



REGULATORY OPTIONS FOR APPROPRIATE ACCESS AND SAFETY CONTROLS FOR ALKYL NITRITES - SEEKING PUBLIC FEEDBACK

The Therapeutic Goods Administration's (TGA) interim decision to reschedule alkyl nitrates from a prescribed medicine to a prohibited substance is opposed by the AIDS Action Council of the ACT (the Council). The consequence of this decision could mean members of the LGBTIQ community will be liable for prosecution or legal penalties if found using or in possession of these substances.

Therefore, the Council does not endorse the listing of alkyl nitrates in Schedule 9 of the Poisons Standard for the following reasons:

- The Interim Decision has been based on inadequate facts and anecdotal evidence which do not satisfactorily meet the conventional standards of evidence required to justify this type of decision;
- The harmfulness and possibility of misuse has been exaggerated;
- Specialists from the Alcohol and Other Drugs sector have not been invited to contribute their input;
- Stakeholders most affected by this decision have not been consulted or engaged in the decision making process; and
- An already marginalised community will face substantial harm by criminalising their use of alkyl nitrates.

Alkyl nitrates have been used within the LGBTIQ community since the 70s for recreational and sexual activities. In particular, they have been predominately used by gay and bisexual men, and sex workers to aid in safe and satisfying anal sex. Alkyl nitrates assist in relaxing the sphincter muscles decreasing the likelihood of anal tears or fissures, and lower the chance of condom breakage. As such, these substances have a legitimate and therapeutic benefit, as defined by the TGA.

According to the Period Survey¹ and Flux Study², the use of alkyl nitrates is common for gay men however the frequency of use is low³. Contrary to evidence identified by the TGA suggesting an increase in usage, the Ecstasy and Related Drugs Reporting

¹ Martin Holt et al, 'Gay Community Periodic Surveys: National Report 2010' (National Centre for HIV Social Research, Faculty of Arts and Social Sciences, University of New South Wales, 2011) 15. Accessed from https://csr.h.arts.unsw.edu.au/media/CSRHFile/GCPS_2010_National_report.pdf

² Mohamed A Hammoud et al, 'Following Lives Undergoing Change (Flux) Study: Implementation and Baseline Prevalence of Drug Use in an Online Cohort Study of Gay and Bisexual Men in Australia' (2017) 41 *International Journal of Drug Policy* 41. Accessed from <https://www.sciencedirect.com/science/article/abs/pii/S0955395916303589>

³ Uporova, J., Karlsson, A., Sutherland, R. & Burns, L. (2018). Australian Trends in Ecstasy and related Drug Markets 2017. Findings from the Ecstasy and Related Drugs Reporting System (EDRS). *Australian Drug Trends Series No. 190*. Sydney: National Drug and Alcohol Research Centre, UNSW Australia. Accessed from https://ndarc.med.unsw.edu.au/sites/default/files/ndarc/resources/National_EDRS_%202017_FINAL.pdf

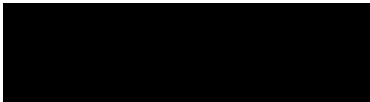
System (EDRS) reported a decrease in use from 27% in 2016 to 25% in 2017. Yet, despite the large percentage of people using these substances there have been very few instances of harm reported and internationally, fewer than five deaths have been related to the use of alkyl nitrates since 1970⁴. Furthermore, alkyl nitrates have no psychoactive qualities and pose no risk of chemical addiction as they do not affect the central nervous system⁵.

Of significant concern is the criminalisation of behaviour for users if alkyl nitrates are moved to a Schedule 9 substance. Given the use of these substances are ubiquitous to parts of the LGBTIQ community, the likelihood of seeking alternatives from unregulated suppliers is high. Not only will this increase chances of physical harm, it will also contribute to the development of an unnecessary social problem. It will also increase the burden on the criminal justice system and detrimentally impact the lives of people who are seen to be committing a criminal offence which poses no applicable harm to personal or public health.

Historically, the LGBTIQ community have been victims of criminal sanctions due to their identity and behaviour, as well as overt scrutiny and criticism from the wider community. This decision will contribute to an increase in distress, anxiety, frustration and disappointment in an already marginalised community and further compound the already poorer mental and physical outcomes for this cohort of people⁶. By criminalising the sexual behaviour of communities at higher risk of HIV and sexually transmitted infections (STIs), public health initiatives, health promotion campaigns, testing and treatment will be severely undermined and place people at greater risk.

As a community-based HIV and LGBTIQ organisation, the Council's purview is the overall wellbeing of community members so they are able to live healthy lives free of discrimination, stigma and prejudice. Any decision that could potentially create or exacerbate physical or mental health issues is of concern, as is spotlighting people's private lives and decisions in the public domain.

By supporting people's physical and mental health, advocating for their needs and liaising with community stakeholders, the Council is well-placed to contribute to any health promotion activities and awareness raising campaigns to increase community education on the safe use of alkyl nitrates and the reduce risk of harm or abuse.



Philippa Moss
Executive Director
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⁴ Hunter, Laura, Laura Gordge, Paul I. Dargan and David M. Wood, 2011, 'Methaemoglobinaemia Associated with the Use of Cocaine and Volatile Nitrites as Recreational Drugs: A Review'. *British Journal of Clinical Pharmacology*, 72 (1): 1826.

⁵ D'Abbs, P. & MacLean, S. (2008). Volatile substance misuse: a review of interventions. Canberra: Department of Health and Aging.

⁶ Leonard, W., Pitts, M., Mitchell, A., Lyons, A., Smith, A., Patel, S., Couch, M. & Barrett, A. (2012). *Private Lives 2: The second national survey of the health and wellbeing of gay, lesbian, bisexual and transgender (GLBT) Australians*. Monograph Series Number 86. Melbourne: The Australian Research Centre in Sex, Health & Society, La Trobe University.