

Immediate release, Tuesday 25th October 2011

UKDPC: Drug law reform proposals welcomed

The UK Drug Policy Commission (UKDPC) today welcomed proposals from the government's official drugs advisory body for a new approach to tackling 'legal highs'.

In a report published today, the Advisory Council on the Misuse of Drugs (ACMD) recommended that the government should consider using consumer protection legislation to assist the control of some new drugs. This would shift the burden of proof onto those who supply new drugs to prove that their products are safe.

The ACMD's recommendations are similar to those made earlier this year in a report by UKDPC and Demos. The report, *Taking Drugs Seriously*, warned that the Misuse of Drugs Act is becoming increasingly unenforceable as the number of substances it controls rises beyond 600 at the same time as the police and other enforcement agencies' resources are coming under growing pressure.

UKDPC and Demos also concluded that there is no clear evidence that classifying a substance through the Misuse of Drugs Act reduces overall harms and it is possible that it can, unintentionally, increase harms. Similar proposals for a new approach were also made recently by the New Zealand Law Commission.

Using powers like Trading Standards laws to begin to control and regulate the sale of some new drugs could mean that some relatively less harmful new substances would be made available for legal sale under certain strict conditions, such as age, quantity, marketing and labelling restrictions.

Separate research published this month by UKDPC found that more than half of English police forces are expecting to reduce the time and money they spend on controlling illicit drugs in the next year. The report warned that the likely reduction in forensic testing resources will increase the difficulties officers already experience in distinguishing between illicit substances out of the growing number on the market.

The ACMD also recommended that the government consider the use of analogue legislation. This would mean that new drugs with chemical structures similar to those already controlled would also be subject to legal restrictions.

In *Taking Drugs Seriously*, UKDPC and Demos warned that analogue legislation would not address the problems of distinguishing between suspicious substances, and may inadvertently increase harms.

Roger Howard, Chief Executive of the UK Drug Policy Commission, said:

"The Misuse of Drugs Act was passed in a world where new drugs came along every few years, not every few weeks. The speed at which drugs are now being developed makes it impossible for policymakers and enforcement agencies to be on top of the market.

"Rather than trying to hold back this tidal wave with outdated tools, we should recognise that not all drugs are equally harmful. Those who seek to sell new drugs should have to prove their safety, rather than the government having to prove otherwise. That way we can focus our limited resources on the drugs that cause the most damage to users and communities.

"It is very welcome that the ACMD has come to this conclusion as well, and we hope that the government and Home Office will consider the proposals carefully.

"Analogue controls would save politicians from the pressure to 'do something' when new drugs appear on the market. But they wouldn't solve the real problem.

"We have rapidly growing numbers of psychoactive drugs on the market, and it's becoming increasingly difficult for the police to identify the different drugs they're finding. Controlling even more drugs through the drugs laws doesn't do anything to help that nor to prevent harms that might emerge. We need to think differently about using other control and regulatory measures to bring some discipline to an unregulated market.

"Any law is only as good as the capacity to implement it otherwise it brings the law into disrepute. Our concern is that the drug laws are at risk of becoming analogue controls in a digital world."

Notes to editors:

The UK Drug Policy Commission is an independent charity that provides objective analysis of the evidence concerning drug policies and practice.

There are now over 600 substances controlled under the Misuse of Drugs Act 1971 and this looks set to increase. An unprecedented 41 new substances were produced in the Far East and sold in the UK in 2010, and 20 further substances were identified in the first four months of 2011.

Consumer protection legislation could limit the numbers of vendors entitled to supply certain controlled substances and require that these vendors demonstrate that their product meets particular standards. These standards could include age restrictions on sales, requirements that they are sold with information on dosage levels and side effects, and controls on marketing and packaging. Civil and/or criminal sanctions could be applied for breaches of legislation, as are currently used for the unauthorised sale of solvents or inhalants under the Intoxicating Substances (Supply) Act 1985. This Act was passed following concern about the annual number of deaths of young people from 'glue sniffing'. Annual death rates were frequently in excess of 100 and even today are over 35.

Taking Drugs Seriously, by Jonathan Birdwell, Jake Chapman and Nicola Singleton, was published on May 16 2011 and is available to download at http://www.ukdpc.org.uk/resources/Taking_Drugs_Seriously.pdf

UKDPC's research of anticipated changes to police enforcement of drug laws, *Drug enforcement in an age of austerity*, was published on Oct 11 2011, and is available to download at http://www.ukdpc.org.uk/resources/Drug_related_enforcement.pdf

The New Zealand Law Commission published on May 03 2011 [its review of the NZ Misuse of Drugs Act 1975](#), which was closely modelled on the UK Misuse of Drugs Act 1971. The Law

Commission independently made a number of similar recommendations to those proposed by UKDPC/Demos in *Taking Drugs Seriously*.

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UKDPC receives its core funding from the Esmée Fairbairn Foundation.