

New Psychoactive Substances: The need for policy reform

YouthRISE for Reform: Drug policy series

Introduction

- The last five years have seen a rapid escalation in the consumption of “new psychoactive substances” (NPS) by young people with over 150 substances currently identified around the world.
- The emergence of NPS (referring to a new substance that has not yet been scheduled under one of the international drug conventions) has led to a highly diversified market, raising serious questions about the effectiveness of drug prohibition.
- This has considerably increased the potential harms for users whilst also making it more difficult for law enforcement authorities to control.

Government Responses

There have been two general approaches that governments have tried to use in attempting to control the availability and use of NPS. These are:

1. Scheduling new substances into existing and often outdated national drug control laws
2. Using other forms of legislation, such as consumer protection or trading standards legislation as a method of limiting the availability of new psychoactive substances through targeting substance distributors.

Problems with current policy responses to the emergence of new psychoactive substances?

1. **Prohibition based policies do not work**
 - As soon as one substance is made illegal, several others have appeared within days/ weeks to take its place.
 - The evolving nature of the drugs market means that NPS are being replaced by equally unfamiliar compounds that may or may not share similar risks and effects.
 - In most cases, these NPS appear for sale online, before any information on how to reduce harms associated with these new drugs can be made accessible.
2. **Its policies are unenforceable**
 - The internet has significantly changed the nature of this drugs market, making many of the traditional methods of enforcement redundant and ineffective.
 - Scientific knowledge of NPS is often limited and budget constraints mean authorities are struggling to keep up with rapid developments in this drugs market.

3. Young People are being Criminalised in large numbers

- Young people around the world are being made vulnerable to criminal prosecution for their use of NPS, often without being fully aware of the legal status of the substance.
- Many substances labelled “legal highs” often turn out to contain controlled substances after undergoing scientific analysis. Many young people therefore think they are in the possession of legal substances, when in fact they are illegal.

4. The creation of a vast black market

- Due to the amount of time it takes national governments to legislate against NPS, suppliers can make vast profits in a matter of months while the risks associated with its use remain unknown, worsening the potential for drug related harms.

The barriers to effective harm reduction interventions

- The lack of accurate and comparable data and the limited amount of research into the risks of NPS and legal highs makes analysing potential harms much more difficult.
- A total lack of specialised services addressing the needs of NPS users.
- The swift replacement on banned substances with other equally unfamiliar substances means there is little time for users to become knowledgeable about the effects of these substances.

Recommendations:

1. Remove criminal sanctions

Decriminalise possession for users and concentrate on improving research, treatment and drug and harm reduction education programs.

2. Explore regulation of existing illicit substances

Through decriminalising and potentially regulating the use of substances like MDMA, the market in NPS will be severely undermined and it can be assumed that young people will revert to using much safer substances where the harms are known and where there are established methods of treatment.

3. Improve funding for research

Medical professionals often have little knowledge or training about how to diagnose and treat cases of overdose. A considerable increase in research funding addressing these substances is needed.

4. Improve specialised drug treatment services and drug education programs

There needs to be a much greater emphasis on specialised drug treatment services that address the use of NPS which young people can attend without the need for parental consent, the guarantee of confidentiality and without age restrictions, all provided in a youth-friendly environment.