



3 October 2018

Dear Committee,

Submission on TGA Interim Decision on Alkyl Nitrites (ACMS #24)

The Eros Association is Australia's industry association for adults-only retail, wholesale, media and entertainment.

We are writing to note our opposition to the following changes to the Poison Standard:

- Rescheduling of 'Alkyl Nitrites' as Schedule 9 poisons;
- Amending Appendix A to restrict the exemption of 'lubricants' from the Poisons Standard to '*in preparations that provide lubricating action between machinery parts*'.

Rescheduling of Alkyl Nitrites

Alkyl nitrites such as isopropyl nitrite, propyl nitrite and cyclohexane nitrite are common components of leather and toy cleaner sold within adult retail stores.

In order to tackle misuse, the TGA has in the past scheduled certain forms of alkyl nitrites such as amyl nitrite and butyl nitrite, as Schedule 4 poisons.

The proposed rescheduling not only expands the number of alkyl nitrite products that are scheduled poisons but shifts this scheduling to Schedule 9, essentially putting alkyl nitrite products on par with prohibited drugs such as heroin and cannabis.

The proposed rescheduling is misplaced for the following reasons:

- It fails to acknowledge the valid commercial use of alkyl nitrites as a cleaning agent.
- It penalises adult retail stores for the misuse of product sold, a measure which has not been extended to other misused inhalants (eg. nitrous oxide gas cannisters which are commonly sold in supermarkets but recreationally misused as 'nangs').
- It will do little to change the misuse of alkyl nitrites recreationally, simply shifting the market to online vendors likely to sell product of poorer quality.

Eros also acknowledges the criticism of this rescheduling proposal raised by the LGBT community: that misuse of alkyl nitrites is common amongst gay and bisexual men, that the



rescheduling will criminally penalise possession of alkyl nitrites in some States and that the proposal will likely cause more health-related harms.¹

Amending Appendix A

The proposal to amend the definition of 'lubricants' under Appendix A to apply only to machinery preparations appears unrelated to the concerns raised regarding the misuse of Alkyl Nitrites. Moreover, this amendment will have far reaching effects that the Committee likely has not considered.

Sexual lubricants are an important component of sexual health, and this measure will severely limit the scope of the sexual lubricant market in Australia.

Lubricants are topical and therefore are not likely to have adverse systemic effects when applied to the body. Amending Appendix A could have an impact on the sale of lubricants containing:

- Numbing agents.
- Moisturisers.
- 'Warming' or 'cooling' ingredients.

It is recommended that the TGA adequately consult with the industry before this change occurs in order to understand the full scope and impact of such an amendment on the sexual lubricant market in Australia.

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Overall, the Eros Association does not support the interim decision (ACMS #24). It is hoped that great consultation with industry and the LGBT community will occur before this decision is finalised.

Kind regards,

Rachel Payne

General Manager

The Eros Association

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¹ <http://www.starobserver.com.au/news/national-news/war-bottoms-poppers-may-soon-banned-australia-pending-tga-decision/171262>