controlled doping program.
4. CCES will work with the Canadian Coaching Association to integrate this position into the Coaching Association's Code of Ethics.
5. CCES will work with international anti-doping agencies to harmonize this approach world-wide.

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