Circular 011/2017: A change to the Misuse of Drugs Act 1971 to control Methiopropamine ('MPA').

Summary

This circular draws attention to the contents of the above Statutory Instrument (SI), S.I. 2017/ 1114, S.I. 2017/1117 and S.I. 2017/1118 which come into force at 00:01 on 27 November 2017.

- The Misuse of Drugs Act 1971 (Amendment) (No.2) Order 2017 (S.I. 2017/1114)
- The Misuse of Drugs (Amendment) (No.2) (England, Wales and Scotland) Regulations 2017 (S.I. 2017/1117)
- The Misuse of Drugs (Designation)(Amendment) (No.2) (England, Wales and Scotland) Order 2017 (S.I. 2017/1118)

The Misuse of Drugs Act (Amendment) (No.2) Order 2017 ('the 2017 Order') classifies MPA as a class B drug under the Misuse of Drugs Act 1971 ('The 1971 Act').

The Misuse of Drugs (Amendment) (No.2) (England, Wales and Scotland) Regulations 2017 ('the 2017 Regulations') amend the Misuse of Drugs Regulations 2001 ('the 2001 Regulations') to add MPA to Schedule 1 since it has no recognised medicinal use outside of research in the United Kingdom.

The Misuse of Drugs (Designation) (Amendment) (No.2) (England, Wales and Scotland) Order 2017 ('the 2017 Designation Order') amend the Misuse of Drugs (Designation) Order 2015 ('the 2015 Designation Order') to 'designate' MPA as a controlled drug to which section 7(4) of the 1971 Act applies since it has no recognised medicinal use outside of research in the United Kingdom.

This means that it will be unlawful to possess, supply, produce, import or export these controlled drugs except under a Home Office licence for research or 'other special purposes'.

The codes for recording drug offences relating to MPA by the police and the courts for statistical purposes within the Home Office Recorded Crime and Ministry of Justice Court Appearance Database (CAD), which includes cautions, are set out in **Annex A.**

The SIs together with their associated explanatory memorandums are available at www.legislation.gov.uk/ (Opens in a new window). They are also published by The Stationery Office – telephone orders/general enquiries on 0870 600 5522 or online at www.tso.co.uk/ (Opens in a new window).

Background

The 1971 Act controls drugs that are 'dangerous or otherwise harmful'. A three tier system of classification (Class A, B and C) is adopted to provide a

framework within which criminal penalties are set. This is based on an assessment of the harms associated with a drug, or its potential harms when misused, and the type of illegal activity undertaken in regards to that drug. The control of MPA has been made following the recommendation of the Advisory Council on the Misuse of Drugs ('ACMD').

The 2001 Regulations provide access to controlled drugs for legitimate (or exceptionally for industrial purposes). Drugs which are controlled under the 1971 Act are listed in one of five Schedules to the 2001 Regulations, based on an assessment of their medicinal or therapeutic usefulness, the need for legitimate access and their potential harms when misused. The Schedules into which a drug is placed primarily dictates the extend to which it is lawful to import, export, produce, possess, supply and administer. It imposes requirements around prescribing, record keeping, labelling, destruction, disposal and safe custody. Schedule 1 controlled drugs are subject to the greatest restrictions and Schedule 5 to the lowest. Controlled drugs which have no known legitimate medicinal uses are also 'designated' and placed in Schedule 1 to the 2001 Regulations which means they are subject to the strictest level of control.

Methiopropamine ('MPA')

MPA is a stimulant psychoactive substance which is similar in structure to methamphetamine. It has similar effects to other stimulants such as MDMA, amphetamine and cocaine. MPA has been also seen under the following brand names (not exhaustive): Ivory Dove Ultra, China White, Walter White, Quick Silver Ultra3, Bullet, Mind Melt, Poke, Rush, Snow White.

In Scotland, MPA injecting had reportedly replaced ethylphenidate injecting as the drug of choice following the Temporary Class Drug Order ('TCDO') on methylphenidate-based New Psychoactive Substances ('NPS'). There were reports of associated mental health issues, hospital admissions and public space needle discards.

As a result, MPA has been subject to two consecutive TCDOs since November 2015. Updates from Police Scotland reported that the instances of NPS injecting had been abated following the TCDO on MPA in 2015.

The National Programme of Substance Abuse Deaths reported 46 cases where MPA was found in post mortem toxicology, between 2012 and April 2017. In all of these occurrences, MPA was found in combination with other substances, mainly NPS. MPA was implicated in the cause of death for 33 cases.

The ACMD recommended that MPA be listed as a Class B drug under the 1971 Act. This drug has also been inserted into Schedule 1 to the 2001 Regulations and designated as a drug to which section 7(4) of the 1971 Act applies since the ACMD reported no known recognised medicinal or legitimate uses beyond potential research use which will be enabled under a Home Office licence.

Annex A

Offence Recording Codes

The codes for recording offences by the police and the courts for statistical purposes within the Home Office Recorded Crime and Ministry of Justice Court Appearance Database (CAD) – which includes cautions is as follows:

MPA is placed under existing codes relating to 'Other Class B drugs':

- 92/25 – Production of or being concerned in the production of a controlled drug – Class B
- 92/45 – Supplying or offering to supply a controlled drug – Class B
- 92/65 – Possession of a controlled drug – Class B
- 92/85 – Possession of a controlled drug with intent to supply – Class B
- 92/91 – Incite another to supply a controlled drug - Class B
- 93/25 – Permitting premises to be used for unlawful purposes – Class B