Drug prevention using a novel legislative solution in Sweden

The Act of destruction of certain substances of abuse hazardous to health (2011:111) was implemented in April 1st 2011 in Sweden.

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A new legislation regulating the destruction of certain substances of abuse hazardous to health was implemented in April 1st 2011 in Sweden (2011:111). The law aims to prevent the use and distribution of hazardous substances that are not yet regulated or in a process to be regulated as narcotic drugs in the Narcotic Drugs Control Act (SFS 1992:860) or as substances hazardous to health in the Act on the Prohibition of certain Goods Dangerous to Health (SFS 1999:42).

For a substance to be destroyed either of these requirements must be fulfilled:
(a) the substance has been declared as narcotics or hazardous to health in an official proposal not yet in force
(b) the substance has been internationally declared under the 1961 or 1971 UN Drug control conventions but the decision is not yet in force
(c) the substance is presumed to become regulated as a narcotic substance of abuse or hazardous to health by the Swedish government.

For the substance to be destroyed it is required, apart from the conditions above, that in a single circumstance it can be presumed that the substance is used for the purpose to achieve intoxication or another influence and that the substance then could cause harm or death.

All matters are handled according to the Administrative Act (1986:223) and are not viewed as criminal offences. Certain protocols must be used and the decision can be appealed to court.

In order to facilitate the prosecutors work and to inform the general public all statements from Swedish National Institute of Public Health (SNIPH) are published on the public webpage http://www.fhi.se/Tillsyn/Klassificering/Substaner-unde.../framstallan-om-klassifering-som-narkotika-eller-halsofarlig vara/

SNIPH estimated that the new legislation would add 600 cases concerning destruction of psychoactive substances to the workload annually.

Due to the lack of analysis capacity at the labs the handling of cases is delayed. Several hundred seizures are in pipeline expected to be handled under the new legislation.

Arriving mail traffic only at Arlanda airport consists of more than 90 million items of mail. The Police and Customs Service made almost 1100 seizures concerning new psychoactive substances in 2011.