



**An Roinn Gnóthaí Pobail, Tuaithe
agus Gaeltachta**

Department of Community, Rural
and Gaeltacht Affairs

Oifig an Aire Stáit
Office of the Minister of State

Dún Aimhirgin, 43/49 Bóthar Mespil,
Baile Átha Cliath 4, Éire.
43/49 Mespil Road, Dublin 4, Ireland.

Teileafón +353 1 647 3000
Facsuimhír +353 1 647 3151
E-mail airestait@pobail.ie
Glao Áitiúil 1890 474 847

Our Ref: 155/2010 JC

4 March 2010

Déan tagairt don uimhir tagartha ar gach comhfhreagras
Please quote our reference number on all correspondence

Ms Mary Maguire
Corporate Services Department
South Dublin County Council
County Hall
Tallaght
Dublin 24.



Dear Ms Maguire,

I refer to further to your correspondence to Minister John Curran dated 10th February outlining two motions which were passed by South Dublin County Council in relation to headshops and substances represented as “legal highs” sold in these outlets. Minister Curran has requested that I reply on his behalf.

Minister Curran has voiced his concerns in regard to the activities of headshops and substances represented as “legal highs” sold in these outlets on numerous occasions since his appointment as Minister of State with responsibility for the National Drugs Strategy. His concerns in this regard centre on the potential health hazards involved and the fear that use of these products may act as a gateway to illicit drug use.

Two of the Actions of the National Drugs Strategy 2009-2016 aim to address such issues:

Action 14 - Monitor the activities of headshops, and all businesses involved in the sale of psychoactive substances, with the objective of ensuring that no illegal activity is undertaken. Ensure that steps are taken to reform legislation in this respect where it is deemed to be appropriate.

Action 15 - Keep drugs-related legislation under continuous review, with particular focus on new synthetic substances, new or changed uses of psychoactive substances, and against the background of EU and broader international experience and best practice.

A number of avenues are being explored to see what actions can be pursued to minimise any negative impact of the activities of these shops.

Under the Misuse of Drugs Acts, the importation, exportation, production, supply and possession of a range of named narcotic drugs and psychotropic substances are

regulated and controlled. Mary Harney T.D., Minister for Health & Children, who has overall responsibility for the Misuse of Drugs Act, has confirmed that her Department is currently preparing regulations to introduce controls on a range of substances. These regulations will make the possession and sale of these substances illegal and subject to criminal sanctions. In preparing the required regulations, officials of the Department of Health & Children are consulting with the relevant authorities to ensure that any legitimate uses of the substances involved are not impinged upon. The intention is that the regulations will be finalised shortly but a three month notification process to the EU may be involved. In this context, the advice of the Attorney General is being sought by the Department of Health & Children before the regulations are implemented.

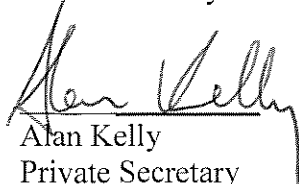
Minister Curran has also been in correspondence with the Attorney General about other possible approaches to the matter. Associated with this, he has raised issues around public liability insurance, product liability insurance and consumer protection with the Minister for Enterprise, Trade & Employment, as well as planning issues with the Minister for the Environment, Heritage & Local Government. Among the issues raised with the Department of Environment, Heritage and Local Government were (i) planning legislation, (ii) change of use stipulations, (iii) development plans, and (iv) planning permission criteria.

In addition, Minister Curran has asked the National Advisory Committee on Drugs to carry out some research in this area. Meanwhile, the activities of headshops are also being closely monitored on an on-going basis by An Garda Síochána and Revenue's Customs Service with a view to ensuring that no substances that are currently illegal are being sold.

The problem of "legal highs" is not unique to Ireland and headshops are causing concern across Europe. A number of countries have taken action, each taking their own approach to the matter in line with their laws and experiences. However, no EU Member State has come up with a comprehensive response thus far.

The Minister has noted your Members concern in relation to this issue and he assures you that he is fully committed to pursuing appropriate responses to counter the potential threats posed by headshops and "legal highs".

Yours sincerely


Alan Kelly
Private Secretary