



New Psychoactive Substances (aka 'synthetics') update

New psychoactive substances (NPS) are being developed at an unprecedented rate and have become a major issue of concern around the world. Governments are struggling to respond and laws are constantly changing. This alert provides an update on what's happening in Australia and New Zealand.

NPS are also known as synthetic drugs, new and emerging drugs (NEDs), legal highs, herbal highs, search chemicals, drug analogues, and synthetic cannabis.

Australian Legislation Update

Over the last month the New South Wales (NSW) Government has brought in new laws to ban NPS. The laws bring selling and possessing NPS under the *Drug Misuse and Trafficking Act 1985* and means a 'blanket ban' on anything that has a psychoactive effect other than alcohol, tobacco and food. It will also result in more enforcement powers including tougher penalties. Last week the South Australia (SA) Government introduced similar laws to parliament. These approaches follow the one taken in Queensland earlier this year.

The SA Government has identified that a national approach is still needed to respond to the sale of NPS online.

Using the misuse of drugs acts is a very different approach to the current interim bans in place under federal, SA and NSW consumer law, which are listed on the [Product Safety Australia website](#). These bans require the constant addition of newly identified substances and often it is difficult for the law to stay ahead of new drugs. There is also less enforcement powers associated with consumer law than the misuse of drugs.

New Zealand Legislation Update

New Zealand has recently taken a very different approach to Australia. Earlier this year New Zealand passed legislation that will enable the regulation of NPS as legal products. While the regulatory system is being developed a number of interim retail and product licences have been granted for untested NPS. However, a number of these licences have recently been revoked demonstrating that interim period regulations and enforcement powers are in place.

Summary of the New Zealand Psychoactive Substances Bill

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- The New Zealand Psychoactive Substances Bill sets up a legal framework for the testing, manufacture, sale and regulation of NPS.
- Health and harm minimisation are included in the Act.
- Restrictions will be placed on the advertising, marketing and age of purchase (18+).
- Rigorous clinical testing of products will be implemented to determine if they are 'low risk'.
- Animal testing can only be used if there is no alternative.
- If a product is made available and is later found to 'cause harm' the product can be removed from the market.
- A register of all products will be available publicly.
- A code of practice for manufacturers and retail suppliers will be implemented.

The Australian Drug Foundation will monitor the progress of these legislative changes and provide updates through DrugInfo Alert.

Overview of the Critical Issues

- NPS are designed to mimic existing illicit drugs.
- NPS have proliferated in recent years and 250 have been identified worldwide.
- The financial value of the trade in NPS in Australia is estimated at \$600 million per annum.
- Little is known about the long term effects of NPS or their chemical structure.
- Distribution via the internet reduces the capacity of governments to control the supply.
- Past government responses have become redundant as NPS manufacturers avoid the law by changing the chemical structure of existing NPS.

Health and Safety

Reports of non-fatal overdoses from NPS are increasing and there appears to be a need for specific health and safety advice for alcohol and other drug clients and the broader public.

Use of a NPS always carries some risk, especially as it is hard to know exactly what the substance is, or how strong it is. Using an NPS is always more dangerous when:

- The whole dose is taken at once or multiple doses are taken over a short period.
- It is combined with another substance such as alcohol or cannabis.
- It is used alone, or in the company of a person who is affected by alcohol or other drugs.
- It is taken by a person who is affected by a mental health problem.

Further Information:

[NSW government to outlaw synthetic drugs](#)

NSW Government media release on 10 September 2013 announcing the introduction on the new NPS laws.

[Drugs and Poisons Legislation Amendment \(New Psychoactive and Other Substances\) Bill 2013](#)

New NPS legislation in NSW.

Synthetic drug stores to be shut down under new law

SA Government media release announcing proposed new NPS legislation.

Controlled Substances (Offences) Amendment Bill 2013

The bill to introduce new NPS laws in SA.

Psychoactive Substance retailers banned from trading

New Zealand Government media release on 29 September 2013 announcing the removal of NPS retail interim licences.

Ministry of Health (New Zealand) 2013 Interim Product Approvals

List of NPS that have interim product approvals. Also lists products that have had licences refused or revoked.

Prevention Research: New and emerging drugs

Provides further evidence-based information for clinicians, allied health and youth workers, researchers and policy makers on how they can respond to new and emerging drugs (or new psychoactive substances as they are now known).

Prevention in Action: New and emerging drugs

A collection of articles on new and emerging drugs around how clinicians, allied health and youth workers, researchers and policy makers can respond to these new drugs.

Legal highs (NEDs) facts

This facts page provides general information about 'legal highs' including the various types.

Mephedrone facts

This facts page provides information on the 'research chemical' mephedrone.

Synthetic cannabinoids facts

This fact sheet outlines what is known about synthetic cannabinoids, including effects, potential harms and legal status.

(Courtesy of the Australian Drug Foundation)

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