

# Novel psychoactive substances and legislative harmonization in Europe: addressing a extremely elusive public health threat

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## To the Editor,

The public threat posed by novel psychoactive substances (NPS) has been exacerbated by the legislative and regulatory complexities which national governments worldwide need to deal with when trying to confront such a threat.

NPS constitute a broad, hard to define and identify array of molecules and substances originally intended to replicate, hence be a "legal" alternative to mainstream illegal substances of abuse: hence, any new narcotic or psychotropic drug, in pure form or in preparation not controlled by the United Nations drug conventions. Such peculiarities have posed a major challenge to consolidated drug monitoring and detection, control and surveillance (1,2), hindering public health responses. NPS recreational use is increasingly viewed as a growing public health concern especially among youngsters (3). Such a wide availability often shapes and sways the preferences of users, who typically interact in the cybersphere by using novel ecosystems such as the "dark web". Such dynamics have been magnified during the pandemic and restrictions thereof (4). Uniformity in our responses should therefore be prioritized, at least at the European level; nonetheless, there is still a lack of harmonization in terms of the legislative and regulatory responses which European governments have chosen to undertake to meet the NPS public health threat (5).

Criminal networks operating in Europe can exploit open borders and the complexity of the various

different national legal systems. Limiting the analysis to European countries, it is quite obvious that the criminal prosecution of trafficking and possessing novel substances is not harmonized. Criminal penalties consider the level of psychoactive potential or public health risk, with considerable variations throughout the Old Continent. A major challenge stems from national legal systems. Statutes were in fact molded to deal with drug trafficking designed to "evade" legislative provisions; in the case of NPS, however, trafficking organizations aim to stay within legal statutes, relying on the fact that it may take months to classify and control a new substance. No general consensus has been reached yet in Europe on a standardized and evenly applied set of policies to confront the NPS threat, particularly in light of the new developments and trafficking avenues encouraged by the pandemic restrictions. Despite that, the essential role played by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), the European Union Agency for Law Enforcement Cooperation (Europol) and other European bodies and agencies in collecting and sharing data as to new NPS put on European markets is invaluable (5,6). New legislative and policy-making initiatives must take into account the multifaceted nature of NPS and of drug trafficking as a whole. The new technologically complex means of trafficking require a well-rounded, multidisciplinary approach, if we are to effectively tackle such a major, potentially catastrophic public health threat. Drug trafficking often has a transnational nature, and is a multi-offence phenomenon, since it may entail

financial and cyber-crime as well. It is therefore a uniquely complex form of criminal activity. Our struggle against drug trafficking must therefore be grounded in articulated operational cooperation involving scientists (chemists, toxicology experts, physicians) law enforcement agencies and judicial authorities.

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## References

1. Mannocchi G, Di Trana A, Tini A, et al. Development and validation of fast UHPLC-MS/MS screening method for 87 NPS and 32 other drugs of abuse in hair and nails: application to real cases. *Anal Bioanal Chem.* 2020 Aug;412(21):5125-5145.
2. Marchei E, Tini A, Pirani F, Lo Faro AF, Marinelli S. Is GHB-glucuronide useful as a biomarker for the exogenous use of GHB? *Eur Rev Med Pharmacol Sci.* 2019 Mar;23(6): 2311-2313.
3. Marinelli S, Berretta P, Pacifici R, Del Rio A. Sex enhancers: challenges, threats and the need for targeted measures. *Clin Ter.* 2019 May-Jun;170(3):e181-e183.
4. Negro F, Di Trana A, Marinelli S. The effects of the COVID-19 pandemic on the use of the performance-enhancing drugs. *Acta Biomed.* 2022 Jan 19;92(6):e2021401.
5. The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). Legal approaches to controlling new psychoactive substances. Updated on 31st May 2016. Available online: [https://www.emcdda.europa.eu/system/files/publications/2746/att\\_211257\\_EN\\_EMCD\\_DA\\_POD\\_2013\\_Controlling%20new%20psychoactive%20substances.pdf](https://www.emcdda.europa.eu/system/files/publications/2746/att_211257_EN_EMCD_DA_POD_2013_Controlling%20new%20psychoactive%20substances.pdf) (Accessed on 19th January 2023).
6. The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). New psychoactive substances: global markets, global threats and the COVID-19 pandemic. An update from the EU Early Warning System December 2020. Available online: [https://www.emcdda.europa.eu/system/files/publications/13464/20205648\\_TD0320796ENN\\_PDF\\_rev.pdf](https://www.emcdda.europa.eu/system/files/publications/13464/20205648_TD0320796ENN_PDF_rev.pdf) (Accessed on 19th January 2023).

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