



# Submission to the Therapeutic Goods Administration – proposed rescheduling of alkyl nitrates from Schedule 4 to Schedule 9

## About Penington Institute

Penington Institute, a not-for-profit organisation, advances health and community safety by connecting substance use research to practical action.

We support individuals and the wider community through research analysis, promotion of effective strategies, workforce education and public awareness activities.

Penington Institute first formed two decades ago as Anex (now a program of Penington Institute) – a network of service providers to prevent HIV/AIDS transmission related to unsafe injecting drug use.

Since then, Penington Institute has been responding to the emerging evidence-base and practice wisdom in the field of public health.

## Introduction

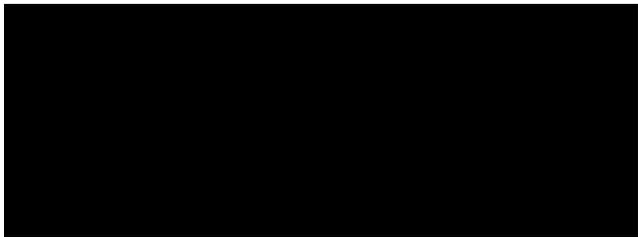
Penington Institute welcomes the opportunity to comment on the Therapeutic Good Administrations proposed rescheduling of alkyl nitrites from Schedule 4 to Schedule 9. We do not support the TGA's interim decision as it is more likely to increase harms associated with these inhalants than reduce them.

## An unnecessary change

Alkyl nitrites, commonly known as 'poppers', have been used for decades among the gay community. Producing a brief euphoric 'high' and relaxing muscles (a notable effect of which is anal dilation), the primary purposes for which alkyl nitrites are used is recreationally in social settings and therapeutically for anal sex.

While there are some risks associated with alkyl nitrites (as there are with all substances listed on the TGA's Poisons Standard), these are minor compared to other Schedule 9 substances, many of which pose critical and widespread health risks. Most importantly, prohibition of alkyl nitrites – which is what the TGA's interim decision effectively constitutes – is unlikely to be mitigated by the proposed rescheduling.

Evidence does not support simple prohibition as an effective method of minimising the harms associated with unauthorised use of substances that produce psychoactive and/or physical effects. In fact, prohibition has been strongly associated with an *increase* in associated harms. This may be caused by prohibition pushing users away from services, an increased likelihood of contact with the criminal justice system or, as is the most likely case with prohibiting alkyl nitrites, users of the prohibited substance seeking out black market alternatives that are like to be significantly more dangerous.



In fact, a study by *The Lancet* attributes harms associated with the use of nitrites – ‘poppers maculopathy’ – to reformulated products introduced to circumvent bans in Europe and Canada.<sup>1</sup>

While an alternative topical nitrite product used to achieve anal dilation is available as a Schedule 3 medication, this is unlikely to satisfy this community’s needs. Prohibiting nitrites that can be inhaled (the preferred method of use among the gay community) while retaining the topical application at Schedule 3 is likely to be viewed with scepticism.

Furthermore, other substances that may be used recreationally and/or sexually (which also carry risks and potential harms) such as [REDACTED] remain available and are deemed appropriate for regulatory controls (as opposed to a class-wide ban despite comparable levels of risk. The members of the gay community who use nitrite inhalants are likely to perceive this decision as discriminatory and as an indication that the TGA views their sexual pleasure as less legitimate.

Penington Institute is committed to the principles of harm reduction in our work. This means accepting that drug use is a fact of life and that governments role is to create a legal and policy framework to minimise harm. Working with communities to reduce the associated harms of substance use, whether that be methamphetamine, pharmaceutical opioids, or alkyl nitrites, educating them about the risks and supporting them to minimise these is by far the most effective and efficient strategy for managing associated risks.

While a ban on some nitrites (ones that have proven to be more highly associated with health harms) might be appropriate, banning the entire class of alkyl nitrites is likely to negatively impact the community that uses them while failing to mitigate the potential harms identified by ophthalmologists and other health professionals.

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<sup>1</sup> Gruener, A. M., Jeffries, M. A. R., El Housseini, Z. and Whitefield, L. (2014) ‘Poppers maculopathy’, *The Lancet*, vol. 384(9954): 1606.