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Psychoactive Substances

Issues for policy makers

Executive summary

Introduction

New psychoactive substances are substances that mimic the effects of controlled substances, but which are not covered by the United Nations Drug Control Conventions. These substances have been variously referred to as legal highs, designer drugs, herbal highs, synthetic drugs or research chemicals.

The last few years have seen record numbers of new substances being identified, with 41 new substances identified in Europe in 2010 alone. However, it is not clear whether this marks a rising tide of available products or a spike in trends. Furthermore, only a small number of these substances have been able to find a stable user-base.

Data on use are difficult to obtain since most surveys do not ask about new psychoactive substances. However, some one-off studies indicate that only a small minority of young people in Europe have ever tried new psychoactive substances, and even fewer are regular users. As with other drugs, young men are overrepresented among users.

Legal Issues

Since these substances are not controlled, suppliers can produce them without fear of legal sanctions and distribute them in open marketplaces. Sale through the Internet has received particular attention, as it provides convenience, anonymity and opportunities to bypass national legislation. The number of online shops, which are selling psychoactive substances, has increased in recent years.

Although the new psychoactive substances are not under national or international control, a number of studies suggest that the markets for illicit substances and new psychoactive substances are intertwined. Many 'legal highs' have been found to contain controlled substances, and they are frequently sold alongside illicit substances both online and in local drug markets. Users of new psychoactive substances are also more likely to have experiences with illegal drugs. Recent data indicate that polydrug use is now the norm, and many are happy to mix illegal, newly banned and legal drugs.

Adverse Effects

There is a growing body of evidence on the adverse effects of new psychoactive substances. In addition to physical effects ranging from mild agitation to death, there have also been reports of compulsive use and tolerance effects that indicate

the abuse potential of these substances. Less is known about the combined effects of these substances.

Responding To Psychoactive Substances

Control of the distribution and sale of new psychoactive substances has proved to be challenging. With a shortage of scientific studies on the use and effects of these drugs, governments are faced with the dilemma of either taking no immediate action or taking precautionary action. Countries have chosen different approaches, including consumer safety legislation, pharmaceutical legislation, tax laws and other existing laws to curb the trade in new psychoactive substances.

Some have argued that the key to tackling the issue of new psychoactive substances is to act rapidly. According to this argument, it is crucial to stop distribution channels and use before a substantial market is established. To this end, several countries have introduced 'temporary banning orders' which provides the government with time to assess whether a new substance needs to be controlled.

Much of the debate on new psychoactive substances have centred around regulatory tools, rather than on drug prevention or treatment services for users. However, any response to this challenge will have to involve a comprehensive approach. Only a few EU countries report that they have implemented prevention interventions in high-risk settings such as clubs and nightlife. Furthermore, environmental prevention strategies that aim to alter cultural, social, physical and economic environments remain rare. Interventions that are more strongly supported by evidence are not widespread, and few initiatives address social disadvantage or drug use in the family. Access to adequate treatment for people who suffer from adverse effects of new psychoactive substances is also limited.

The current EU level response to new psychoactive substances includes an early warning system for substances as well as risk assessments. If necessary, the EU has power to introduce EU-wide control. In the course of 2013 an updated legislative proposal will be presented to improve the exchange of information, risk assessments and rapid withdrawal from the market of substances that pose health, social and safety risks.

The EU can provide added value in information collection and analysis, sharing best practice

and taking action where member state action alone is not sufficient. The EU early warning system is an important monitoring mechanism that provides valuable information for member states. Furthermore, the European Commission can propose EU-wide control of substances, and the European Commission has responsibility for ensuring that legitimate chemicals (drug precursors) are not diverted onto the illegal drug market. There is also need for EU level as well as international cooperation to effectively tackle the phenomenon of online sale of psychoactive substances.

Increasing consumption of drugs that are not covered by the United Nations Drug Conventions may undermine the goals of the international drug control system to protect health and social wellbeing. Although the drug conventions contain provisions for adding new substances to the schedules, the rapid development of the NPS market makes it difficult to stay abreast of the situation. Rapid national responses become crucial in tackling these substances in the short term. However, a national response is limited, and international collaboration on the control of manufacturing, trafficking and distribution is essential.

Public Opinion

An opinion poll conducted among young people (15-24 years old) across the 27 EU member states showed that a large majority of the respondents favoured a ban on new psychoactive substances that pose a risk to health. About 15 % wanted to regulate the sale and consumption of these drugs, whereas only 2 % thought that nothing needed to be done.

Key Recommendations

- Governments should opt for a comprehensive approach through evidence-based measures such as drug prevention, treatment and rehabilitation
- Governments should acknowledge the need for a timely approach to tackling psychoactive substances, making use of temporary tools if necessary
- EU and UN structures should be used to ensure effective collaboration on this phenomenon, in order to tackle cross-border issues

- Governments should reflect on the failures of alcohol and tobacco restrictions when considering approaches to psychoactive substances
- Governments should provide a combination of evidence-based universal, selective and indicated drug prevention programmes
- Governments should particularly invest in targeted prevention programmes for those most at risk of NPS use
- Governments should provide accessible drug treatment services for those who use NPS
- Governments should ensure national health data collection systems are in place to measure the impact of NPS use

You can download the full "Psychoactive Substances: Issues For Policy Makers" document at www.eurad.net

