



Public submission coversheet

This form accompanies any public submission on *proposed amendments to the Poisons Standard*

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Company/Organisation (if applicable)	The Eros Association		
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Publishing your submission

Under the *Therapeutic Goods Regulations 1990*, the TGA is required to publish public submissions in response to certain scheduling proposals but must not publish any confidential information.

To assist the TGA, please choose an option below:

- Publish my entire submission in full**, including my name, work title and any other information about me on the TGA website (if you are submitting on behalf of a company/organisation, please include appropriate evidence - see below)
- Only **publish my submission** on the TGA website, **do not publish** my name or any other information about me.
- Only publish** my name and work title on the TGA website, **do not publish** my submission.
- Do not publish** my name **or** my submission on the TGA website.
- Only publish** my submission on the TGA website with confidential information redacted. I have:
 - Provided two copies - a complete submission, and a redacted submission for publication. The redacted copy can be submitted with the confidential parts of your submission that you **DO NOT** want published marked as 'IN CONFIDENCE'
 - **OR** you may wish to apply track changes or blacked out text
 - **AND/OR provide details** of content not to be published in the box below.(e.g. 'Do not publish pages 3-5'). You can attach further details if required.

The TGA will not publish information it considers confidential, including yours/other individuals' personal information (unless you/they have consented to publication) or commercially sensitive information. Also, the TGA will not publish information that could be considered advertising or marketing (e.g. logos or slogans associated with products), information about any alleged unlawful activity or that may be defamatory or offensive.

Privacy statement

For general privacy information, go to <https://www.tga.gov.au/privacy>. The TGA is part of the Department of Health and the link includes a link to the Department's privacy policy and contact information if you have a query or concerns about a privacy matter.

The TGA may receive submissions from the public on a proposed amendment to the Poisons Standard where there has been an invitation to the public for submissions on the proposal in accordance with the *Therapeutic Goods Regulations 1990*. These submissions may contain personal information of the individual making the submissions and others.

The TGA collects this information as part of its regulatory functions and may use the information to contact the individual who made the submissions if the TGA has any queries.

As set out above, the TGA is required to publish these submissions unless they contain confidential information.

If you request for your submission to be published in full, including your name and any other information about you, then the TGA will publish your personal information on its website. However, if at any point in time, you change your mind and wish for your personal information to be redacted then please contact the Scheduling Secretariat at medicines.scheduling@health.gov.au so that the public submissions can be updated accordingly. Please note that the TGA cannot guarantee that updating the submissions on the TGA website will result in the removal of your personal information from the internet.

Please note that the TGA will not publish personal information about you/others without your/their consent unless authorised or required by law.

Supporting evidence

Company/organisation

- If applicable, I have attached supporting information to demonstrate this submission is made on behalf of my company/organisation (e.g. submissions provided under a company letterhead signed by a senior manager **and** sent via company email)

Consent

Please select the appropriate option:

- I **consent** to the publication on the TGA website of my personal information, including any sensitive personal information (e.g. health related information including medical history and/or treatments) contained in my submission; **OR**
- I **do not consent** to the publication on the TGA website of my personal information.

Declaration

- I declare that the information I have provided in this submission is true and correct.*

*Giving false or misleading information is a serious offence.

Additional general information

Please provide the following general information to assist with analysis of stakeholder comments:

I am, or I represent:		
Sector		
<input type="checkbox"/> Blood, tissues, biological	<input type="checkbox"/> Complementary medicines	<input type="checkbox"/> In Vitro Devices
<input type="checkbox"/> Over the counter medicines	<input type="checkbox"/> Medical devices	<input type="checkbox"/> Prescription medicines
<input type="checkbox"/> Agriculture	<input type="checkbox"/> Veterinary medicines	<input type="checkbox"/> Industrial chemicals
<input type="checkbox"/> Cosmetic chemicals	<input type="checkbox"/> Domestic chemicals	
<input type="checkbox"/> Other (please specify):		
Category		
<input type="checkbox"/> Consumer	<input type="checkbox"/> Consumer organisation	<input type="checkbox"/> Government
<input type="checkbox"/> Importer	<input checked="" type="checkbox"/> Industry organisation	<input type="checkbox"/> Institution (e.g. hospital, university)
<input type="checkbox"/> Laboratory professional	<input type="checkbox"/> Manufacturer	<input type="checkbox"/> Professional body
<input type="checkbox"/> Regulatory affairs consultant	<input type="checkbox"/> Researcher	<input type="checkbox"/> Small business
<input type="checkbox"/> Sole trader	<input type="checkbox"/> Health professional (please specify):	
<input type="checkbox"/> Other (please specify):		

We may contact you to ask you for more information or to seek feedback about how the consultation was undertaken. Please tick this box to consent.

3 October 2018

Dear Committee,

Submission on TGA Interim Decision on Alkyl Nitrites (ACMS #24)

The Eros Association is Australia's industry association for adults-only retail, wholesale, media and entertainment.

We are writing to note our opposition to the following changes to the Poison Standard:

- Rescheduling of 'Alkyl Nitrites' as Schedule 9 poisons;
- Amending Appendix A to restrict the exemption of 'lubricants' from the Poisons Standard to '*in preparations that provide lubricating action between machinery parts*'.

Rescheduling of Alkyl Nitrites

Alkyl nitrites such as isopropyl nitrite, propyl nitrite and cyclohexane nitrite are common components of leather and toy cleaner sold within adult retail stores.

In order to tackle misuse, the TGA has in the past scheduled certain forms of alkyl nitrites such as amyl nitrite and butyl nitrite, as Schedule 4 poisons.

The proposed rescheduling not only expands the number of alkyl nitrite products that are scheduled poisons but shifts this scheduling to Schedule 9, essentially putting alkyl nitrite products on par with prohibited drugs such as heroin and cannabis.

The proposed rescheduling is misplaced for the following reasons:

- It fails to acknowledge the valid commercial use of alkyl nitrites as a cleaning agent.
- It penalises adult retail stores for the misuse of product sold, a measure which has not been extended to other misused inhalants (eg. nitrous oxide gas canisters which are commonly sold in supermarkets but recreationally misused as 'nangs').
- It will do little to change the misuse of alkyl nitrites recreationally, simply shifting the market to online vendors likely to sell product of poorer quality.

Eros also acknowledges the criticism of this rescheduling proposal raised by the LGBT community: that misuse of alkyl nitrites is common amongst gay and bisexual men, that the

rescheduling will criminally penalise possession of alkyl nitrites in some States and that the proposal will likely cause more health-related harms.¹

Amending Appendix A

The proposal to amend the definition of 'lubricants' under Appendix A to apply only to machinery preparations appears unrelated to the concerns raised regarding the misuse of Alkyl Nitrites. Moreover, this amendment will have far reaching effects that the Committee likely has not considered.

Sexual lubricants are an important component of sexual health, and this measure will severely limit the scope of the sexual lubricant market in Australia.

Lubricants are topical and therefore are not likely to have adverse systemic effects when applied to the body. Amending Appendix A could have an impact on the sale of lubricants containing:

- Numbing agents.
- Moisturisers.
- 'Warming' or 'cooling' ingredients.

It is recommended that the TGA adequately consult with the industry before this change occurs in order to understand the full scope and impact of such an amendment on the sexual lubricant market in Australia.

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Overall, the Eros Association does not support the interim decision (ACMS #24). It is hoped that great consultation with industry and the LGBT community will occur before this decision is finalised.

Kind regards,

Rachel Payne

General Manager

The Eros Association

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¹ <http://www.starobserver.com.au/news/national-news/war-bottoms-poppers-may-soon-banned-australia-pending-tga-decision/171262>