



**Submission to  
Inquiry into law reform issues regarding synthetic drugs**

**TERMS OF REFERENCE**

That the Legal Affairs Committee inquire into and report on law reform issues regarding the prohibition of synthetic drugs, which are designed and manufactured to have the same effect as prohibited drugs. The Committee will consider the adequacy of current NSW legislation and any other related matters.

CEO- Fiona Patten  
Eros Association  
PO Box 69  
Deakin West  
ACT 2600  
[Fiona@eros.org.au](mailto:Fiona@eros.org.au)  
02 62852477

*“While banning is the traditional approach to drugs classed as dangerous, a regulatory ‘no-man’s-land’ exists around substances which do not clearly pose a “medium” level of risk. I know that harm minimisation has got a mixed press in some cases, but there’s a lot to be said for trying to manage and contain the situation rather than almost a knee-jerk reaction of banning without the evidence to back that up.” The Director of the Institute of Environmental Science and Research (ESR), Dr Keith Bedford commenting on proposed bans on synthetic cannabinoids New Zealand Herald June 11 2011*

The Eros Association is Australia’s adult retail industry association and has been active in putting industry issues to government since 1992. Our members sell many of the products being considered by this committee retail mostly through age-restricted premises and include adult shops, tobacconists and herbal retailers. A number of our members also manufacture and/or import these substances.

The terms of reference for this inquiry are broad covering all synthetic drugs. In our submission we will restrict our comments to currently available synthetic cannabinoids.

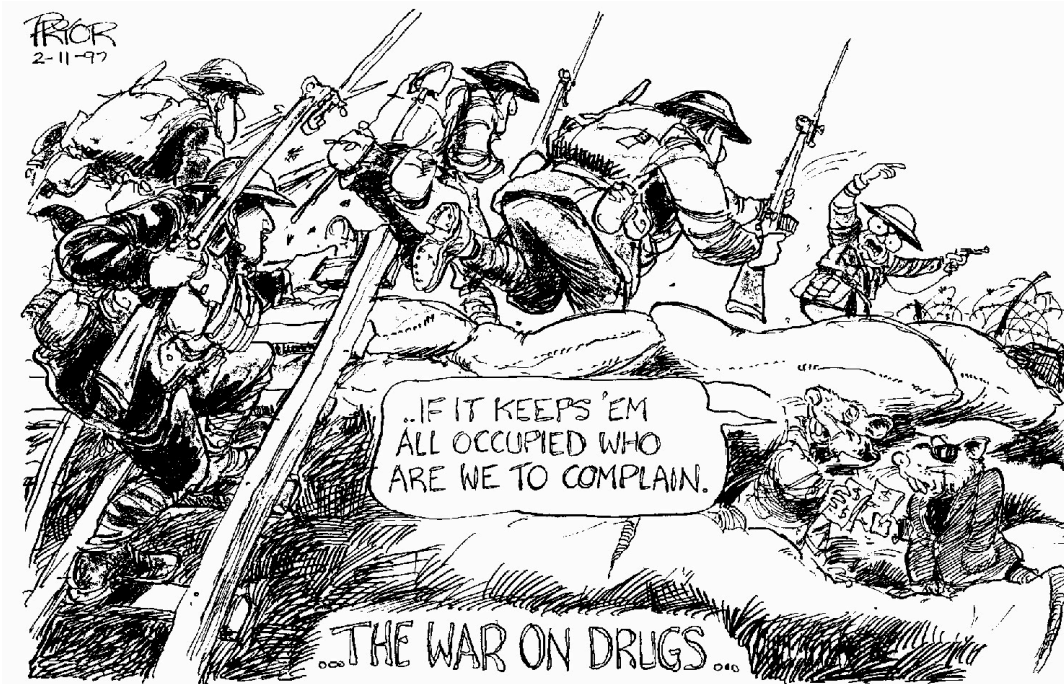
Many of our members in NSW have been supplying synthetic cannabinoid substances for a number of years without incident.

Synthetic Cannabinoids are game changers for legislators and for drug policy, in much the same way the internet was for media regulation and censorship. The analogues of cannabis are the tip of the iceberg. Governments have to understand that banning these products means they lose control of them. There is absolutely no jurisdiction in the world that has effectively prohibited these substances.

Currently there are tens of thousands of adults regularly purchasing and using these substances in NSW. Many have now been consuming these substances for a few years. It is naïve to think that if the substances are prohibited from sale that people will just stop using them. Australians will just go off shore and purchase from international businesses, off the internet or from backyard drug dealers. How does this protect public health?

Recent media and reports such as the report by Australia21 “The Prohibition of Illicit Drugs is Killing and Criminalising our Children” confirm that the so called war on drugs is failing and new approaches must be found. The Global Commission on Drug Policy also stated that drug prohibition has failed so it would be ill advised for the NSW government continue down the prohibition path when other more effective options are available.

The Canberra Times cartoonist, Geoff Pryor, said it better than any words can describe in this satirical look at the Howard government’s policies on drug prevention.



In the face of what we all know to be true, we urge this committee to consider a different approach to the regulation of synthetic cannabinoids and not go down the same old disastrous road of prohibition that has been the standard response to drugs in NSW for the last 50 years. You don't have to be Einstein to see that there is more illicit drug use in NSW now than there ever has been and that prohibition demonstrably does not work to minimise drug use or to make it safer for the community.

### **The Risk?**

Risks to public health are generally low as when these substances are presented as a herbal smoking blend the substances and have been highly diluted with inert herbal material. Reports of abusive use and adverse reactions have been highly publicised but in reality are extremely rare when you consider the overall number of users.

Toxicological effects of the cannabinoids appear to be minor, as few adverse health effects have been seen except in very heavy users. Anxiety and panic attacks are the only side effects commonly reported from diluted smoking blends, and usually occur in inexperienced users who fail to follow dosage instructions or are not provide with information about usage.

It is very rare for consumers to take large enough doses to cause significant side effects aside from anxiety, though panic attacks have been reported in susceptible individuals following even fairly small diluted doses. Recent media reports have also linked strong coffee with these problems. Eros believes that regulations on the strength of blends and the way in which they can be sold would greatly reduce the frequency and severity of these already rare adverse reactions. Such a strategy

would be a much more effective way of regulating the harms of these compounds than banning them outright.

Synthetic cannabinoids offer governments and regulators the best chance in decades of developing an alternative regulatory model for illicit drugs because they are:

- 1) Significantly less harmful to the user than most other illicit drugs and certainly less harmful than the legal drugs of alcohol and tobacco
- 2) There is already an established retail network of age-restricted premises retailing these substances
- 3) There is widespread acceptance and use of them in the community
- 4) There is widespread use of them for pain relief and other medicinal uses as well for recreation

### **Therapeutic value?**

On this last point it is incumbent on the Committee to at least enquire and report on the medical applications of synthetic cannabinoids. This association has anecdotal evidence from many of people who do not use illicit drugs normally, but have turned to synthetic cannabinoids for relief of a number of common ailments.

Our members have reported that a considerable number of their customers have purchased these substances to deal with a number of health issues including pain relief, depression and to assist in reducing the shaking effects of Parkinson's disease.

We have attached a few random examples of emails, at the end of this submission, that one of our members has received. The reports invariably mention the lack of side effects in the analgesic applications of these substances..

The New Zealand Expert Advisory Committee on Drugs reported in the minutes from their 11 November 2010 meeting (page 9) that there was some qualitative data that suggests that users of these substances find that they have a therapeutic value on a number of conditions including depression, anti nausea and pain relief.

There have also been a number of recent reports that have studied the therapeutic potential of cannabinoids particularly as an alternative to opioid drugs.

It is interesting to note that the relatively recent use of a variety of these substances in smoking blends has led to a resurgence of their use in research.

The other benefit that has been noted is that people are using it as a milder alternative to cannabis.

### **The Toxicity ?**

**"I think although there's an appalling lack of information on the risks and toxicity of these new substances, every indication seems to be that they are not a high or even medium level of risk - there's a low level of risk."** *The Director of the ESR, Dr Keith Bedford New Zealand Herald June 11 2011*

The synthetic cannabinoids have a very low potential to cause death. To date we are not aware of a death caused by these substances.

The synthetic cannabinoids are in most cases unable to induce physical or psychological dependence comparable to that of cannabis, aside from some specified compounds such as JWH-018, (C8)-CP 47,497 and HU-210 which may produce physical or psychological dependence similar to or greater than that of cannabis following prolonged heavy undiluted use.

Eros and its members acknowledge that these substances are not without risk however we strongly believe that regulation in this area is crucial and will be the most effective regulatory avenue to reduce harm. These substances should only be available to adults. The advertising or promotion of them should be strictly limited but consumer information about what they are buying is crucial particularly in regards to dosage and ingredients.

These controls could include:

- A minimum purchase age of 18 years
- Restrictions limiting all advertising (except internet-based advertising) to only the inside of a premises selling restricted substances and a requirement that such advertising not be visible or audible from outside such premises.
- Prohibitions on selling such products from service stations, or from non-fixed premises such as caravans or street carts
- Restrictions on where these substances can be sold ensuring that they are only sold in age restricted venues
- Requirements for all products to contain warning labels, including warning against driving or operating machinery following use, and contact details of the manufacturer and the National Poisons Centre
- Requirements for all products to clearly state the synthetic cannabinomimetic substances they contain on the packet and the recommended dosage

### **Dosage**

Manufacturers and their chemists have recommended the following dosages as an example;

herbal smoking blends mixed, sprayed or infused with (C8)-CP 47,497 at a maximum concentration of 50 milligrams of drug per gram of herbal smoking blend

Herbal smoking blends mixed, sprayed or infused with JWH-073, JWH-019 or JWH-081 at a maximum concentration of 100 milligrams of drug per gram of herbal smoking blend

Herbal smoking blends mixed, sprayed or infused with JWH-250 or 1-pentyl-3-(4-methoxynaphthoyl) indole at a maximum concentration of 150 milligrams of drug per gram of herbal smoking blend

This could be monitored relatively easily in much the same way as TGA officers are currently monitoring “herbal” aphrodisiac products to ensure that they do not contain any prescription drugs for erectile dysfunction.

Imposing restrictions and regulatory requirements on the synthetic cannabinomimetic substances and the permitted ingredients of ‘herbal smoking blends’, could be fairly easily carried out using the processes set out in existing legislation. We would recommend that the committee considers incorporating the regulation of these substances within existing legislation on Non Tobacco Smoking substances in the NSW Public Health Tobacco Act.

There has been anecdotal information about possible harm and side effects but provides absolutely no evidence to support this. Before making broad and draconian decisions on synthetic cannabinoids that will see more young people jailed and an even larger black market than we already have, would it not be in the public interest to commission some original research to get some solid facts and information about the nature and effects of these substances?

**The Eros Association recommends that:**

These substances be regulated within the Public Health (tobacco) Act 2008

The committee commission further research into the therapeutic value of these substances

Regulations be introduced to enforce the display of health warnings and accurate and complete lists of ingredients on packaging, as well as regulate advertising and marketing practices to prohibit marketing to young people or other vulnerable populations.

selling such products from service stations, or from non-fixed premises such as caravans or street carts is prohibited

Restrictions are placed on where these substances can be sold ensuring that they are only sold in age restricted venues

Requirements for all products to contain warning labels, including warning against driving or operating machinery following use.

Requirements for all products to clearly state the synthetic cannabinomimetic substances they contain on the packet and the recommended dosage and contact details of the manufacturer and the National Poisons Centre



-----Original Message-----

From:

Sent: Thursday, 17 November 2011 8:46 PM

To: [sales@kronic-oz.com.au](mailto:sales@kronic-oz.com.au)

Subject: Message from kronic-oz

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Does your msg mean this today Thursday or next Thursday? Why are the dumb police banning all this legal highs? Went to all my usual places today and found they had just been raided and took Everything. Hate them. I use legal highs cause  
1 its fing legal and  
2 I have an uncureable condition called Neuropathy from the waist down-its like lying and walking on cut glass, so very painful. I find these legal herbs help me sleep.

-----Original Message-----

From

Sent: Friday, 2 December 2011 4:02 PM

To: [sales@kronic-oz.com.au](mailto:sales@kronic-oz.com.au)

Subject: Where is my (3050) order?

Hi it is now Friday and I received your email that my order will be sent to .... and I have chronic chronic back pain and can not leave house until order arrives due to my pain and I have been waiting a month now, is it still coming and is it delivery truck or Australia post? I do not mean to be pushy its just I went off pain meds 2 months ago and I want to try the aromatherapy and if it works I will bulk order for me kind regards

Sent from my iPhone=

From:

Sent: Saturday, 31 December 2011 9:11 PM

To: [sales@kronic-oz.com.au](mailto:sales@kronic-oz.com.au)

Subject: Message from kronic-oz

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was just wondering if this is still legal in south australia i live in seaford and want some for my arthritis as when i gave up smoking my pain came back its the only thing thats gets rid of it i hate taking pills full of chemicals

From:]

Sent: Wednesday, 11 January 2012 11:43 PM

To: [sales@kronic-oz.com.au](mailto:sales@kronic-oz.com.au)

Subject: Message from kronic-oz

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do you do pay pal ? or credit card?. i am 70 and need something relaxing,and enjoyable, i dont smoke any more so i have to have tea blends ,id like a pep up of a morning and a relaxant of a night,at the moment i am taking strong pain killers of a night, just to get me relaxed enough to sleep . im sure i am becoming resistant to them, i do hope you can help, i have so much to do yet... creative wise.....and i cant if im tired or strung out.....

regards

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From:

Sent: Tuesday, 15 November 2011 8:58 AM

To: [sales@kronic-oz.com.au](mailto:sales@kronic-oz.com.au)

Subject: Message from kronic-oz

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I don't see anything about weight other than "2G" on one of your products and I'm only guessing this means it comes in 2 gram packets at a cost of \$50.00 per packet.

Is this the price of all of your products, if so would you consider lowering your prices to expand your clientelle into the lower paid community such as disabled pensioners?

I personally suffer from cronic pain as a result of a vicious attempt on my life and I'm unable to leave my rented home for extended periods. I therefore remain indoors watching T.V. alone and life would be so much more enjoyable if I was able to afford some pain and boredom relief once in a while! Don't get me wrong, I'm certainly not asking for handouts, however if you want to make a lot more money I firmly believe lowering your prices would be of emormous benifit to you and the company.

Please try to understand that the reason cannabis is so expensive is because of the legal complications it carries with it. I have been a smoker for almost forty years and I would give my right arm to see the day when either pot is decriminalised or thirty

bucks a bag(or deal) again. May-be one day I will personally achieve this dream myself, unless of course some brilliant entrepreneur doesn't beat me to it! Anyway people, I'm a disabled pensioner who can't afford to get stoned because of a group of feral teenagers who decided I was too good looking and needed some facial re-arrangements. I now have just one eye and make the elephant man look like Bradd Pitt, the government won't give me my compensation money because I was dependant on opioids. I have a sixteen year old son to feed and take care of and I should be able to afford a smoke every day because it actually grows on trees in case no-one told you! If pot was legal it would be as cheap as chips and you would not be in such a possition to charge people very good money for lawn clippings.

Think about it, and if you are old enough to remember the days when a bag was not even weighed, it was full to the brim with excellent buds and cost \$30 or less, then join me in my dream to make getting high inexpensive, the way it was meant to be!

Lower your prices..... PLEASE!!!

