Designer drugs – outside the law but still a problem

Recreational drug use has been a part of most cultures for millennia. The use of psychoactive plants and alcohol can be traced back to at least 6000 years BC. No surprise then that modern generations still want to get high, despite how much criminal legislation of varying severity is passed to discourage them from doing so.

So-called ‘designer drugs’ – also known until recently as ‘legal highs’ – have grown in popularity over the last decade or so, as resourceful chemists sought to out-maneuver law-makers by subtly altering the composition of psychoactive compounds. But along with the law-dodging came wildly unpredictable effects and potency. Some synthetic opioids, for example, are 10,000 times stronger than morphine. So a paradoxical effect of anti-drug policies was the endangerment of users as they sampled the often dangerous products of clandestine labs sold at high street ‘head shops’.

All that changed in 2016 when the UK government passed the Psychoactive Substances Act which, rather than naming specific compounds, banned the sale of anything that induces “a psychoactive effect in a person if, by stimulating or the depressing the person’s central nervous system, it affects the person’s mental functioning or emotional state.”

A rather wide definition, one might think, and several commentators have pointed out the difficulties in pinning down what constitutes a psychoactive substance. A recent case in point was last year when a judge threw out an attempted prosecution for the possession and supply of nitrous oxide canisters on the grounds that the gas was a medicinal product and therefore exempt from the Act.

Effective legislation?

Despite such misgivings, it seems the new laws are having a beneficial effect. In his investigation into the use of new psychoactive substances (NPS) on page 33, Mark Greener spoke to several experts who have seen a decline in the use of designer drugs since the Act came into force.

“NPS use is going down,” says Rosanna O’Connor, director of alcohol, drugs and tobacco at Public Health England. “Young people aged 16 to 24 accounted for around half of all last-year users which is about 77,000. This is a statistically significant decrease from 2015/16.”

She warns, however, that vulnerable groups such as prisoners and the homeless are more likely than the general population to use NPS, despite a reduction in their ready availability.

Perhaps it is the case that, as ever, those determined to escape the shackles of reality will always find the means to do so. A realistic drug policy must therefore include harm reduction and risk management alongside criminal legislation.

As Mark Greener quite rightly points out: “If someone wants to get high, they’ll find a way.”

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