



Submission to
The Scheduling Expert Advisory Committee

**SUBMISSION IN RESPONSE TO:
REASONS FOR DELEGATES' INTERIM DECISIONS, DECEMBER 2011**

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Illicit drug use in Australia is escalating by all accounts – both official and non-official. In front of educated and intelligent members of a Committee such as this, there is no need to recall and recount these figures. Every record-breaking drug bust that is reported in the media only serves to remind us of the record amount of drugs being manufactured or imported that are *not* being seized.

It is an unwinnable war being waged by politicians and bureaucrats that must be as depressing for them as it is for the people caught up in the trenches. 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 route of prohibition that has been the standard response to recreational drugs in Australia for the last 50 years. You don't have to be Einstein to see that there is more illicit drug use in Australia 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.

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

On this last point it is incumbent on the Committee to at least enquire and report on the medical applications of synthetic cannabinoids. We have anecdotal evidence from thousands of people (pages 6 and 7) who do not use illicit drugs normally but who have turned to synthetic cannabinoids for relief of a number of common ailments. 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. No doubt this is a reason for the large pharmaceutical companies and other groups who represent the legal drug industry to bring pressure to bear on governments and possibly even on this committee to prohibit these substances altogether.

The major and glaring abnormality with the federal Poisons Schedule is that there is no place to list recreational drugs. This results in alcohol being treated effectively as a foodstuff and nicotine being listed as a Schedule 2 poison – safe to use! The plethora of TV ads for nicotine patches and other ‘quit’ options would appear to make that listing somewhat suspect in the eyes of the average person. If we are to be totally objective on this matter and dispense with the politics of drug prohibition (the need to be ‘tough’ on drugs), ignore the big business side of things and be honest about the personal drug use patterns of drug regulators, then cigarettes and alcohol are drugs in the same way that synthetic cannabis is - except that they carry potentially far greater harmful effects than synthetic cannabinoids. When the federal health Minister talks tough on cigarette packaging and advertising she shows her Achilles heel on this subject and her gross hypocrisy, in that cigarettes (nicotine) are listed on the Poisons Schedule as safe to use with advice. The truth is that they are a mass marketed poison that kills hundreds of thousands of people each year. Synthetic cannabis has not killed one person that we can find.

As mentioned in our previous submission we represent the Australian producers, distributors and retailers of certain synthetic cannabinoids. Currently there are tens of thousands of Australian adults regularly purchasing and using these substances. Many have now been consuming these substances for a number of years. It is naïve to think that if these 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?

The Committee’s December 2011 report refers to anecdotal information about possible harm and side effects but provides absolutely no evidence to support the decision to list these substances as Schedule 9. 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 Australian research to get some solid facts and information about the nature and effects of these substances?

It is difficult for us to respond explicitly to this enquiry when it is still unclear exactly what the Committee is proposing to schedule in five month's time. The term *synthetic cannabinomimetics* is so broad, our members are having difficulty defining what would be included. For example paracetamol would easily fall under this definition as it is converted to AM-404 in the body. Some medical research could also be impinged as we believe that JWH-015 and 133 are progressing to human trials. Bans on all cannabinoid agonists run the risk of banning common herbs like Catnip. We would request that prior to the interim decision being finalised, further information is provided to the industry and further research is undertaken by the Committee.

The broad groupings proposed by the committee are not compliant with Section 52E, which requires substances to be treated individually. These groups will prohibit substances that, if reviewed individually under section 52E, would not be scheduled - especially not as Schedule 9.

Such a broad and poorly defined definition appears to conflict directly with one of the core statements of Section 52E of the Therapeutic Goods Act 1989, namely that the risk assessment process that must be carried out by the Committee should be conducted on 'a substance'. The definition of 'substance' in 52A provides only that this means any medicine or poison. It does not make clear whether this can include large groups of substances with widely differing pharmacological effects, potencies and toxicity profiles.

These proposed broad definitions threaten to undermine the evidence basis of the risk assessment process. It is telling that there are no group entries in the Poisons Standard for broader classes such as 'AMPHETAMINE-TYPE STIMULANTS' or 'OPIOID ANALGESICS', despite these classes being mentioned in other legislation and policy documents.

Clearly there is an acknowledgement that these classes of substances, despite being comparable in certain ways to synthetic cannabinoids, are in other aspects such large and divergent groups of compounds with such disparate risk profiles, especially between the weakest and strongest members of the class, that it would not be appropriate to assess their risk as a group. In other words, the group as a whole cannot be considered "a substance" for the purpose of s 52E.

This same principle must be applied to the synthetic cannabinoid agonists. Of the several thousand compounds comprising this group, only a select subset of compounds that combine potent cannabis-like effects, with a simple and easily synthesised structure, have ever become subject to unauthorised sale for non-medical uses. The majority of cannabinoid ligands have, after all, been developed by pharmaceutical companies with the aim of minimising abuse potential and maximising analgesic or anti-cancer activity. Consequently, most of these have little real prospect for abuse. To consider all the members of this vast and varied class to be considered a single "substance" for the purpose of risk assessment

under s 52E of the Therapeutic Goods Act 1989 would thus be both scientifically inaccurate and legally questionable.

The Eros Association recommends that:

- The committee recommend a new schedule for low risk recreational substances such as synthetic cannabinoids
- The committee does not proceed with further scheduling until they have undertaken further research into these substances
- The committee does not use broad groupings to define these substances
- Prior to the interim decision being finalised, further information is provided to the industry and further research is undertaken by the committee.

Below is small but indicative sample of unsolicited emails from people using synthetic cannabis for medical problems. We would be pleased to gather a much larger sample of these messages ,and a number of the writers to appear as witnesses to the Committee if it decides to investigate these claims further.

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

From:
Sent: Thursday, 17 November 2011 8:46 PM
To: sales@kronic-oz.com.au
Subject: Message from kronic-oz

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
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
Subject: Message from kronic-oz

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
Subject: Message from kronic-oz

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

From:
Sent: Tuesday, 15 November 2011 8:58 AM
To: sales@kronic-oz.com.au
Subject: Message from kronic-oz

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 clientele 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 entrepeneur 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!!!

