

FOILED AGAIN

Max Daly

Government still dragging its feet over foil

On the 10th November 2010, the Advisory Council on the Misuse of Drugs (ACMD) submitted a detailed report to the Home Secretary Theresa May on the provision of foil as a harm reduction intervention for drug services. It recommended that the law be changed to reflect “evidence of the benefits of foil provision” with “no evidence of the dis-benefits”.

In contravention of the protocol between the ACMD and the Government over response times, whereby Government agreed to respond to ACMD recommendations within three months, nothing was heard until a request from the Department of Health in August 2011 asking for more information on the known risks of smoking drugs. The ACMD duly replied, emphasising that while smoking is far from safe, the harms “are significantly less than those associated with injecting”. Again no response from Government until November 2012, when Theresa May requested further clarification: “what evidence [is there] that provision of foil would get people off drugs?”

The ACMD dutifully responded again to reiterate that the evidence shows that foil can support transitions away from injecting and can improve service engagement. They continued, “it is important to recognise that foil provision is an established practice at many needle exchanges. Also, guidelines provided by the National Treatment Agency and National Institute for Health and Clinical Excellence promote ‘reverse transition’ (the switch from injecting to smoking heroin). The current statutory prohibition of foil provision prevents those delivering treatment from providing it legally as part of a tailored intervention”.

The statutory prohibition referred to is Section 9A of the Misuse of Drugs, whereby it is a criminal offence to supply or offer to supply articles for administering or preparing controlled

drugs such as crack pipes, grinders and bongs. But the law provides for exemptions for items associated with treatment provision; needles and syringes, swabs, filters, citric and ascorbic acid, spoons and water ampoules. So how many prosecutions are there under this provision? Release say they have never been involved in such a case and an examination of *Misuse of Drugs and Drug Trafficking Offences* by Rudi Fortson, the leading criminal law barrister on drugs law, reveals no case law relating to Section 9A. Jamie Bridge, Chair of the National Needle Exchange Forum says, “The law serves no real function any more and is not enforced,

but remains a technical barrier for services. There is an overwhelming case for its repeal. I can’t help feeling that the government’s delay in adding foil to the list of legal exemptions is a reflection of ideology rather than evidence”.



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Going fjord-ward on smoking heroin?

The Norwegian health minister Jonas Gahr, has proposed that the smoking of heroin should no longer be a criminal offence in order to encourage users to switch away from injecting. He has suggested that there should be special heroin smoking rooms across the country where the drug could be legally smoked. Mr Gahr says he is concerned

about the number of overdose deaths. He told *The Norway Post* that the death toll was ‘a discredit to Norway’. Back in 2000, Norway had more than double the rate per million of overdose deaths of any country in Europe. This has come down considerably since then, but Norway still tops the European drug mortality chart.