

‘Legal Highs’ Not Necessarily Legal

Australian Government, Customs and Border Protection Service

The Australian Customs and Border Protection Service has seen a significant increase in the importation of substances reported as ‘legal highs’ over the past 12 months. It is important that if you intend to purchase a ‘legal high’ over the internet you are aware of the laws around their importation. If you import a substance which is found to contain a border controlled drug without an appropriate licence or permit it will be seized and you may be subject to a significant fine and/or imprisonment.

‘Legal highs’ is a term commonly used for substances which are designed to mimic or produce similar effects to common illicit drugs such as cocaine and ecstasy, but which have a different chemical structure. The increasing availability and popularity of these substances is a concern for Australia’s law enforcement and health agencies.

There is very little research on the short, medium and long term effects of these substances. The active ingredients are not always labelled correctly and can vary significantly from batch to batch.

‘Legal highs’ are marketed as legal in an attempt to evade detection by law enforcement and circumvent controls. The sale of these substances through international websites and online suppliers has made the internet a major source of these drugs. There are a number of different classes of

alternative drugs which are commonly marketed as ‘Legal Highs’.

Herbal Highs And Party Pills

‘Herbal Highs’ and ‘Party Pills’ are drugs which consist of an unknown mixture of herbal or synthetic stimulants. These drugs are not produced by a regulated industry; the compounds are not produced in hygienic, regulated and monitored circumstances; and the quality of the content is uncertain.

Spice (Synthetic Cannabinoids)

The term ‘spice’ is sometimes used to refer to a mixture of herbs sold as a herbal smoking blend through internet sites. Many of these mixtures contain synthetic cannabinoids and the substance is usually smoked in the belief that it will deliver ‘cannabis-like effects’. For these smoking mixtures the active ingredients and their potency can differ greatly from batch to batch.

Research Chemicals And Drug Analogues

Many international chemical suppliers are now producing illicit drug analogues and derivatives in an attempt to avoid legislative controls. These substances are often labelled deceptively as research chemicals, plant food, bath salts, herbal incense or spice and may include warnings such

as ‘Not for Human Consumption’ or ‘Only for Research Purposes’. The risk of experimentation with these substances has been highlighted in Europe where there has been at least two identified fatalities as a direct result of the consumption of the methcathinone analogue; mephedrone, commonly known as ‘meow meow’ or ‘4MMC’.

The Australian Customs and Border Protection Service, Therapeutic Goods Administration and other law enforcement agencies work collaboratively on the detection and seizure of these types of prohibited imports.

Do You Know What You Are Importing?

In addition to putting your health at risk, by importing ‘legal highs’ you may be breaking the law, as ‘legal highs’ often contain ingredients which are illegal to possess or import into Australia even though they may be reported as legal overseas.

A person found to be unlawfully importing or exporting a prohibited substance may be committing a range of offences, both criminal and civil. A person may incur a fine of up to \$110,000 and/or five (5) years imprisonment under the Customs Act 1901. If it is a border controlled drug or precursor, penalties under the Criminal Code Act 1995 range up to a fine of \$825,000 and/or life imprisonment.

For more information regarding goods that may be prohibited please contact:

Customs Information and Support Centre

Phone: 1300 363 263 + 61 2 6275 6666 (outside Australia)

Email: information@customs.gov.au

Website: <http://www.customs.gov.au/site/page4369.asp>

Or:

Therapeutic Goods Administration

Website: <http://www.tga.gov.au/impexp/personal.htm>

In October 2010, a 30-year-old man was prosecuted in the Northern Territory for importing approximately four kilograms of mephedrone which had been purchased over the internet. The man was sentenced to eight years in jail with a non-parole period of five years and six months. While it may be legally available in many source countries, mephedrone is a prohibited substance in Australia.