

ACMD

Advisory Council on the Misuse of Drugs

Chair: Professor Les Iversen

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Karen Bradley MP

Minister for Preventing Abuse, Exploitation and Crime

Home Office

2 Marsham Street

London

SW1P 4DF

29 February 2016

Dear Minister,

Re: TCDOs and ACMD position on methylphenidate-based NPS

On 30 October 2014, the then Minister for Crime Prevention, Norman Baker, wrote to the Advisory Council on the Misuse of Drugs (ACMD) seeking its view on extending the period for which a temporary class drug order (TCDOs) can be made from 12 to 24 months. The Council notes that any such change would require primary legislation.

The ACMD has considered this matter and has not found a strong case in support of a general extension to 24 months. To date, we have completed all follow-up reports to TCDOs within a time to allow the legislative process for permanent control to be completed within the 12 month timeframe. This has been the case when we advised on methoxetamine (October 2012), benzofurans (November 2013) and NBoMe compounds (November 2013).

Whilst the ACMD will always aim to provide advice in time, there may be exceptional cases (see below) where this is not possible and more time is needed to gather sufficient evidence of medical or social harms to inform its deliberations for further advice under an existing TCDO. It is the ACMD's view that in such exceptional circumstances this would be better managed by the remaking of the existing TCDO prior to its expiry, for a further period of up to 12 months.

The ACMD has taken this view in the context of its current deliberation of the methylphenidate-based NPS, which has proven to be such an exceptional case.

Methylphenidate-based NPS

The current TCDO for a number of methylphenidate-based substances will expire on 26 June 2016. ^[1]

The ACMD is not able to provide advice for full control under the Misuse of Drugs Act 1971 at this time. We would like to request a further 12 months. There is evidence that the current TCDO has reduced the usage of methylphenidate-based NPS and we believe that TCDO action and TCDO related offences remain proportionate whilst we gather further evidence.

Impact of the TCDO

Since the introduction of this TCDO, Police Scotland has reported that in Edinburgh there has been a reduction in:

- The rate of infections (Staphylococcus, Streptococcus and Hepatitis C);
- Admissions to accident and emergency / toxicology for intravenous users;
- Admissions to rehabilitation services for acute mental health issues;
- Needle discards in public spaces. ^[2]

The ACMD further invoked a Drugs Early Warning System (DEWS) request on these compounds in November 2015, which did not show any conclusive evidence of widespread prevalence.

Recommendations

The ACMD makes the following recommendations to the Home Office:

1. That the experience to date does not justify a general extension of the time period for which a TCDO can be made under section 2A of the Misuse of Drugs Act 1971.
2. That there is a recognition that in exceptional cases, the ACMD may need more time to examine the evidence base on a substance(s) subject to a temporary class drug order (TCDO) prior to arriving at a final recommendation.
3. In the case of methylphenidate-based NPS, that the current TCDO is remade for up to a further 12 month period at its expiry (26 June 2016).

^[1] <https://www.gov.uk/government/publications/methylphenidate-based-novel-psychoactive-substances-temporary-class-drug-order-report>

^[2] Presentation from Police Scotland to ACMD NPS Committee

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Les Iversen'. The signature is written in a cursive style with a large initial 'L'.

Professor Les Iversen
(Chair of ACMD)

cc Rt. Hon. Theresa May, MP, Home Secretary
Rt. Hon. Jeremy Hunt, MP, Secretary of State for Health
Jane Ellison, MP, Parliamentary Under Secretary of State for Public Health