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14 May 2024

Dear Owen and Simon,

The Government response to the ACMD's fourth addendum to its report on the use and harms of 2-benzyl benzimidazole ('nitazenes') and piperidine benzimidazolone ('brorphine-like') opioids.

I am grateful to the Advisory Council on the Misuse of Drugs (ACMD), especially the Novel Psychoactive Substances Committee, for providing the fourth addendum to its advice on the use and harms of nitazenes and brorphine-like opioids.

In February 2023, I accepted Recommendation 3 of the original report to consult relevant interested stakeholders on the introduction of a generic definition for nitazenes, following which legislation would be brought forward to control them under the Misuse of Drugs Act 1971, schedule them under the Misuse of Drugs Regulations 2001 and designate them under the Misuse of Drugs (Designation) (England, Wales and Scotland) Order 2015. In February 2024, I then accepted the ACMD's third addendum which included updated wording for the generic definition.

This fourth addendum included further update to recommendation 3, in the form of an additional limb vii, which is set out below:

Updated Recommendation 3

The ACMD recommends that a consultation should be undertaken with stakeholders, including academia and the chemical and pharmaceutical industries on the introduction of a generic control on 2- benzyl benzimidazole variants, as new examples may be encountered and could present a serious risk of harm. Following this consultation, materials covered by the generic should be added to Class A of the Misuse of Drugs Act 1971, consistent with the classification of other potent opioids and other nitazenes.

As these materials have no medical use, it is recommended that they should be placed in Schedule 1 of the Misuse of Drugs Regulations 2001 (as amended) and the Misuse of

Drugs (Designation) (England, Wales, and Scotland) Order 2015, Northern Ireland 2001. The proposed wording for the generic for addition to the Misuse of Drugs Act is as follows (amended text underlined):

Any compound (not being a compound for the time being specified in sub- paragraph (a) above), with a maximum molecular mass of 500 atomic mass units, structurally derived from 2-(2-benzyl-benzimidazol-1-yl)ethanamine by modification in any of the following ways, that is to say:

i) By substitution at the nitrogen of the ethanamine to any extent by alkyl substituents containing up to three carbon atoms or alkenyl substituents containing up to three carbon atoms or by inclusion of the nitrogen atom (and no other atoms of the side chain) in a cyclic structure.

ii) By substitution in the phenyl ring of the benzyl system to any extent by alkyl or haloalkyl containing up to six carbon atoms, alkoxy or haloalkoxy containing up to five carbon atoms, acetyloxy, hydroxy, cyano, halogen, thioalkyl containing up to five carbon atoms or alkylsulphonyl containing up to five carbon atoms.

iii) By substitution at the 5- or 6- positions of the benzimidazole system by nitro, acetyl, cyano, methoxy, trifluoromethyl, trifluoromethoxy or halogen substituents.

iv) By substitution at the benzylic carbon by a methyl group.

v) By replacement of the benzylic carbon by a nitrogen, oxygen or sulphur atom.

vi) By substitution in the phenyl ring of the benzyl system by an ethoxy group linked back to the phenyl ring to form a dihydrobenzofuran structure.

vii) By replacement of the phenyl ring of the benzyl system by methylenedioxyphenyl.

I formally accept this update to Recommendation 3 and thank the ACMD for their continued vigilance. Following consultation with key stakeholders as recommended we will bring forward legislation, subject to parliamentary approval.

Yours sincerely,

Rt Hon Chris Philp MP

Minister of State for Crime, Policing and Fire