

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

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