

Citizen Participation and Public Petitions Committee

3rd Meeting, 2023 (Session 6), Wednesday
22 February 2023

PE1986: Provide testing kits for drugs in public spaces

Petitioner	Andy Paterson on behalf of the Help Not Harm Campaign
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to provide free testing kits for drugs in public spaces such as local pharmacies, libraries, and university buildings.
Webpage	https://petitions.parliament.scot/petitions/PE1986

Introduction

1. This is a new petition that was lodged on 6 December 2022.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. While not a formal requirement, petitioners have the option to collect signatures on their petition. On this occasion, the petitioner elected to collect this information. 159 signatures have been received.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.

Action

6. The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE1986: Provide testing kits for drugs in public spaces

Petitioner

Andy Paterson on behalf of the Help Not Harm Campaign

Date Lodged

08/11/22

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to provide free testing kits for drugs in public spaces such as local pharmacies, libraries, and university buildings.

Previous action

I have contacted Jamie Hepburn MSP and Angela Constance MSP about what could be done in educational institutions towards testing kits being available in universities.

I have also campaigned on the issue locally and successfully committed the Students Union at the University of Stirling to begin to provide testing kits.

Background information

In 2020, during the outbreak of the COVID-19 epidemic, more under 60s died of drug overdoses than COVID-19. Among those under 75s, accidental drug and alcohol deaths were the fourth biggest killer, just behind COVID, lung cancer, and heart disease.

In 2021, Scotland had 1330 drugs related deaths according to the National Records of Scotland. Although, this number has decreased from the previous year - this is nowhere near good enough.

The Scottish Drug Deaths Taskforce reported in 2022 that:

"Change is needed, but it will only be possible when we accept that this is everyone's responsibility. Any person can save a life. They can do so through direct action like carrying and using naloxone and challenging stigma whenever it is seen."

This is not to approve drug use but to stop deaths from drugs, by checking drugs and making sure there are no substances that could cause harm. This is a harm reduction measure that is needed to stem the drug deaths in Scotland.

Annexe B

The logo for SPICe (The Information Centre) is a purple rounded rectangle. The text 'SPICe' is in white, with 'The Information Centre' and 'An t-Ionad Fiosrachaidh' in white text below it.

The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Citizen Participation and Public Petitions Committee on [PE1986 - Provide testing kits for drugs in public spaces](#), lodged by Andy Paterson on behalf of the Help Not Harm Campaign

Background information

- This Petition calls on the Scottish Parliament to urge the Scottish Government to provide free testing kits for drugs in public spaces such as local pharmacies, libraries, and university buildings.

Misuse of Drugs Act 1971

- The [Misuse of Drugs Act 1971](#) (MDA) regulates the production, supply and possession of “controlled drugs”. It provides the legislative basis for the UK’s response to illicit drugs. It is an offence to import, produce, supply or possess a controlled drugs.
- [Misuse of drugs legislation is reserved to the UK Parliament and applies across the UK](#). The Scottish Government has expressed concerns about the restrictions that apply on the Scottish response to drugs misuse through the MDA. The Minister for Drugs Policy, Angela Constance MSP, has said that the Scottish Government supports a public health approach to drug harms but that the system is “[constrained by the current UK law](#).”
- The UK Government has said it has [no intentions of devolving the MDA to Scotland](#).

Drug testing kits

- Drug testing kits involve the use of chemical ‘reagents’ that change colour depending on which drug they are exposed to. Usually, a drug testing kit will include a range of reagents that produce

different colour reactions when different drugs are present. They do not give as much information as lab analysis at a drug checking or testing service would.

- Test kits are mainly marketed to people who wish to test samples of MDMA, cocaine, ketamine or LSD. [CREW notes](#) that home test kits aren't as useful for testing benzodiazepine pills and many of the [street benzos](#) in circulation might contain a mixture of newer drugs.
- [Drug testing kits are available at the University of Stirling Student's Union.](#)
- Alternatively, the [Welsh Emerging Drug and Identification of Novel Substances](#) project (WEDINOS) offers a postal service allowing people to send samples of concern through the post. The sample is submitted anonymously along with a reference number and will be analysed for free.

Drug checking in Scotland

- The Scottish Drug Deaths Taskforce was established to identify evidence-based strategies that would make a difference to those most at risk of a drug-related death.
- It made [30 recommendations](#) as part of the Drug Law Reform report. Recommendation 16 and 17 related to the **licensing of drug checking facilities**.
 - Licensing of drug checking facilities should be reviewed to ensure that the licensing of drug checking services is open, transparent and accessible, and in line with a health-based approach.
 - The Scottish Government should support drug testing nationally and work with local services to ensure it is available.
- In response the UK Government's Minister of State for Crime and Policing and Probation wrote:

“We do not propose to review the drug licensing regime and so we are unable to accept this recommendation. The current regime is already able to receive applications for a range of

legitimate purposes and we are in discussion with the Scottish Government to assist them in understanding the requirements of our licensing regime in advance of any applications they, or their delivery partners, may make in relation to drug checking services.”

- The [final report of the Scottish Drugs Death Taskforce](#), published July 2022 discussed drug checking:

“People who take street drugs may not know what they contain or what strength they are. Scotland has seen a rise in the use of “street benzos” (benzodiazepines), which can be mass produced and are relatively inexpensive.

Licensed drug-checking services allow people to anonymously submit samples of psychoactive drugs for testing. On completion of testing, they are advised on the content and potency of the submitted drugs so they can make more informed decisions about use.

This process can play a vital role in harm reduction, not just for the person deciding whether to use the drug, but also through providing wider public health information about the drugs in circulation in an area.

Concerns have been raised about drug checking encouraging drug use. Some argue that it enables drug dealers to check the purity of the drugs they plan to sell and use the information they receive to boost sales. We feel these concerns focus more on the illegality of drug selling than the welfare of people who use drugs. Research highlights that communicating drug-test results to customers could act as a risk-reduction measure.

What needs to change

Drug checking is a core part of public health surveillance. Licensed facilities should be available widely across Scotland and be easily accessible at short notice.

Services could be provided where people who use drugs live, particularly in all major urban centres. A postal system similar to the Welsh Emerging Drugs & Identification of Novel Substances Project (WEDINOS) service should also be in place. This would be particularly helpful for rural populations and people who are dissuaded from attending services in-person due to the threat of stigma.

Drug use is likely to take place at events such as music festivals. Evidence tells us that having licensed drug-checking services at such events allows engagement with young adults who may not be in touch with other health services. It also enables rapid identification of substances of concern, meaning people who use drugs can make an informed choice about use.

The minimum standard of safety at festivals requires festival organisers to have a police presence to gain their licence. We would also like to see event organisers providing licensed drug-checking facilities as standard at festivals and other major events where there is likely to be significant drug use.

A research project into licensed drug-checking facilities is due to report in January 2023. We understand that applications will soon be made to the Home Office to establish pilot facilities. It will be important to fully consider the evaluation of these pilots to support wider national expansion.”

The Scottish Drug Checking Project

- The Scottish Drug Deaths Taskforce has jointly funded a [research project to explore how best to establish drug checking in Scotland](#). This two-year project (ending in March 2023) aims to build an evidence base for, and facilitate the development of, drug checking services in Scotland across three cities: Glasgow, Aberdeen and Dundee. The study also involves the development of standard operating procedures and Home Office licence applications for sites.

- [The CREW website](#) notes that **drug checking services** allow people to anonymously submit samples of drugs for testing. Once the sample of drugs has been tested, individuals receive information about the content and potency of the submitted drugs so that they can make more informed decisions about their use. These services also provide an opportunity to engage in harm reduction counselling and can support access into other services. The primary aim of drug checking is to reduce the risk of harms, including drug-related deaths, to people who use drugs, with an associated reduction of harm to families, communities, and wider society.
- A FAQ document on the research project, when discussing the **legal status of drug checking services**, notes that “A drug checking service in Scotland would operate under explicit legal exemption, granted by the UK Home Office. Relevant criminal justice bodies, including the police, would be aware that such services were operating within a legal framework, and it is anticipated that they would work co-operatively with drug checking.”

Recent developments

- The Criminal Justice Committee, the Health, Social Care and Sport Committee and the Social Justice and Social Security Committee have held three joint meetings on reducing drugs deaths in Scotland and tackling problem drug use. The third meeting was held on [24 November 2022](#). At this meeting the Minister for Drugs Policy said:

“The important thing about drug-checking facilities is how they are layered with other methods of harm reduction. I am very much in favour of extending drug-checking facilities. Across the UK, we are not doing enough of that . In Scotland, there is work on three projects, and research is going on at the same time that those projects are being developed. One of those projects is nearing a position at which it will be able to make a licence application to the Home Office. The projects are geographically specific” .
- [Audit Scotland published Publication: Drug and alcohol services: An update](#) in March 2022.

Scottish Government action

- In a [letter to the UK Government's Minister of State for Crime, Policing and Probation](#), on 27 January 2022, Angela Constance MSP, Minister for Drugs Policy wrote:

“Officials have been able to discuss and offer advice on the implementation of Drug Checking Facilities in Scotland and these discussions will continue as we work to develop the licence applications to provide to the Home Office”.

- In a [progress report](#) in relation to the Drug Death Taskforce recommendations on drug checking it notes:

“The Scottish Government is working with project leads to navigate drug licensing and providing feedback to the UK Government on challenges/effectiveness. Taskforce funded project is ongoing and further recommendations may be made in due course. Applications for licenses for these facilities are expected to be sent to the UK Government Licensing team early in 2022.”

Additional information is available in the Scottish Government's written submission.

Lizzy Burgess, Senior Researcher Health and Social Care, SPICe 13/12/2022

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C

Scottish Government submission of 12

December 2022

PE1986/A: Provide testing kits for drugs in public spaces

On 8th November 2022 a new petition was published calling for the Scottish Government to provide free testing kits for drugs in public spaces such as local pharmacies, libraries and university buildings. The petition was lodged by Andy Patterson who is the coordinator for 'Help Not Harm', a student campaign group, being run from Stirling University by its student union, calling for support for people who use drugs, rather than approaches which will likely cause them further harm as a direct result of stigmatisation and persecution.

Help not Harm is a campaign for easy access to advice and guidance about drug use in all institutions. The campaign also advocates for the implementation of drug checking facilities in a variety of public spaces and events. The student union of Stirling University recently passed a motion to allow for testing kits and harm reduction material to be made available to its students for free.

The proposed drug testing kits are easily available and can be bought online. There are testing kits available for a variety of drugs, including cocaine, MDMA, ecstasy, ketamine, benzodiazepines, LSD, opiates, GHB and heroin. These testing kits work relatively simply – the presence of a particular drug the test is designed to detect will cause the solution to change colour and a chart is provided to try and gauge the purity.

However, these kits only check for the presence of one specific substance and do not indicate the presence of other substances that could be contained within the same sample. There is also the question regarding the subjective nature of the colour charts and how they can be interpreted. Drug testing at this level does not determine the purity, or test for any other substances present which could lead to the mis-interpretation resulting in harm, or even death. As such an adverse effect may still take place after using these drug testing kits, and if Scottish Government was to provide these, then it would be highly likely that the Government may be considered responsible if it had been responsible for providing the kits.

The Drug Death Taskforce funded a project through Stirling University to research and develop the key components required to implement Drug Checking facilities in Scotland. Research began in January 2021 and will conclude with an evaluation report in January 2023. The project also includes a parallel programme of implementation.

The Minister for Drugs Policy has highlighted the Scottish Government's desire to introduce these facilities to the Home Office, as any activity which involves the possession of controlled drugs, such as the establishment of drug checking facilities, would require a Home Office licence. This has been raised with the UK Government on many occasions and, assuming support from the Home Office is forthcoming, we expect services to be established in the three Health Board areas which are developing plans to pilot these facilities - Dundee, Aberdeen and Glasgow. We would anticipate that a license application to the Home Office to grant permission for the establishment of these facilities will be submitted before the end of the year. Such facilities will include laboratory testing which is the only way in which to satisfactorily establish a full array of substances that may be present in a sample. Drug Checking facilities, within the three health boards, for problematic drug use will be layered and include links to vital services as well as harm reduction advice on samples submitted for testing. On completion of the testing, individuals would be advised on the content and potency of the submitted drugs so they can make more informed decisions about use. This will enable people who use drugs to be sure of what they are taking, but will also mean services on the ground can react more swiftly to any emerging trends in terms of drug use.

This can play a vital role in harm reduction, not just for the person deciding whether to use the drug, but also through providing wider public health information about the drugs in circulation within the testing area. Widely available drug testing kits, as being petitioned for, would not offer this same type of vital support to those who need it most.

It is important to note that the Scottish Government support the implementation of drug checking across the country, as highlighted in the recent Drug Death Taskforce final report, but we must ensure that this is done through the use of effective analysis of samples using laboratory based testing models to ensure accurate and safe results. The Scottish Government would prefer to see more comprehensive testing being made available as the testing kits being referred to, within this petition, do not give indications about the presence of contaminants or impurities and as a result of this may cause harm. Scottish Government continue to support the evidence base from research and

call for changes to the law to make more comprehensive testing available. Therefore, on this basis, we do not feel that we can support this petition to provide drug testing kits in public places.