**Section 1370.230 Therapeutic Use Exemption**

a) An applicant, licensee or registrant who believes he or she has a therapeutic reason to use a substance described in Section 1370.220(d) may request a therapeutic use exemption (TUE) to permit continued use of that substance. Such a request may only be granted by the Division. The applicant or licensee shall submit the request in writing to the Division. The request shall be accompanied by supporting medical information sufficient to allow the Division to determine whether to grant the request. In reaching its decision, the Division will, at a minimum, determine whether all of the following criteria have been met:

1) The applicant or licensee would experience a significant impairment to health if the prohibited substance were to be withheld in the course of treating an acute or chronic medical condition;

2) The therapeutic use of the prohibited substance would produce no additional enhancement of performance other than that which might be anticipated by a return to a state of normal health following the treatment of a legitimate medical condition;

3) Either reasonable therapeutic alternatives to the use of the otherwise prohibited substance have been tried or no reasonable alternative exists; and

4) The necessity for the use of the otherwise prohibited substance is not a consequence, wholly or in part, of a prior non-therapeutic use of any substance described in Section 1370.220(d).

b) The Division may, in its sole discretion, either grant or deny the request based on the criteria in subsections (a)(1) through (4).

c) Failure to disclose the use of a substance described in Section 1370.220(d) constitutes a violation of Section 1370.220(a).