

New Psychoactive Substances (NPS)

In recent years, the United Kingdom has seen the emergence of new drugs that have similar effects to drugs that are internationally controlled. These drugs can be collectively called New Psychoactive Substances (NPS).

These drugs have been designed to evade drug laws, are widely available and have the potential to pose serious risks to public health and safety and can even be fatal. The Advisory Council on the Misuse of Drugs (ACMD) (the UK Government's independent statutory drug advisers) advise that the short term harms of NPS can include paranoia, psychosis and seizures and their long term harms are often unknown.

NPS are advertised and sold as 'legal highs' under a variety of brand names at low risk and significant reward for retailers. There has been a rapid increase in the number and range of new substances with their open sale in retail outlets alongside their easy availability from the internet.

New psychoactive substances (NPS) are now being detected in Europe at a rate of two per week, according to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). More than 100 NPS were reported last year, says the European drug report 2015, with the total number of substances being monitored by the agency now standing at more than 450.

In 2013, the Home Office appointed an expert panel to look at this issue and provide recommendations to the Government. The panel was tasked with looking at whether, and if so how, the legislative framework for responding to these new drugs could be enhanced beyond the current approach as well as developing the health and education response.

Prevalence of use

National surveys have indicated that the use of NPS amongst the general adult population (e.g. those aged 16-59) is relatively low compared with use of other illicit drugs. Although higher use has been found amongst younger age groups and some sub-sections of the population.

This pattern also applies in Scotland, where mephedrone is the most common NPS, used by 1.6% of all 16-24 year olds in the last year, but by only 0.4% of all adults. Cannabis is still the most commonly used illicit drug in Scotland, taken by 5.1% of all adults in the last year (2012/13 Scottish Crime and Justice Survey).

The Scottish Crime and Justice Survey in 2013 reported that 0.5% of all adults had tried any NPS in the last year (Scottish Government, 2014). Mephedrone was the most commonly taken NPS, tried by 0.4% of all respondents in the last year. This compares with 1.7% for cocaine and 1.3% for ecstasy.

Health implications

Evidence is limited, but indications are that NPS can cause a range of physical and psychological symptoms (from kidney failure to psychosis) that are just as serious as for other illicit drugs and can even result in death. There is currently no evidence of an increase in presentations at drug treatment services associated with NPS use in Scotland. However, deaths where NPS were found to

be present in the body have increased over the period, from 4 in 2009, to 113 in 2013. Deaths where it was reported that one (or more) NPS was implicated in the death were lower, but again have increased, from 3 in 2009 to 60 in 2013 (totalling 132 over 2009-2013, less than 5% of all drug related deaths). In 2013, 5 out of 60 deaths occurred where NPS were identified as being the only substances implicated (a total of 18 over 2009-2013, less than 1% of all drug related deaths).

Scotland's response to NPS (as part of a UK-wide approach)

In Scotland work has been done to update the prevention messages on NPS, including updating the information available on the Know the Score website, and the development of an information resource, by Police Scotland, on NPS for high school children through the Choices for Life initiative.

An expert review group, set up by the Scottish Government, explored the issue of "legal highs" and made the following recommendations (detailed opposite).

The New Psychoactive Substances Bill is modelled on similar legislation passed in Ireland in 2010. The Bill will create a blanket ban on these substances, commonly referred to as 'legal highs', across Scotland and the wider UK. This ban will protect people from the risks posed by taking these untested, unknown and potentially harmful substances that are openly sold on the high street (head shops) and the internet. The Bill will proceed through the various parliamentary stages over the next six months. Subject to parliamentary approval, it is anticipated that implementation will be around April 2016. The policy aim is to reduce the harms caused by, and associated with NPS.

The aim of the Bill is to end the legal sale of NPS from high street retailers and UK based websites, reduce NPS availability, increase public awareness of the risks of NPS from a legal stance and reduce harmful consumption of NPS. The Bill creates new criminal offences to produce, supply, offer to supply, possess with intent to supply, import and export psychoactive substances. The Bill focuses on supply so does not include a personal possession offence. The maximum sentence, on conviction on indictment, would be seven years' imprisonment. The period of 7 years is set as a statutory maximum within the Bill.

The New Psychoactive Substances Bill is a step forward in recognising the potentially harmful and dangerous effects of new psychoactive substances. It also highlights that the term "legal highs" does not indicate that they are safe. The manufacture and supply of NPS seems to be the most significant issue as the numbers of NPS are increasing steadily and new versions are often created to avoid legal issues so this Bill will make some progress in tackling this. However it is also important to recognise that NPS were implicated in the deaths of 62 people out of 613 drug-related deaths in 2014 and this has a significant impact on the family and friends of these individuals. Across Scotland NPS is currently the third highest substance mentioned by families/ close significant others contacting Scottish Families helpline (a drop from second highest in the previous quarter).

Six Key Recommendations

-  Licensing - provide conditions and restrictions for the sale of NPS
-  Provide tool-kits and operational guidance for front-line staff
-  Establish a national centre of excellence in forensic analysis to lead in the detection and identification of NPS in Scotland
-  Develop a specific definition of NPS that can be adopted across all areas in Scotland
-  The Scottish Government should work with the Home Office to produce legislation and ensure it is implemented effectively
-  Developing a formal protocol between relevant agencies, setting out roles, responsibilities and information-sharing protocols