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Dear Professor Iversen

Advisory Council on the Misuse of Drugs advice on nitrous oxide misuse

The Government is grateful to the Advisory Council on the Misuse of Drugs (ACMD) for its review on the emerging issue of nitrous oxide misuse and for its recommendations on how its supply for recreational use can be reduced.

The Government shares the ACMD's concerns about the misuse of nitrous oxide for recreational purposes and remains committed to protecting people from the dangers that it can cause. As you are aware, on 28 May, we introduced a Bill for a blanket ban on the supply of psychoactive substances across the UK, similar to that introduced in Ireland. This includes the supply of nitrous oxide for recreational purposes.

Subject to parliamentary approval of the Bill, and any necessary secondary legislation, we expect the ban to come into force on 1 April 2016. At the outset we would like to thank you and your members for the time they have spent engaging with Home Office officials over the summer in relation to varying aspects of this Bill including its drafting, together with the Home Office's Centre for Applied Science and Technology on ways to meet the Bill's forensic requirements and advising the department on the potential scope of the post-implementation review. The Government value and appreciate the continued input of the Council on all of these issues.

As outlined in our interim response to you, in April, the annual Ministerial letter was circulated to festival organisers to ensure that drug misuse issues remain at the forefront of considerations for summer festival organisers. The letter particularly emphasised the risks associated with nitrous oxide at music and dance festivals across the UK.

You recommend in your letter that the Government works with industry and retailers to tackle the misuse of nitrous oxide. We have engaged with a number of retailers to raise awareness of the misuse of nitrous oxide. They are committed to implementing mechanisms to discourage the purchase of nitrous oxide for recreational use on their sites and have taken a number of steps to address this issue.

Local authorities are concerned about the use of nitrous oxide for recreational purposes and have been using a range of tools and powers designed to tackle anti-social behaviour associated with it. This includes the use of provisions in the Anti-Social Behaviour, Crime and Policing Act, such as Blackpool's use of Community Protection Notices and the introduction of a Public Space Protection Order (PSPO) banning the use of NPS by Lincoln City Council. Other councils are considering adopting similar approaches.

Lambeth council recently introduced a PSPO in hotspots around the borough specifically to target users taking nitrous oxide and the associated problems of litter and anti-social behaviour. Chelmsford council introduced a PSPO for a 14 day period around the site of the V festival banning the consumption and sale of psychoactive substances, including nitrous oxide and the police confiscated 17,000 canisters of nitrous oxide at or around the festival site. The Local Government Association has been working with councils to highlight these examples and the use or ways in which anti-social behaviour legislation can address this issue.

You also recommend that NHS Protect should ensure that NHS Trusts and associated medical facilities are fully informed about the issue of misappropriation of medical gas cylinders using the recently published guidance. On publication of the recent guidance and accompanying checklists, NHS Protect used a variety of approaches to ensure that NHS Trusts and professionals were fully aware of the guidance. For example, the guidance document has been made publicly available on the NHS Protect website and a circular was also issued directly to all staff in the trusts involved in the management and use of medical gas supplies.

Stakeholders who have key responsibilities or represent professionals with key responsibilities for medicines were also advised of the guidance and asked to circulate it to their staff and members. NHS Protect continues to review the situation involving the theft of medical gas cylinders including the modus operandi and where necessary will review the guidance to reflect current circumstances. NHS Protect continues to work with key stakeholders to share relevant intelligence and information to tackle this important issue.


Finally, you recommend that the Department of Health should outline its current audit processes that counter diversion and misuse in hospitals and other relevant medical settings. NHS Protect recently introduced a self-assessment tool for healthcare providers to assess the security and governance arrangements of all medicines within their organisation to prevent and detect diversion and misuse. This tool takes the users through a review of activities that contribute to the overall security of medicines within the last 12 months and encompass most areas of medicines' governance. It may also be used to provide evidence of the robustness of medicine governance arrangements during the Care Quality Commission's inspection process. The tool was published on NHS Protect's website and circulated to all relevant stakeholders.

We would like to thank the Advisory Council for its efforts in completing the review of the evidence of use, harms and public health implications of nitrous oxide.

Yours sincerely,



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Parliamentary Under Secretary of State for
Public Health



Mike Penning
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and Victims