

10 October 2018

Adjunct Professor Paul Brent
Chair, Advisory Committee on Medicines Scheduling
Health Products Regulation - Therapeutic Goods Administration
PO Box 100
WODEN ACT 2606

Dear Professor Brent

Interim decision under the Therapeutic Goods Regulations 1990
to amend the current Poisons Standard in relation to alkyl nitrites

Thorne Harbour Health is one of Australia's largest health and social service providers for the lesbian, gay, bisexual, trans and gender diverse, intersex, and other sex, sexuality and gender diverse (LGBTI+), and people living with HIV (PLHIV) communities. Its services include general practice, health promotion, counselling, and alcohol and other drug rehabilitation and harm reduction programs. Thorne Harbour Health primarily serves the populations of Victoria and South Australia, but also leads national projects. In partnership with other organisations, Thorne Harbour Health works to support all members of LGBTI+ and PLHIV communities, and is committed to improving the health and wellbeing of all LGBTI+ people and PLHIV.

Thorne Harbour Health calls for the immediate reversal of the interim decision to reclassify alkyl nitrites and does not support further prohibition of these substances. These substances are used by gay and bisexual men, along with other parts of the community, during sex to assist them to be comfortable and relax. Restrictions on the use of these substances will increase the presence of anal tissue tearing and blood during sex and will likely result in increased HIV and Hepatitis C transmissions. News of the reclassification has resulted in significant community concern.

The current prohibition of personal possession and use of alkyl nitrites without a prescription has resulted in an unregulated supply of these substances sold as 'leather cleaner'. The interim decision of the Therapeutic Goods Administration (TGA) to reclassify several alkyl nitrites from Schedule 4 (Prescription Medicines) to Schedule 9 (Prohibited Substances) of the Poisons Standard will result in the further prohibition of their sale and supply. This proposed change is based on poor quality evidence, and demonstrated systemic harm is lacking.

Some men who have sex with men use alkyl nitrites to engage in comfortable sex with their partners. There has been significant community concern and angst over the proposed changes.

We oppose the interim decision of the TGA. We consider it will result in additional net harm to the health of gay men through:

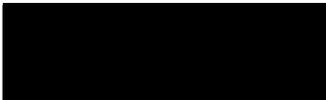
- a black market of alternative, potentially more dangerous products arising;
- gay men facing additional criminalisation, stigma and discrimination, adding to their existing mental and physical health burden; and

- supply restrictions resulting in increased misadventure with the likely result of increased HIV and Hepatitis C transmissions.

We note that a Victorian Parliamentary Committee on Drugs and Crime Prevention inquiring into the inhalation of volatile substances investigated nitrites and their use and did “not recommend that volatile substance use be criminalised. The creation of an offence pertaining to volatile substance use is unlikely to be effective and could be counter-productive”.¹

We also support the submission made by the Australian Federation of AIDS Organisations (AFAO) and the National LGBTI Health Alliance about this matter.

Yours sincerely



Simon Ruth
Chief Executive Officer
Thorne Harbour Health

¹ Drugs And Crime Prevention Committee. *Inquiry Into The Inhalation Of Volatile Substances - Final Report*, DCPC, Parliament of Victoria, September 2002, p. ix