ROADMAPS TO REGULATION

CANNABIS, PSYCHEDELICS, MDMA, & NPS

Commissioned by the Beckley Foundation.

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It is becoming increasingly clear that the 'War on Drugs' has failed. The work of organisations such as the Beckley Foundation has helped create more interest in alternative options to the current drug control paradigm than ever before. Amanda Feilding undertook the present report to address this growing appetite for drug policy reform.

AIMS & SCOPE

The overall aim of the report is to provide an evidence-based analysis of regulations on four commonly used substances (or categories of substances) – Cannabis, psychedelics, MDMA ('Ecstasy'), and Novel Psychoactive Substances ('NPS') – with a focus on how we might decrease their harms and maximise their potential benefits. To do so, the authors:

1) Analyse the harms and benefits under the status quo.
2) Outline the process of using harms and benefits to formulate regulatory goals.
3) Use wider regulatory theory to identify more varied options than are currently applied to controlled substances.
4) Envision the impact of the alternative regulation models on the production, supply, and use of four prevalent psychoactive substance types ('case studies').

TARGET AUDIENCE

In order for reform to be achieved, policy-makers must first recognise that it is needed. At the same time, it is necessary to inform the general public so that, through their calls for change, they can embolden political leaders to take action. We hope to impact the widest possible audience, reaching politicians and thought leaders as well as academics and the informed general public, in an effort to open a more informed and nuanced debate about alternative policy options.

The report aims to have broad appeal by:

1) Providing an overview of current issues, and addressing what ideally needs to be done, whilst acknowledging what is possible in the current political climate and within the prevailing international framework.
2) Combining robust academic analysis and rigorous scientific information with an accessible style suitable for numerous levels of theoretical understanding.
3) Explaining rationales for policy formulation in more detail than existing work on the subject.

ADDING TO THE DEBATE

The report provides more specific rationale for regulations than previous work on this topic. The authors utilise recent work on creating a taxonomy of harms to provide ways in which a deeper understanding of harms can drive policy goals and impact assessments for more intelligent policy.

SUMMARY OF THE REPORT

PART I. REGULATING PSYCHOACTIVE SUBSTANCES

This part applies the methodology laid out by the Toolkit (Part II) to demonstrate how to develop models of regulation. The four 'case studies' on specific substances (or substance types) are designed with the UK market in mind, but the rationale and conclusions are also relevant for other jurisdictions. All chapters follow the same structure:

a) Inventory of harms and benefits
b) Identifying new regulatory models
   - Policy priorities and goals
   - Development of model
   - Hypothesis of impact
c) Box: A topic of interest in greater depth

CHAPTER 1. CANNABIS

This chapter addresses the world's most popular controlled substance. Its prolific use, especially amongst young people, and its versatile medical applications are key factors informing our policy goals. Many of the concerns regarding cannabis regulation stem from the much-publicised psychiatric side-effects experienced by some users, especially of high-THC strains. The report addresses the possibility of a taxation structure based on bands of product strength to discourage production of, and access to, high-THC/low-CBD strains. The chapter focuses on harms of use, acknowledging that the majority of harms arising from production are a result of the complete lack of regulation under prohibition rather than being innate to the production process. The model developed seeks to minimise the harms associated with production and supply by ensuring that the creation of a licit market sufficiently reduces the illicit market and the associated harms.

CHAPTER 2. PSYCHEDELICS

Psychedelics are addressed bearing in mind that they have the lowest incidence of addiction and problematic use of all drug types and a very low frequency of use in the UK. Also central to the discussion is the key role psychedelics have in various ritual and religious practices worldwide and the potential benefits associated with this type of use. Bearing in mind these unique circumstances some very different regulatory options are considered than for the more popular drugs. The regulatory framework for psychedelics regulation presented here is especially important given the lack of regulatory models for these substances in the previous literature.

CHAPTER 3. MDMA ('ECSTASY')

MDMA is considered to have a generally low-risk profile but currently its risks are greatly enhanced by the unreliability of the product. These facts are considered central to the hypothesised regulatory model. The harms associated with MDMA production and supply are closely related to the policies of prohibition and as such our key regulatory aims include increasing the licit market and decreasing the illicit market to ensure quality control.

CHAPTER 4. NOVEL PSYCHOACTIVE SUBSTANCES (NPS)

Novel Psychoactive Substances (NPS) or 'legal highs' are a particularly prevalent problem due to the lack of legally available traditional drugs. Bearing this in mind, the regulatory framework for NPS is hypothesised to be of less importance in the presence of legal markets for other psychoactive substances. Our discussion focuses on adding to the understanding of the current NPS market and the difficulties of regulatory responses in a context of prohibition. We envision the role of NPS regulation in a post-prohibition society.

PART II. DEVELOPING MODELS FOR REGULATION: A TOOLKIT

CHAPTER 1. UNDERSTANDING & PRIORITISING HARMS AND BENEFITS

In this chapter we construct harm taxonomies by identifying the dimensions of harm, notably the types of harm, the bearers of harm and the sources of harm. We suggest tools and techniques for identifying and prioritising harms for different substances and different contexts (clinical, research, ritual, home use).

CHAPTER 2. MODELS OF CONTROL AND REGULATION, AND THEIR IMPACT

Here we provide an overview of the range of options for control & regulation, & the harms associated with them. We analyse what can be learned from alcohol & tobacco, as well as what can be learned from cannabis and NPS regulation.

CHAPTER 3. ASSESSING IMPACTS OF POSSIBLE REGULATORY MODELS

The importance of impact assessment & examples is examined in this chapter. We propose alternative methods for understanding the impact of policies. We address a range of impact assessment methodologies and suggest the desegregated impact analysis (DIA) framework to assess how successful a policy is.

SUPPLEMENT

A key basis for understanding the scope for reform is understanding the international framework in which national laws exist. Our supplement entitled *Reform within the 'wiggle room' of the UN Drug Conventions* addresses what is possible in the present international drug policy regime.