



2 September 2015

## **Joint submission to Home Affairs Committee inquiry on psychoactive substances**

We are a coalition of medical research charities, national science academies, learned societies and professional organisations. We have been engaging with the passage of the Psychoactive Substances Bill and its potential impacts on research; our submission focuses on our activities and concerns in this area.

### **Q: Which groups will be particularly affected by a ban on psychoactive substances?**

We have raised concerns that the Psychoactive Substances Bill as currently drafted could have potentially unintended consequences for research, namely that the current scope of the Bill could inadvertently include legitimate research involving psychoactive substances, potentially criminalising such research or the supply of substances used therein. In many types of research, particularly in the neurosciences, substances with psychoactive properties are important tools in helping scientists to understand a variety of phenomena, including consciousness, memory, addiction and mental illness. The Bill, as currently worded, could be interpreted to include experimental substances like these, putting such research at significant risk.

For example, a novel compound with mild psychoactive effects might be produced or obtained by a researcher for use initially in animals to explore a particular neurological pathway. That researcher might then wish to proceed to small studies involving healthy volunteers, in order to better understand the substance's action on the human brain. Under the current terms of the Bill, if this substance is purely experimental and is not expected to have therapeutic effect, it will not qualify as an investigational medicinal product and will therefore not be exempt from its provisions. That researcher might therefore be at risk of prosecution for producing a psychoactive substance with intent to supply it for human consumption. Commercial entities supplying that substance to the researcher might also consider themselves to be at risk of prosecution, potentially leading them to terminate the supply and preventing the research from taking place.

We wrote to the Home Secretary on 29 June 2015 outlining these concerns, and received a reply from Lord Bates, the Home Office Minister, on 14 July.<sup>1</sup> In his reply, Lord Bates gave assurances that it is not the Government's intention to interfere with legitimate research involving psychoactive substances, and that the Home Office intends to strengthen exemptions for substances used in 'bona fide' research to ensure that such activity is not impeded by the Bill.<sup>2</sup> From this and our subsequent engagement with the Home Office, we are confident that the Government is sympathetic to our concerns and committed to addressing them. **We are continuing to work with Home Office officials to ensure that the amendments being formulated to resolve this issue are adequate to safeguard basic research, both within the neurosciences and**

<sup>1</sup> <http://www.acmedsci.ac.uk/more/news/academy-raises-concerns-over-psychoactive-substances-bill/>

<sup>2</sup> <http://www.acmedsci.ac.uk/policy/policy-projects/psychoactive-drugs/>

**other fields, and we hope that the Committee will also work to secure this change.**

While we are hopeful that an acceptable exemption for research will be included in the next draft of the Bill, this case illustrates the importance of drawing early on a broad range of expert advice to inform the development of legislation, to ensure that the legislation is proportionate and that any unintended consequences are identified and addressed.

We are grateful to the Home Office for their engagement and look forward to continuing to work with them towards a satisfactory solution. We hope and anticipate that the Government will continue to take account of these points and to consider them in the implementation of the legislation and any associated guidance. **We regard it as very important that such guidance is published promptly following enactment of the Bill, to reduce the risk of misinterpretation, which could itself have a detrimental effect on research (for example by putting supply of certain substances at risk). We also encourage the Committee to ensure that plans are in place for appropriate evaluation of the legislation after enactment, to ensure that it and any associated guidance is being appropriately implemented.** We consider that provision for such evaluation is essential in order to ensure that the issues we have outlined in this submission have been satisfactorily addressed.