

# Scottish Government submission of 12 December 2022

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

On 8<sup>th</sup> 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.