

ACMD

Advisory Council on the Misuse of Drugs

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Victoria Atkins MP
Parliamentary Under Secretary of State for Crime, Safeguarding and Vulnerability
2 Marsham Street
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02 May 2018

Dear Minister,

RE: Advice on amending the Misuse of Drugs (Safe Custody) Regulations 1973

The Advisory Council on the Misuse of Drugs (ACMD) has been approached by the Home Office as part of their review of the Misuse of Drugs (Safe Custody) Regulations 1973. The 'Safe Custody' Regulations stipulate the storage requirements of Schedule 2 and Schedule 3 drugs under the Misuse of Drugs Regulations 2001.

As part of the consultation, the Home Office has sought advice from the ACMD to review the current list of controlled drugs and the listed exemptions from Safe Custody. The question asked by the Home Office was:

“Can the ACMD review Schedule 1 of the Misuse of Drugs (Safe Custody) Regulations 1973 and provide a recommendation on whether this Schedule should be amended? Can the ACMD provide specifics in relation to those substances which should remain exempt, those which should be removed, and those which should be added to the Misuse of Drugs (Safe Custody) Regulations 1973?”

The ACMD supports the need to reform the legislation and having considered the substances involved, put forward the following recommendations:

1. Medical professionals and pharmacists should be the driver in suggesting additions to the list of exemptions from the Safe Custody Regulations.

A mechanism for clinicians to propose additions through their Royal Colleges or professional bodies should be established. This is based on the operational and practical difficulties they encounter in handling substances on a regular basis.

The ACMD would be happy to provide further comment on a revised list based on the suggestions by the clinical community.

2. Remove methylamphetamine from the list of exempted substances

The ACMD have previously advised that methylamphetamine should be reclassified from a Class B drug to a Class A drug based on its severe individual and societal harm. This advice was accepted by the Home Office and methylamphetamine was upgraded to a Class A drug in 2006. Methylamphetamine is also not recommended for any medical application by the British National Formulary (BNF). Its inclusion therefore appears at odds with other exemptions from the Safe Custody Regulations which are all Class B or Class C drugs and are also prescribed for medical purposes.

3. Remove midazolam from the list of exempted substances

Midazolam is one of three pharmaceutical benzodiazepines classed as a Schedule 3 substance on the basis of its potency. It has previously been recognised as a potential 'date rape' drug due to its ability to induce anterograde amnesia. We do not recognise a reason for this Schedule 3 benzodiazepine to be exempt from the Safe Custody Regulations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Owen Bowden-Jones', written in a cursive style.

Dr Owen Bowden-Jones
ACMD Chair