

Local Government Association (LGA): Amendments briefing, Psychoactive Substances Bill, House of Lords Committee Stage, 23 June 2015



Key messages

- The LGA strongly supports the introduction of legislation banning the distribution, sale and supply of new psychoactive substances (NPS). This Bill will tackle the availability of NPS, address the 'chemical arms race' between legislative responses and the evolution of the NPS market, and make enforcement easier.
- We support the wide definition of 'psychoactive substance' in clause 2 of the Bill. This will ensure that, as new substances are developed with different chemical compounds, they will continue to be caught by the legislation.
- However, if the definition of psychoactive substances in the Bill could capture unintended materials, like incense, then consideration should be given to adding those substances to the list of exemptions in Schedule 1 of the Bill.
- 'Legal highs', or new psychoactive substances (NPS), are untested and unpredictable and, in the worst cases, can cause death. Often, they can be more potent than the illegal drugs they are designed to mimic.
- The LGA has argued that existing legislation is not sufficient to protect the public from the potentially devastating consequences of legal highs, with council trading standards teams reporting it is not fit for purpose.
- Once the legislation is in place, we would encourage continued monitoring of the impact of the ban, both in the UK and Ireland, to ensure a solid evidence base is readily available for future reviews of the legislation.
- Local authorities, which have overall responsibility for public health, spend around 25 per cent (£760 million) of their health budget on drug and alcohol misuse. The introduction of the ban should reduce this expenditure, allowing councils to use the funds to tackle other public health priorities.

Briefing

Amendments

Amendment 22 - Baroness Hamwee and Lord Paddick

If passed amendment 22 would define a psychoactive substance as having a low overall risk where any harmful effects are not sufficient to cause a social problem. This would make certain substances exempt from provisions in the Bill.

LGA view

The LGA opposes amendment 22. The amendment would mean that risk posed by a specific psychoactive substance would be assessed on its social impact, and not on the potential harm to health that taking the substance may cause. It is vital that any assessment of risk must include an assessment of the health impacts of a particular psychoactive substance in order to combat the increasing number of people seeking medical treatment after taking new psychoactive substances.

Amendment 51 – Baroness Hamwee, Baroness Meacher and Lord Paddick

If passed amendment 51 would allow for the licensing of individuals and premises to sell psychoactive substances that are determined to be of low overall risk.

LGA view

The LGA opposes amendment 51. The proposed amendment does not specify who would be responsible for licensing the individuals and premises that would sell psychoactive substances. We would oppose councils being made responsible for licensing because of the difficulties in assessing if a product is of low overall risk. Unless there was a full scale testing and risk assessment regime in place covering health and other risks the safety of a product could not be guaranteed.

In New Zealand under the New Psychoactive Substances Act 2013 47 products were granted temporary licences. These licences were revoked in April 2014 over concerns about health harms, and crime and anti-social behaviour linked to the stores selling the substances.