

# **Circular 008/2017: A change to the Misuse of Drugs Act 1971 to control U-47,700, twelve methylphenidate related substances and sixteen ‘designer’ benzodiazepines.**

From: Crime, Policing and Fire Group (CPFG) – Drugs and Alcohol Unit

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Association of Police and Crime Commissioners, Chief Officer of Police (Scotland), College of Policing, Judicial College, Border Force, National Crime Agency.

Broad Subject: Crime and Disorder

Sub Category: Drug offences

## Summary

This circular draws attention to the contents of the above Statutory Instrument (SI), S.I. 2017/ 634, S.I. 2017/ 631 and S.I. 2017/ 632 which come into force at 00:01 on 31 May 2017.

- The Misuse of Drugs (Amendment) Order 2017 (S.I. 2017/ 634)
- The Misuse of Drugs (Amendment)(England, Wales and Scotland) Regulations 2017 (S.I. 2017/ 631)
- The Misuse of Drugs (Designation)(Amendment)(England, Wales and Scotland) Regulations 2017 (S.I. 2017/ 632)

The Misuse of Drugs Act (Amendment) Order 2017 ('the 2017 Order') classifies the following substances under the Misuse of Drugs Act 1971 ('The 1971 Act'):

- The synthetic opioid U-47,700 as a Class A drug,
- Twelve methylphenidate related substances as Class B drugs, and
- Sixteen 'designer' benzodiazepines as Class C drugs.

The Misuse of Drugs (Amendment) (England, Wales and Scotland) Regulations 2017 ('the 2017 Regulations') amend the Misuse of Drugs Regulations 2001 ('the 2001 Regulations') to add all of the above substances to Schedule 1 since they have no recognised medicinal use outside of research in the United Kingdom. They have also been added to the list of designated substances to which section 7(4) of the 1971 Act applies for this reason.

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 these substances 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/](http://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/](http://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 the synthetic opioid U-47,700, the twelve methylphenidate related substances and the sixteen ‘designer’ benzodiazepines have been made following the recommendation of the Advisory Council on the Misuse of Drugs (‘ACMD’).

The Misuse of Drugs Regulations 2001 (as amended) (‘the 2001 Regulations’) provides 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 extent 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.

## **Drugs being controlled**

### **U-47,700 – Class A**

Street names: ‘Pink’, ‘Pinky’, or U-4’.

U-47,700 is a synthetic opioid, originally developed as a research chemical but with no legitimate use. Reportedly 7.5 times more potent than morphine it is a structural analogue of AH-7921. AH-7921 was controlled as a Class A drug in January 2015 following ACMD advice, particularly regarding its high addiction potential.

The ACMD shared its concern regarding the potential abuse of U-47,700 and its potential for severe harm, especially following reports from the USA of more than 80 deaths attributed to this substance and that the patterns of abuse are mirroring those of heroin.

For more information about U-47,700, please see the ACMD’s two pieces of advice of December 2016:

<https://www.gov.uk/government/publications/advice-on-u-47700-etizolam-and-other-designer-benzodiazepines>

<https://www.gov.uk/government/publications/further-advice-on-u-47700-etizolam-and-other-designer-benzodiazepines>

### **Twelve Methylphenidate related substances – Class B**

**Street names:** Ethylphenidate, one of the compounds has been sold under its own name as well as other brand names including Gogaine, Nopaine and Burst.

Methylphenidate (widely known as Ritalin) is already controlled as a Class B drug under the 1971 Act and a Schedule 2 drug under the 2001 Regulations. This group of 12 new psychoactive substances are stimulants related to methylphenidate.

Particular concerns have been identified by Police Scotland regarding these substances since related practices include: communal injecting, users injecting each other due to rapid onset of effects and loss of fine motor control, needle sharing, injecting in unsanitary environments, high-risk injecting (in the neck and groin), and preparation with citric acid to improve water solubility, which additionally increases the corrosive nature of the substance within the body. These practices are likely to lead to a high risk of bacterial infection and local tissue damage.

Seven of these substances have been subject to a Temporary Class Drug Order since 27 June 2015. The ACMD recommended that those seven and an additional 5 substances be fully controlled as Class B drugs under the 1971 Act:

- Ethylphenidate,

- Methylnaphthidate ('HDMP-28'),
- Isopropylphenidate ('IPP' or 'IPPD'),
- Propylphenidate,
- 4-Methylmethylphenidate,
- Ethylnaphthidate,
- *N*-Benzyl-ethylphenidate,
- 3,4-Dichloroethylphenidate,
- 3,4-Dichloromethylphenidate ('3,4-DCMP'),
- Methyldormphenate,
- 4-Fluoromethylphenidate,
- 4-Fluoroethylphenidate

For more information about these compounds, see the ACMD's advice of March 2017:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/598494/ACMD\\_s\\_further\\_advice\\_on\\_methylphenidate-related\\_NPS\\_Mar\\_17.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/598494/ACMD_s_further_advice_on_methylphenidate-related_NPS_Mar_17.pdf)

### **Sixteen 'designer' benzodiazepines - Class C**

**Street names:** Etizolam (the most prevalent designer benzodiazepine coming under control) is also known as Etiz, Etizzy and Zoly.

Whilst available as medicines, many benzodiazepines are controlled under the 1971 Act as Class C drugs due to their potential for tolerance and dependence resulting in severe withdrawal symptoms.

The designer benzodiazepines being controlled under the above order are not licensed medicines in the United Kingdom, but are imported specifically for abuse as NPS.

The risks associated with 'designer' benzodiazepines are very similar to those of the currently controlled benzodiazepines. Benzodiazepines can be misused in a variety of ways and their effects are similar to alcohol. They are often used with alcohol and are also used as a sleeping aid by those who have been to night-clubs. Prolonged use of benzodiazepines can lead to tolerance and dependence which can be difficult to resolve. The misuse of benzodiazepines by high-risk opioid users is high and associated with morbidity and mortality among this group.

Since the harms and potential harms are commensurate with benzodiazepines already controlled as Class C under the 1971 Act, the ACMD recommended that the following sixteen substances be classed as Class C drugs under the 1971 Act:

- Etizolam,
- Diclazepam,
- Flubromazepam,

- Pyrazolam,
- Deschloroetizolam,
- Flubromazolam,
- Nitrazolam,
- Nifoxipam,
- Clonazolam,
- 4'-Chlorodiazepam,
- Bromazolam,
- Meclonazepam,
- Adinazolam,
- Metizolam,
- 3-Hydroxyphenazepam,
- Fonazepam

The Government has asked the ACMD to keep the scheduling of these benzodiazepines in the Misuse of Drugs Regulations 2001 under close review. This reflects the fact that Etizolam has been identified by some countries as having some therapeutic benefits. However, the Medicines and Healthcare products Regulatory Agency confirmed that these substances have no UK marketing authorisations. As such, these sixteen 'designer' benzodiazepines have also been inserted into Schedule 1 to the 2001 Regulations and designated as drugs to which section 7(4) of the 1971 Act applies.

For more information about etizolam and the other benzodiazepines being controlled, please see the ACMD's two pieces of advice of December 2016:

<https://www.gov.uk/government/publications/advice-on-u-47700-etizolam-and-other-designer-benzodiazepines>

<https://www.gov.uk/government/publications/further-advice-on-u-47700-etizolam-and-other-designer-benzodiazepines>

# **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:

### **U-47,700**

U-47,700 is placed under existing codes relating to ‘Other Class A drugs’:

- 92/19 – Production of or being concerned in the production of a controlled drug – Class A
- 92/ 39 – Supplying or offering to supply a controlled drug – Class A
- 92/ 59 – Possession of a controlled drug – Class A
- 92/ 79 – Possession of a controlled drug with intent to supply – Class A
- 93/ 19 – Permitting premises to be used for unlawful purposes – Class A

### **Twelve methylphenidate related substance**

The twelve methylphenidate related substances are 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
- 92/25– Permitting premises to be used for unlawful purposes – Class B

### **Sixteen ‘designer’ benzodiazepines:**

The sixteen ‘designer’ are placed under existing codes relating to ‘Other Class C drugs’:

- 92/ 28 – Production of or being concerned in production of a controlled drug – Class C
- 92/48 – Supplying or offering to supply or being concerned in supplying or offering to supply a controlled drug – Class C

- 92/ 68 – Possession of a controlled drug – Class C
- 92/88 – Possession of a controlled drug with intent to supply – Class C
- 93/28 – Permitting premises to be used for unlawful purposes – Class C