

National Assembly for Wales

[Health and Social Care Committee](#)

[Inquiry into new psychoactive substances \(“legal highs”\)](#)

Evidence from Government of Ireland – LH AI 06

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Mr David F Rees  
Chair  
Health & Social Care Committee  
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Bae Caerdydd  
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Dear Mr Rees

The Minister for Health, Leo Varadkar, T.D., has asked me to thank you for your recent letter concerning the inquiry which is being undertaken by your Health and Social Care Committee into new psychoactive substances.

The emergence of new psychoactive substances (NPS) specifically designed to circumvent drug controls has been a matter of particular concern in Ireland in recent years. This trend became particularly evident in the rapid growth in headshop outlets in Ireland during the period 2009 to 2010.

Essentially these headshops were selling a wide range of drug like products, which although they were not at the time deemed illegal under Department of Health Misuse of Drugs legislation, were presenting potential serious health risks to users. In response to the phenomenon, the Government introduced legal measures to control a broad range of new psychoactive substances.

Other measures introduced in this jurisdiction included education and awareness raising initiatives informing the public, and particularly young people, of the potential dangers of the use of substances which were on sale in headshops or available online.

Legislative Response

Under the Misuse of Drugs Act 1977 (MDA) and regulations made

thereunder, over 200 substances (legal highs) were controlled by means of statutory instruments in May 2010 and a further 60 in November 2011. Substances were controlled by means of individual names and in other cases by means of generic definition.

The Criminal Justice (Psychoactive Substances) Act 2010 was introduced to address the problem of head shops selling so-called legal highs and the sale of unregulated psychoactive substances. The 2010 Act, which came into effect on 23 August 2010, was primarily introduced as a general back up and catch-all response by way of criminal justice legislation to deal with NPS as they emerge - as soon as one dangerous substance is banned, another new unregulated product is often produced to take its place. The Act makes it an offence to sell, import, export or advertise unregulated psychoactive substances and works in tandem with the ongoing controlling, as appropriate, of identified harmful substances under the Misuse of Drugs legislation.

The Act also provides for offences relating to the sale and advertisement of objects used in the cultivation by hydroponic means of certain plants in contravention of the 1977 Act. Under the 2010 Act, the importation of unregulated psychoactive substances is a criminal offence.

#### Impact of Legislative Measures

On foot of this legislation coupled with the control of substances under the MDA, nearly all of the over 100 head shops then existing were closed in 2010. While the operation of the 2010 Act continues to be monitored, the Government is satisfied that the Act, together with the above orders made by the Minister for Health, have to date been successful in stopping the headshop trade in towns and cities throughout the country.

In tackling online trade in new psychoactive substances, An Garda Síochána's National Drug Unit (GNDU) is maintaining a liaison with the Enforcement Section of the Health Products Regulatory Authority and with the Customs authorities.

Any Irish domain web site that comes to the attention of the police authorities which is suspected to be involved in the sale of unregulated psychoactive substances is investigated fully by the Garda National Drug Unit and reported to the IEDR (Ireland's Domain Registry) immediately for removal. In addition any suspected illegal content online may be reported by members of the public to the Hotline service at [www.hotline.ie](http://www.hotline.ie). This hotline is operated by the Internet Service Providers Association of Ireland (ISPAI).

Irish law enforcement authorities in collaboration with their European

counterparts and wider international partners under the umbrella of the International Narcotics Control Board (INCB) continue to monitor the sale of all drugs (including NPS) via the internet in order to identify emerging trends and patterns.

There has been a recorded drop in the demand for treatment services related to problem NPS use and while seizures of these substances continue to be made by both An Garda Síochána and the Irish Customs authorities the overall volume of seizures of such drugs being made continue to make up a small proportion of the overall total of illegal drug seizures made in Ireland by the Garda and Customs authorities.

#### Efficacy of Legislation in reducing supply and use of NPS

The available statistics date from when the problem was at its height in advance of the legislative measures taking effect. The NACDA 2010/2011 Drug Use in Ireland General Population Survey (GPS) was the first time data was collected with regard to new psychoactive substances (NPS) and only captured last year use (recent use).

- The Survey reports that NPS were the most widely used drug after Cannabis in the previous year.
- Across 15-64 year olds recent use of NPS was 3.5%, - for comparison recent use of any illegal drugs is 7%.
- Further figures show that recent use is over 3 times more likely in male than females and that recent use is highest among 15-24 year olds (9.7%).

Changes in this rate of prevalence will be indicative of changing trends in usage of NPS. The next General Population Survey is due in 2014/2015 and this will allow for the comparison of trends with 2010/2011.

The number (and proportion) of cases treated for problem use of NPS as a main problem drug is very small, peaking in 2010 at 2.8% and decreasing every year since (0.4% in 2012). However, the number of cases reporting for problem use of NPS as an additional problem substance was higher, peaking in 2010 (5.4%), and has reduced every year since (2.9% in 2012).

As part of the UNODC Annual Review Questionnaire Ireland returns treatment figures relating to particular substances. Irish data is collated through the National Drug Treatment Reporting System and the most current data available is for 2012.

Ireland reports 'Head Shop Drugs' as a group under the section 'other

drugs such as those under national but not international control’.

Cases treated for problem use of NPS/‘head shop drugs’:

- 213 cases in 2010
- 368 cases in 2011
- 220 cases in 2012

In 2012, of those 220 cases, only 34 were treated for an NPS as a main problem drug. The most common NPS reported in this group was mephedrone, followed by snowblow (also a stimulant). It should be noted that these substances are self-reported by cases and not necessarily confirmed by laboratory testing.

When interpreting NDTRS data it is important to remember that in the NDTRS a case refers to a treatment episode and not an individual as there is currently no unique health identifier in Ireland.

#### Further measures under the Misuse of Drugs Act

The Government has moved swiftly in recent years to control new substances where possible under the Misuse of Drugs Acts, 1977/84 but even still New Psychoactive Substances such as 5-Fluoro-AKB-48 5F PB 22 have arrived on the market where a lack of pharmacological research in relation to the substances makes it difficult to prosecute under any existing legislation.

The Department of Health is currently developing further Misuse of Drugs regulations which will bring a number of additional substances under control, including for example the substance 5-IT.

In addition consideration is also being given to controlling NBOMes a psychedelic drug seen as roughly as potent as and similar in effect to LSD with slang names for the drug including “251”, “Smiles” and “N-bomb”.

#### EU Proposal for New Regulation and Directive to tackle NPS

A European Commission proposal for a new Regulation and a Directive to tackle new psychoactive substances is currently being negotiated at the Horizontal Working Party on Drugs. The proposed Regulation will replace Council Decision 2005/387/JHA and the proposed Directive will amend Council Framework Decision 2004/757/JHA. The proposal provides for improving the functioning of the internal market regarding licit uses of new psychoactive substances by reducing obstacles to trade while reducing the availability of substances that pose risk. While there may be legitimate uses associated with certain substances, Ireland’s key concern, shared by other Member States, is to be able to maintain our national

**competence to control substances where public health issues demand it.**

**I trust that this clarifies the matter for you.**

**Yours sincerely**

**David O'Connor  
Private Secretary**