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**INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION
C I C A D**

Secretariat for Multidimensional Security

GUIDE AND SELF-ASSESSMENT TOOL ON NEW PSYCHOACTIVE SUBSTANCES (NPS)

1. Purpose

During the meeting of the Group of Experts on Chemical Substances and Pharmaceutical Products of the Inter-American Drug Abuse Control Commission (CICAD), held from August 18 to 22, 2014 in Lima, Peru, a Working Group was formed to update the document entitled “*Information Bulletin on New Psychoactive Substances*”. This update also includes a series of recommendations and self-assessment questions that the member states of the Organization can consider as they prepare to address the emergence of new psychoactive substances.

This reference document may be adapted and modified by the member states in accordance with their regulatory frameworks and national circumstances, and it by no means constitutes a binding instrument.

2. Definition

The United Nations Office on Drugs and Crime (UNODC) defines the new psychoactive substances (NPS) as “substances of abuse, either in a pure form or a preparation, that are not controlled by the 1961 Single Convention on Narcotic Drugs or the 1971 Convention on Psychotropic Substances, but which may pose a public health threat¹”.

For ease of interpretation, UNODC has grouped NPS into the following categories:

- Aminoindanes;
- Synthetic cannabinoids;
- Synthetic cathinones;
- Phenylethylamines;
- Ketamine and phencyclidine-type substances;
- Piperazines;

1. http://www.unodc.org/documents/scientific/NPS_leaflet_E.pdf

- Plant-based substances, plant materials, and their preparations;
- Tryptamines; and
- Other substances.

3. Sources of Information

There are multiple -- official and unofficial -- sources of information about NPS.

a. Official - Internal

- National Drug Observatories and Early Warning Systems
- Forensic drug-testing laboratories
- Referral of detained or seized shipments from border and customs authorities/agencies.
- Law enforcement agency seizures case reports.
- Reports on shipments handled by legitimate importers.
- Epidemiological information on health effects, e.g., drug use network reports, adverse event reports, hospital emergency room reports, coroner's office reports, poison control center reports, etc.
- Demand reduction programs.

b. Official - External

- Reports from other countries;
- Reports from international organizations;
- Scientific literature;
- Other official on-line data.

c. Unofficial

- News media reports;
- Social media reports:

- Web-based information, e.g., drug experience websites, blogs, etc.;
- Focal groups information;
- Nongovernmental organizations and think-tanks.

It is important that internal official information be shared with UNODC's² and/or CICAD's early warning system, once it has been validated at the national level. Such validation may include sampling and chemical tests by specialized laboratories using recognized analytical techniques.

4. National Approaches to NPS

a. Substance Profiles

It is important for member states to establish individual profiles or dossiers on each substance as it emerges on their domestic drug market. These profiles would be easily and routinely updated with new information as it arises, and would be for use by all domestic agencies involved in addressing the emergence of the substance.

These profiles could cover the following topics:

- Source information, e.g., where the substance is being sold or purchased, where the substance is being imported from, how it is being imported, etc.
- Forensic laboratory information regarding the chemical properties of the substance and methodologies for analyzing them.
- How to identify and monitor those new substances.
- What forensic techniques are available and used.
- Available information regarding use and abuse.
- Health effects reported, including instances of deaths attributable to it according to documentary sources.
- Forms of presentation, prices, and size of the market, as well as its marketing under a particular brand name or its introduction into the market for an already existing drug.
- Quantities and circumstances under which it is being seized.

2. See paragraph 1 of the resolution “*Promoting the role of drug analysis laboratories worldwide and reaffirming the importance of the quality of the analysis and results of such laboratories*”, adopted at the 58th session of the Commission on Narcotic Drugs.

- Countries and years in which the substance has been detected, in the region and world-wide.

These profiles should be shared with other countries through CICAD's Inter-American Observatory on Drugs.

b. Laboratory Identification

It is important for member states to develop the technical capacity to identify the substance or class of substances as it emerges in their illegal drug market.

To that end, member states can assess their own capacity to analyze these substances, taking into account such factors as:

- Human resources;
- Installations/facilities
- Administrative processes;
- Technological capacity: equipment and materials, including access to reference standards;
- Coordination with academic and other institutions or laboratories at home and abroad.

Member states could explore the design, development and implementation of on-line training courses in specific laboratory testing techniques and/or enhanced bilateral/sub-regional collaboration in order to facilitate capacity-building.

Countries should endeavor to acquire up-to-date standards for chemical analysis of drugs. An application for these can be filed through an official letter to UNODC's laboratory and scientific section.³

They can also endeavor to update identification equipment spectral libraries and to develop methodologies for identifying new substances, because lab methodologies are usually geared to identifying those substances that are included in international narcotic drugs and psychotropic substances control checklists.

To access robust chemical identification techniques not usually available in forensic laboratories, such as nuclear magnetic resonance (NMR), it may be useful to enter into agreements with universities and think tanks. Based on scientific literature and specialized training in the

3. https://www.unodc.org/unodc/en/scientists/reference_standards_new.html.

interpretation of mass, infrared, or NMR spectra, progress can be made with identifying substances despite the dearth of reference material.

Self-assessment questions

Has your Government identified a national focal point:

- a) For gathering and validating information on NPS and sharing it within and outside the government?
- b) For exchanging information with the International Narcotics Control Board (INCB) and other relevant authorities (including bilateral, regional, and global authorities)?
- c) For coordinating the supply of information on substances for effective review by the World Health Organization's Expert Committee on Drug Dependence?
- d) Does that national focal point have access to all the information needed to consolidate and characterize the NPS phenomenon at the national level? Are all possible sources of information in the region tapped?
- e) Are there practical or legal restrictions on access to certain sources of information, such as the findings of forensic laboratories or data derived from judicial proceedings?

c. Risk analysis and assessment

It is important for member states, once they have collected basic information for a substance profile, to determine what, if any, further action should be taken. In some instances, for example, no further action may be required because the risks associated with a particular substance or class of substances are not in fact as significant as they were originally made out to be. If this is the case, member states should however continue to monitor activity with the substance, in case new trends arise that warrant further action at a later date.

In other cases, there may be a need to carry out an assessment looking at the social, economic, and health impacts associated with the use, manufacture and distribution of the substance. Such an assessment should also consider the level of involvement of organized crime in activities involving the substance, the nature of precursor chemicals involved in production, and options for control of the substance or class of substances as well as possible consequences of implementing such controls. Of particular importance is information regarding the dismantling of laboratories or illegal drug production establishments and the safe handling and disposition of materials coming from those laboratories or establishments.

Here, it is a good idea to consult the UNODC document entitled "Guidelines for the Safe Disposal of Chemicals used in the illicit manufacture of Drugs"⁴.

4. [Guidelines for the Safe Disposal of Chemicals used in the illicit manufacture of Drugs](http://www.unodc.org/unodc/en/scientists/safe-handling-and-disposal-of-chemicals-used-in-the-illicit-manufacture-of-drugs.html)
<http://www.unodc.org/unodc/en/scientists/safe-handling-and-disposal-of-chemicals-used-in-the-illicit-manufacture-of-drugs.html>

In other cases, it may be appropriate to take steps to educate the general public and first responders, e.g., law enforcement, hospital emergency departments, etc., regarding the substance.

For the public, the primary purpose of such risk communication efforts would be to point to the emergence of the substance in the local market and to explain the known or suspected health and safety risks associated with its use, with a view to preventing use and distribution. For law enforcement and health care providers, such risk communication efforts should highlight the importance of heightened vigilance and the need to report all interactions with the substance to relevant competent authorities.

For hospitals, emergency personnel and poison control centers, communication documents should emphasize the critical importance of sharing health effect information with competent authorities.

Risk communication messages regarding NPS should always be integrated with existing demand reduction strategies.

Self-assessment question

- ✓ Are special steps being taken, other than general demand reduction initiatives, to raise public awareness or prevent the use of NPS?

d. Measurement of use patterns

Member states should consider including questions regarding NPS in general or targeted drug use surveys so as to collect as much information as possible regarding the use or abuse of a particular substance or class of substances within their jurisdiction. Nevertheless, it needs to be borne in mind that the name of a PPS when it enters the market does not always coincide with its chemical name. On the contrary terms like "synthetic marijuana", "herbal extasis," "spice" or other frequently changing brand names that the authorities are often not familiar with.

Self-assessment questions

- ✓ How is the issue of NPS incorporated into psychoactive substance demand reduction strategies?
- ✓ What are the most common new psychoactive substances in your country?
- ✓ Through what channels are these substances being traded? In regular stores, traditional markets, over the Internet, etc.?
- ✓ Is there any evidence of the impact of the new psychoactive substances on public health and security?

If survey results indicate a statistically significant change in use over a certain period of time, member states should consider carrying out a comprehensive risk assessment regarding the substance or class of substances.

e. Legislative approaches

Member states may wish to consider faster methods of controlling NPS. Common means by which this can be achieved include but are not limited to:

- accelerated scheduling that allows for an individual substance or class of substances to be scheduled in less time, e.g., temporary scheduling authorities or other powers that allow the scheduling process to proceed more quickly;
- use of broader scheduling terminology, e.g., inclusion of terms such as ester, isomer, salt, etc., in existing scheduling entries;
- generic scheduling legislation that deems substances to be controlled by virtue of the fact that they share a common core chemical structure;
- analogues legislation that deems substances to be controlled by virtue of the fact that they are structurally similar to substances that are already controlled and have a similar pharmacological effect;
- the drawing up of a list of substances that ought to be controlled because they are structurally or pharmacologically similar to substances already subject to controls;
- Broadening or implementation of the existing regulatory framework for the marketing of products for human consumption (health legislation) or of potentially toxic products.

The member states should make every effort to ensure that the NPS are included in controlled substances lists whenever they can show that they pose an imminent health hazard or are likely to be used to manufacture controlled substances.

Through UNODC's Early Warning Advisory, member states should notify any changes made to laws in effect regarding NPS.

The member states should also consider controlling the precursors and chemical pre-precursors used to produce the new psychoactive substances.

In any event, it is worth gaging the possible collateral effects of including specific substances, precursors, and pre-precursors in national controlled substances lists and, from time to

time, assessing the impact of such inclusions on changes in the supply, impurity, and risks associated with the drug for which controls are in place or with other similar drugs in a related market.

Self-assessment questions

- ✓ How does the legislation define new psychoactive substances?
- ✓ How do the laws currently in effect in your country address the issue of NPS?
- ✓ Is progress being made toward new legislative approaches in the future?
- ✓ Do the regulatory authorities, as opposed to the Legislature, have a mandate to alter your country's lists of controlled substances? Do such changes involve both administrative and criminal measures?
- ✓ How long does the routine control process take?
- ✓ Is your country in a position to implement automatic or fast-track controls for NPS and emerging drugs of abuse? Do these measures have anything to do with the possible temporary classification derived from Article 3.3 of the United Nations Single Convention on Narcotic Drugs and Article 2.3 of the 1971 Convention on Psychotropic Substances?
- ✓ Can your Government implement provisional substance control measures, particularly in response to the emergence of NPS?^{5 6}
- ✓ Would the fundamental legal tenets in your country allow for a law that:
 - a) Classifies substances according to sets or "families" of drugs based on a core molecular structure and variations thereof?
 - b) Or that classifies based on a substantive similarity of chemical structure and/or its effect on the central nervous system?
- ✓ Are there restrictions in the fundamental legal tenets in your country that would hamper criminalization or the trying of an individual for dealing in a substance that is not on a list of controlled substances but that matches the characteristics described in the Law: for instance, the description of a class or family of substances, or major similarity with a listed substance?

Law enforcement

Member states should adopt law enforcement strategies to address their particular circumstances with respect to new psychoactive substances based on the risk assessment with respect to substance profiles carried out by forensic laboratories, use data, and applicable laws. In addition, and as an alternative to control measures based on laws for controlling traditional controlled

5. See paragraph 9 of Resolution 57/9 of the Commission on Narcotic Drugs.
https://www.unodc.org/documents/commissions/CND/Drug_Resolutions/2010-2019/2014/CND_Res_57_9.pdf

6. See paragraph 6 of the Resolution "*Promoting international cooperation in responding to new psychoactive substances and amphetamine-type stimulants, including methamphetamine*", adopted at the fifty-eighth session of the Commission on Narcotic Drugs.

substances, member states should take consumer protection and medicine-related legislation into account.

In any case, consideration should be given to the fact that analogues and generic types of laws to achieve exhaustive inclusion of NPS tend to be so highly sophisticated and technically complex that they are difficult to implement in practice. For that reason, their issuance needs to be accompanied by training courses, technological updating, and inter-agency coordination.

The member states should, based on their capacities, take part in INCB activities and in its task forces on NPS. Here, the Government should designate a focal point for communications with the INCB and to promote information sharing with local authorities.⁷

Self-assessment questions

- ✓ How do you respond to law enforcement in respect of NPS?
- ✓ What is the main institution involved?
 - a) On the border?
 - b) In the provinces?
 - c) In ports and free trade zones?
- ✓ Do the aforementioned institutions have the knowledge, resources, and technical tools needed to enforce the law on NPS?
- ✓ Is there any evidence that organized crime is involved in the supply of NPS?
- ✓ Do law enforcement officers need training in this area?
- ✓ Has a point of contact been designated to coordinate with the INCB on NPS?

7. Ibid 2. Paragraph 13.