

Tuesday, 15 January 2019

RE: Regulatory options for appropriate access and safety controls for alkyl nitrites – seeking public feedback

Dear Sir / Madam,

The views expressed in this submission are specifically about “Regulatory options for appropriate access and safety controls for alkyl nitrites – seeking public feedback” and do not supersede my previous submission in response to ACMS#24.

I am concerned that the options presented in the paper “Regulatory options for appropriate access and safety controls for alkyl nitrites” put too much focus on control and overstate the hazards of Alkyl Nitrites. Given the wide usage of Alkyl Nitrites within Australia and across the developed world reports of harm are surprisingly rare. Of the cases noted by the NSW poisons information centre in their submission to ACMS#24 most seem to relate to incorrect usage or inappropriate packaging. This is a result of the legal grey which has allowed sale but prevented suppliers from providing appropriate safety and usage information. The remainder of cases could be prevented via childproof packaging.

Rather than banning or restricting sale a more measured approach which would mitigate many of the disadvantages of both the current situation and the proposals in discussion paper is presented below.

Amyl, Butyl, Pentyl Nitrite and their isomers be removed from their current schedule and an entry is placed in the schedule indicating that these compounds are unclassified under certain conditions. This would be similar to the current schedule entry for Paracetamol.

Proposed conditions would include:

- a. Maximum package volume of 30ml.
- b. Childproof packaging
- c. Prohibition of sale to children.
- d. Restriction of sale to premises which only allow adults.
- e. Prohibition of advertising.
- f. Mandatory labelling requirements indicating safe usage, hazards and contraindications.
- g. Marking of product expiry date.

Propyl and Isopropyl Nitrite should be placed on Schedule 4 or above due to the link between these compounds and “Poppers Maculopathy”

This proposal combines the key benefits of the current grey market while addressing many of its deficiencies.

- As sale is not being restricted a hazardous black market will not develop.
- Product substitution will not occur as sale remains legal.
- Children will be better protected by childproof packaging and prohibition of sale to, or near children.
- Packaging that is able to state the real use of the product rather than an euphemism will be able to provide meaningful safety information.
- Restrictions on advertising will prevent the product being pushed to the wider community.

- Allowing restricted unscheduled sale will allow shops and venues catering to the LGBTI community to continue selling the product. These places provide a safe space for LGBTI people with trusted advice and community, this would not be available at a pharmacy, particularly for those who are closeted.

The above proposal provides improved control and eliminates the current legal grey area without being perceived as a ban. The impact of a ban on the LGBTI community cannot be overstated, particularly to the many men for whom persecution by government agencies is an all too recent memory.

Yours Sincerely

