

NEW DRUGS STRAIN OLD LAW

It isn't just drug reform organisations that question whether the Misuse of Drug Act can cope with the flood of legal highs. By Jeremy Sare

The Home Affairs Select Committee's inquiry on drugs recently included enlightening and amusing evidence from comedian and former addict Russell Brand.

There was a time when such committees restricted formal submissions to austere academics and hard-bitten coppers. Nevertheless the message appears to be the same: the current drug law cannot cope with the modern demands placed on it.

For years now, some drug charities have been suggesting the Misuse of Drugs Act (MDA) 1971 was unable to respond with sufficient agility to a world of drugs never envisaged when the Act was passed. The introduction of Temporary Orders last year has made the law respond much more rapidly but that is not satisfying every stakeholder's expectations. In the wake of the emergence of many new club drugs and so-called legal highs, there is realisation from traditionally conservative quarters that the legal method of controlling new drugs needs re-examining.

The Advisory Council on the Misuse of Drugs (ACMD) published *Consideration of the Novel Psychoactive Drugs* in October last year. Among its "practicable options" the Council suggested, "moving the responsibility for the supply...to the vendors...to prove such substances are neither analogues of current medicines nor products harmful to consumers in their intended form."

The view of senior police appears to be more flexible than the Government's about the efficacy of the MDA. In its submission to the Home Affairs

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Committee, the Acpo drugs committee questioned the effectiveness of "adding inexorably to the list of illicit substances" as an effective way of changing behaviour and prevalence. It doubted, "the extent to which legislation can realistically be used to address active choices being made by (predominantly young) people".

Acpo concurred with the UK Drug Policy Commission's conclusion that alternative legislative options could be deployed to shut down legal high suppliers. There is enough consumer protection law and trading standard regulation to stop these enterprises trading by demonstrating their 'produce' is not necessarily safe and potentially harmful to its customers.

But these laws sound a little weak, when contrasted with the image of the traditional drug raid. Using consumer law would also hand some responsibility for drug policy to other departments including the Department for Local Government and Communities which the Home Office would certainly resist.

Dr John Ramsay, toxicologist and director of the Tictac Communications drugs database at St George's medical

school said, "The Misuse of Drugs Act was conceived at a time when the emergence of a new drug of abuse excited toxicologists. It does not adequately address the current situation when 40-50 new compounds emerge each year. We badly need a review of all the legal instruments at our disposal; the criminal law, consumer protection legislation, medicines regulation and resources to enforce them. Attempts to deter drug use solely by control of the supply has never been successful even before the advent of the internet, electronic money transfer and international courier networks. We need to concentrate our efforts on informing consumers and hopefully reducing the demand."

The situation on new drugs and the potential threat to young people's well being is rapidly evolving. The EMCDDA report on legal highs published in April 2012 showed a doubling of the numbers of internet suppliers of these new psychoactives.

But faced with this problem, the Home Office's response remained resolute about the MDA as the legislative vehicle to counter drug misuse, "The UK is leading the way in cracking down on new psychoactive substances by banning them while the harms they cause are investigated. Our strategy is to keep drugs off the streets and punish the dealers."

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