

**For Immediate Release, Sunday 15 May 2011**

## Demos/UKDPC: Drug bans outdated for new highs

- Outdated Misuse of Drugs Act could unintentionally increase harms
- The rise in new 'legal highs' could be controlled through use of consumer protection legislation
- In assessing whether to control a new substance, Government should consider the potential benefits as well as the harms of new drugs
- In the longer term, Government should consider creating a comprehensive Harmful Substances Control Act to align controls of all psychoactive substances, including alcohol and tobacco

The Government should consider using a fundamentally different approach for the control of 'legal highs', according to the think tank Demos and the UK Drug Policy Commission. A new report concludes that the current practice of controlling new synthetic drugs under the Misuse of Drugs Act may sometimes cause more harm than good.

Demos and UKDPC call for more use of other regulatory options, such as trading standards regulation, which could be more effective in controlling the impact of some new drugs.

The report also recommends that the Government and its advisors should assess the potential benefits as well as the harms of psychoactive drugs, as is done with alcohol, including the possibility that the use of less harmful substances can prevent people using more dangerous drugs.

*Taking Drugs Seriously* investigates how the Government and authorities can best protect young people from the rise in new legal highs. It claims that current drug control legislation is no longer fit for purpose in the 21<sup>st</sup> century in light of the easy accessibility of new substances on the Internet. It has been 40 years since the UK Misuse of Drugs Act was introduced.

The Demos and UKDPC research underlines a **fundamental and growing bias in the political and regulatory system towards prohibition as a 'default' option**. This is in spite of the fact that there is no conclusive evidence that classifying a substance through the Misuse of Drugs Act reduces overall harms and it is possible that it can, unintentionally, increase harms.

The report warns **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.

There are also **significant concerns that planned temporary banning powers could lead to neglect in considering other control options**. *Taking Drugs Seriously* advises the Government to commit to a full-scale assessment of the use and impact of these powers.

Demos and UKDPC also warn that the range of psychoactive substances, including alcohol and tobacco, are currently controlled with an **inconsistent and confusing collection of regulations**, which undermine the credibility of the overall system of control especially in the eyes of young people.

The Demos and UKDPC report recommends:

The Government should give greater consideration to controlling the supply of new psychoactive drugs through the wide range of **consumer protection legislation** already available.

More research needs to be conducted into the **benefits and harms of continuing with current UK drug control policy**. Further investigation should also be carried out into the effects of new 'legal highs' available on the market.

**A comprehensive Harmful Substances Control Act** covering the supply of all potentially harmful substances, including alcohol, solvents and tobacco, through a range of different control options in a consistent framework could result in a policy better able to cope with substance control in the 21<sup>st</sup> century.

The Government should **tap into the experience of drug users and front-line workers** to help form an 'early warning system' and a real-time information source for emerging drugs.

Jonathan Birdwell, co-author, said:

"The Misuse of Drugs Act has passed its sell-by date. So-called 'legal highs' present an entirely new challenge that needs a more intelligent response. With the aim of being hard-line towards all psychoactive substances, the Government risks making it more, not less, dangerous for young people who want to experiment."

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

"Forty years ago, the Misuse of Drugs Act was passed in a world where new drugs came along every few years, not every few weeks. The argument about whether to be tough or soft about drugs is increasingly redundant in the era of the internet and global trade: we have to think differently. It might be time to say that those who seek to sell new substances should have to prove their safety, rather than that the government should have to prove otherwise. Controlling new substances through trading standards legislation offers a new vehicle to achieve this."

Tim Hollis, Chief Constable of Humberside Police, and national lead on drugs for the Association of Chief Police Officers (ACPO), said:

“The report from Demos and the UK Drug Policy Commission raises new insights into how the challenge of new synthetic drugs can be addressed. It is a timely and helpful contribution to an important debate. Police forces and health professionals across England and Wales are only too aware of the problems that a wave of new drugs can bring. A particular challenge is the speed with which news of legal highs can be circulated on social networking sites and made available via the internet. The idea of Trading Standards officers having a stronger role in controlling substances is one that is worthy of consideration and reinforces the fact that closer partnership working is essential in addressing the issue.”

#### **Notes to editors:**

There are now over 600 substances controlled under the **Misuse of Drugs Act** in the UK and this number looks set to increase. According to data presented to the Independent Scientific Committee on Drugs, an unprecedented 40 new substances were produced in the Far East and sold in the UK in 2010.

Analysis of results from drugs testing in the British Army indicates that **cocaine use fell by more than half between 2008 and 2009**, at a time when mephedrone was becoming increasingly available. Use of cocaine then increased slightly over the course of 2010, following the ban on mephedrone. Analysis of emerging data on drug deaths suggests that between 2007/8 and the first six months of 2009, cocaine-related deaths among the UK population fell by 28%. It has been suggested that the fall in cocaine use and cocaine-related deaths might be due to users switching from cocaine to mephedrone (see Professor Sheila Bird’s analysis of army data<sup>i</sup> and cocaine-related deaths<sup>ii</sup>).

**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.

A new **Harmful Substances Control Act** could be created to provide a single framework for controlling all psychoactive substances, including alcohol, tobacco, solvents, new legal highs, and those currently regulated by the Misuse of Drugs Act. This would allow the Government to correct the

contradictions that exist in the range of laws currently regulating these substances, and instead control each according to the impact it has, or is likely to have, on users and society. Under this system, new drugs could be controlled according to information available about their impact; this could be adjusted as more information became available.

The **New Zealand Law Commission** published on 3<sup>rd</sup> May 2011 its review of the NZ Misuse of Drugs Act 1975<sup>iii</sup>, 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 Demos/UKDPC in *Taking Drugs Seriously*. These include that a new regulatory regime should be established, which would require new psychoactive substances to be assessed and approved before they can be made available for sale in New Zealand: reversing the existing regime where substances can be sold without restriction until they are proved to be harmful and either regulated or prohibited. The Law Commission also recommended that the government should consider whether the new regime for psychoactive substances should, at a future date, be expanded to include a wider range of non-therapeutic lifestyle and recreational substances intended for human consumption.

Evidence for *Taking Drugs Seriously* was gathered during workshops and consultations with experts and an international review was carried out by Professor Peter Reuter, Professor of Criminology at the University of Maryland and co-founder of the Rand Drug Policy Center.

*Taking Drugs Seriously*, by Jonathan Birdwell, Jake Chapman and Nicola Singleton, is published on May 16 2011 and will be available to download for free from [www.demos.co.uk](http://www.demos.co.uk) and [www.ukdpc.org.uk](http://www.ukdpc.org.uk)

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<sup>i</sup> <http://www.straightstatistics.org/article/mephedrone-and-cocaine-clues-army-testing>

<sup>ii</sup> <http://www.straightstatistics.org/article/banned-drug-may-have-saved-lives-not-cost-them>

<sup>iii</sup> [http://www.lawcom.govt.nz/project/review-misuse-drugs-act-1975?quicktabs\\_23=report#node-2079](http://www.lawcom.govt.nz/project/review-misuse-drugs-act-1975?quicktabs_23=report#node-2079)