

DÁIL ÉIREANN

ROGHCHOISTE UM SHLÁINTE

SELECT COMMITTEE ON HEALTH

Déardaoin, 14 Iúil 2016

Thursday, 14 July 2016

The Select Committee met at 9.30 a.m.

MEMBERS PRESENT:

Deputy Catherine Byrne (<i>Minister of State at the Department of Health</i>),	Deputy Margaret Murphy O'Mahony,
Deputy Jack Chambers,*	Deputy Kate O'Connell,
Deputy Bernard J. Durkan,	Deputy Louise O'Reilly.

* In the absence of Deputy Billy Kelleher.

DEPUTY MICHAEL HARTY IN THE CHAIR.

BUSINESS OF COMMITTEE

The select committee met in private session until 9.42 a.m.

Business of Committee

Chairman: I remind members that the meeting will be conducted in public session. I also remind members and witnesses to turn off their mobile phones or to switch them to flight mode. Mobile phones interfere with the sound system, make it difficult for technical staff and affect the quality of television and web streaming coverage. Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the House or an official either by name or in such a way as to make him or her identifiable. I do not think we received any apologies.

The meeting has been convened for the purpose of the consideration of the Misuse of Drugs (Amendment) Bill 2016. Is that agreed? Agreed. I welcome the Minister of State at the Department of Health, Deputy Catherine Byrne, who has responsibility for communities and the drugs strategy. She is an *ex officio* member of the committee. I thank her for attending. I also welcome her officials to the meeting. Officials should not speak at the meeting; only the Minister should speak. There is one amendment to the Bill, which has been circulated. I now invite the Minister of State to make her opening remarks.

Minister of State at the Department of Health (Deputy Catherine Byrne): I thank the members of the select committee for allowing me to be here to proceed with Committee Stage of the Misuse of Drugs (Amendment) Bill, which has gone through the Seanad and the Dáil. For those who have not followed the proceedings in both Houses, the purpose of the Bill is to control certain substances that are legal but which will be put on the controlled substance list in the future. They are mainly prescription drugs which are being sold openly on the street. I will not name them all as there are a number of them, but members will know them as Z-drugs, benzos and other relevant Z-drugs in the listing. The purpose of the meeting is to go through the amendments and to answer questions on them, if necessary, and to complete Committee Stage. I thank the Chairman for facilitating this morning's meeting.

Misuse of Drugs (Amendment) Bill 2016: Committee Stage

Sections 1 and 2 agreed to.

SECTION 3

Chairman: As no one is present to move amendments Nos. 1 and 2, they cannot be moved.

Amendments Nos. 1 and 2 not moved.

Section 3 agreed to.

Sections 4 to 8, inclusive, agreed to.

Schedule agreed to.

Question proposed: "That the Title be the Title to the Bill."

Deputy Catherine Byrne: I thank the committee for its support for the Bill. I hope that once the Bill is passed it will be enacted in the autumn.

Deputy Jack Chambers: I welcome the Bill, which I support. It addresses a legal lacuna that exists and that has allowed communities to be ravaged by zimos and Z-drugs. The situation has been exploited by gangs and it is important that we tackle it. I hope the amendments that were tabled do not distract from the reform which the Minister of State has committed to introduce in this area. She also said she would explore the various reports that have previously been drawn up.

When I contributed to the Second Stage debate in the Dáil, I asked about the Minister of State's plans for suboxone and why she has not taken the opportunity to explore its use further. I understand a pilot scheme is in place whereby it is used as a replacement therapy for methadone. Many of those who work in communities and health care professionals would like to see legislation in that regard because changes to the licensing system require a number of months delay before they are brought into effect. While I welcome the Bill, I ask the Minister of State to provide clarity on the issue.

Deputy Catherine Byrne: Deputy Chambers referred to the pilot scheme that is in place. A total of 80 people are on Suboxone. It is intended to examine all avenues under the national drugs strategy in terms of education, recovery and the various issues involved. In the course of that process many of the issues raised in the committee, and in the Dáil and Seanad, will be examined. I intend to do that as part of the consultation process. I will then come back to the Members of both Houses with the results. The process will take time but it will be in the autumn.

Deputy Jack Chambers: I understand Mr. Tony O'Brien, director general of the HSE, wrote to the previous Minister with responsibility in this area six months ago urging him to move on this issue and legislate for it. Does the Minister of State have any timeline as to when that might happen?

Deputy Catherine Byrne: I have had conversations about it with officials of the various Departments involved. Although the drug is available on a pilot basis, it is not one that can be freely administered because there are some people for whom it may not be suitable. I have been advised that it is a substance that may not suit everybody on methadone. That issue has to be developed further before any decision can be made. I am aware of Suboxone and in contact with the relevant Departments about it. I am also seeking medical advice on the matter.

Deputy Louise O'Reilly: Sinn Féin's position on the Bill is already known. We believe the Bill is flawed and that it addresses only a tiny part of what is a massive jigsaw. It is regrettable that we are discussing this issue at the behest of An Garda Síochána. Rather than seeking to criminalise those caught up in addiction, we should be discussing a broader range of measures that seek to address the systemic and societal issues that lead to addiction. Sinn Féin has already expressed its disappointment that, when pressed, officials of the Department conceded that this measure was not being sought by people who worked with those with an addiction, including therapeutic communities, and that it formed part the response to issues that had arisen within the north inner city. That is regrettable.

Sinn Féin intends to table amendments to the Bill on Report Stage. As I said, our views on the legislation are already known. It is our view that much more needs to be done to tackle the effects of decades of under-investment and the neglect of communities that have led us down

this road. I hope this is not just a PR stunt or a sticking plaster, although, as I have said publicly, I fear that it is. Sinn Féin has not changed its position. As I said, we propose to submit amendments to the Bill on Report Stage.

Deputy Kate O’Connell: I have worked for many years as a community pharmacist. I welcome the Bill, but I agree with Deputy Louise O’Reilly that it addresses only a tiny piece of a far greater problem. I do not see it as fixing anything in a great way, but I also do not see it as doing major harm. In my south Dublin pharmacy I have a file for forged prescriptions. It is a serious issue. As somebody working in the community, I am aware that when I receive a forged prescription, I am supposed to report the matter to An Garda Síochána. However, in reality it is hard to manage this and ensure there is a follow-on. The legislation is good, but we need to address the bigger issue of why people end up in these situations and their lives are so bad that they want to get up in the morning and take a sleeping tablet. There are people who have reduced their methadone intake over many years, but they still carry with them the criminal record that acts as a barrier to their re-engaging with society in the same way as the rest of us can. As I said, this is a small piece of something far greater. I am aware of the difficulties for An Garda Síochána. It is important, however, that whatever we do in the health area, we first do no harm. I do not believe this measure will do any harm. As I said, it addresses a small part of a far bigger problem.

Deputy Catherine Byrne: I agree with Deputy Louise O’Reilly that more needs to be done. We all live in communities, whether urban or rural, where drug addiction is a problem. The Deputy is correct that more needs to be done about the scourge of drugs and the unfortunate people who use them, as well as the drug trade and gangland criminals. I intend to do more as part of the ongoing process and, as I stated in both the Seanad and Dáil, this legislation is only a small piece of a large jigsaw. We will look at all the pieces and I am sure all members will participate in the public consultation process.

The national drugs strategy must address the issue of people who get into trouble at a young age and are left with a criminal record for the rest of their lives. Even if they stop using drugs, they will probably not have any prospect of finding employment or returning to education and may find it impossible to travel abroad, even on holiday, which most young people like to do. This issue needs to be addressed. It is not my role to criminalise anybody, particularly young people who get into trouble with the law, whether as a result of their background or social environment, and end up in a sad state as a result of taking legal or illegal drugs to get a high. I am open to any suggestions that emerge from the public consultation process to progress this issue as part of the national drugs strategy.

I do not have all the answers, which is the reason we have a national drugs strategy and a public consultation process. However, I have lived and worked in a community that has been destroyed by drug addiction. Young people I knew have taken their lives and died of terrible diseases, some of which I cannot even pronounce. We have an opportunity to make a difference to people’s lives and I have not ruled anything in or out in that respect. I will do my utmost through the public consultation process and in the national drugs strategy to address the issues Deputies have raised.

Criminalisation is a complex issue and we must be very careful about how we approach it. Senators and Deputies referred to the Portuguese model. I visited the Ana Liffey drug project on Abbey Street the other day where I met people with chronic drug addiction problems, including homeless people. These individuals need help. As part of that process, we must address the issue from every angle. I am willing to listen to people’s concerns, provided they are rational

and change is possible. However, we cannot accept amendments that would result in decriminalisation tomorrow morning as to do so would return us to the position in which we found ourselves last year when our streets, neighbourhoods and communities were flooded with drugs of all shapes and sizes.

I read a newspaper report yesterday on a sad case involving a young boy and girl aged 12 years who took tablets in England that left one of them critically ill in hospital. As responsible citizens and public representatives, the onus is on us to do our utmost to tackle this issue in a competent and reasonable manner that helps people. We must not use the drugs issue as a political football because people are dying. I read statistics the other evening which indicated that more people die of drug addiction and overdoses than in road traffic accidents. We will consider ways of encouraging people not to get involved in drugs. They become involved for a variety of reasons and the people who do so do not always live in poorer communities. Some are at the top of society.

Deputy Bernard J. Durkan: I welcome the Minister of State on her first appearance before the select committee. This is the first meeting I have attended in a long time. I also congratulate her on introducing the Bill. I agree with the sentiment expressed by previous speakers that this is not the final answer to the problem as it is a highly involved, complicated and broad-based issue that affects the lives of many people and communities in a very serious way.

In a previous incarnation, I was involved in a ministerial drugs task force which had access to what became known as the Zurich and Amsterdam experiments, the St. Gallen exercise and other similar approaches. Over the years, everybody has tried in various ways to identify how best to deal with this growing problem which is having a much more serious impact on society than was first thought. Significant resources have been used in attempting to apply the law. I am still in favour of trying to ensure as best we can that we do not legalise illegality. This proposal is a controlling exercise and it is absolutely necessary for the reasons stated by the Minister of State. That in itself will not solve the problem but I agree with Deputy O'Reilly and my colleague that our society has been damned by the extent of the abuse of drugs over the past number of years. It has increased and continues to increase and many people make significant money out of other people's misery. As the Minister of State said, many young people have lost their lives ridiculously chancing their arm in social situations following which they end up either seriously injured or dead. Everybody talks about it at the time and everybody is appalled at what has happened. However, this happens throughout society and it is not restricted to one sector of society. People who should know better find themselves in this situation.

I welcome the Bill in the sense that it is the first step to deal with, and control, this problem. It will also be the conduit whereby there will be ongoing focus on the issue. There will be a continuous public review and internal review through medics working in the business, through GPs and through the Department to check how the legislation is being applied and whether it is working in the way it is intended, to embrace the beneficial aspects and to review the aspects of it that do not appear to work and do not prove to be beneficial. The review is important. It needs to be continuous and updated on a regular basis. Unlike reviews, which, for example, in the European context can be undertaken after ten years when officials suddenly discover that a scheme did not work, this review should be conducted annually and the legislation updated accordingly in order that one is always ahead of oneself.

I compliment all involved in the introduction of the Bill, and particularly the Minister of State for bringing it to the House. I hope it will deal with the issue it is intended to deal with. As Deputy O'Reilly said, we have to deal with the underlying societal effects of deprivation

that lead to young people, in particular, becoming reliant on drugs. It is not good for society. It is devastating for the economy, the health service, the well-being of individuals and those who are directly affected by drug abuse. Like all addictions, efforts made to control this are welcome and I hope as a result of the legislation we will be able to evaluate on a regular basis its beneficial impact and, if required, make changes.

Deputy Margaret Murphy O'Mahony: I welcome the Minister of State and I commend her and her officials on the work they have done on this legislation. I agree with previous speakers that even though it is good, it only represents a small part in addressing a huge problem. Going forward, I would like funding to be invested in the education sector, particularly primary schools, because drug abuse is affecting people at a younger age. If we got into national schools and highlighted the effects of drugs, it would help. There seems to be an acceptance about people using drugs, which was not the case when I was young. When I was young, if one had a few pints one was considered to be cool or in the gang or whatever but, unfortunately, drug abuse is affecting people at a younger age. It used to be a Dublin problem but now it is rife everywhere. The Minister of State has done well, but this is only a drop in the ocean.

Deputy Louise O'Reilly: It was never exclusively a Dublin problem but there is absolutely no doubting that it is now a national issue. I am struggling to understand if we are all in agreement why there is such a rush to introduce this tiny measure that may leave people struggling with addiction, as Deputy O'Connell pointed out, having to get over the hurdle of a criminal conviction and increase the likelihood of them ending up with such a conviction. Nobody is looking for this legislation. Therapeutic communities are not looking for it. Why the rush to do this and not address all the other work that has been done? There is broad agreement among committee members on what is needed for communities that have been ravaged by the scourge of drugs. I am at a loss to understand why there is a flashing blue light emergency for this small adjustment, which has the potential to do nothing except criminalise people who are struggling and suffering, but there is none to address the systemic problems and the underlying reasons for addiction or even to consider the minor actions that could be taken such as counting the number of prescriptions issued by GPs by talking directly to them and to pharmacists and using whatever controls that exist, which are not utilised to their full extent. This would make a significant contribution to controlling the illicit or illegal sale of prescription drugs. First, I am struggling to understand why this legislative measure is being pushed when we are all in agreement that systemic issues need to be addressed. Second, we are not utilising the mechanisms that exist to control or monitor the sale and supply. More could be done in the context of talking to GPs and pharmacists to make sure access to these drugs is not as easy. Criminalising people will not necessarily have the impact the Minister of State desires.

Deputy Jack Chambers: I agree with many of the sentiments expressed. Deputy Murphy O'Mahony clearly highlighted that the prevention pillar of the national drugs strategy has not worked. There is no awareness among our younger generation, in particular, about the dangers of drugs consumption. We are discussing the criminal element of this issue but how are we educating young people about the dangers of all the substances they are using and abusing? We have failed at both primary and secondary levels. SPHE is dysfunctional as a subject. It is often used by teachers of another subject to teach that subject. SPHE needs to be properly audited and reformed. We are not enriching our young people through education about the dangers of drugs. We have failed to make them aware. I asked the Tánaiste earlier this week about the road traffic Bill, which will address drug drivers who consume a multiplicity of drugs. They can be convicted of drink driving but not drug driving. The Bill is being delayed until the autumn. The Minister of State needs to accelerate that legislation.

I agree that prevention and treatment are the key in order that drugs policy reform be dealt with in a holistic way. The Minister of State mentioned she will consider Suboxone as part of the new national drugs strategy. Does she agree that given the current licensing arrangements, its approval could be delayed for a year or two? Medical, pharmaceutical and drug treatment professionals want this medicine to be approved. By delaying it, we are not going to see the initiation of the treatment. If we put it on a legislative footing, it could then be licensed and allocated accordingly. The Minister of State needs to clarify why it is just being kicked into the next national drugs strategy and why we are not dealing with what the director general of the HSE has said to the previous Minister of State with responsibility for drugs.

Deputy Catherine Byrne: I will respond to Deputy Murphy O'Mahony first. She is right and so is Deputy Chambers. I have my own views on SPHE and how it is taught in schools. I totally agree with the Deputy and I have spoken to this committee before, when I was on the opposite side of the room, about how teachers who are teaching mathematics and English one minute are in another room teaching SPHE the next minute. I am not fully convinced that that is what should be done. I believe that it is too important to have SPHE as just a subject in between everything else. There should be somebody in there teaching young people. It is about well-being and self-confidence because all of that builds who one is. I agree with the Deputy on that. As a mother who was involved for many years in schools and on parents' councils, I always felt that even though the teachers did their very best, sometimes it was difficult for teachers who had been in a classroom teaching Irish, English or whatever subject, to then go in to children and talk to them about their well-being, their sexuality, drugs and everything else. In my opinion, some teachers felt at the time that it was not really their job. I spoke to the Minister for Education and Skills, Deputy Richard Bruton, the other evening about this whole aspect and I have asked him to have a look at it as well.

Deputy O'Reilly and I know very well the reason this legislation is being introduced. It is to assist and to help An Garda Síochána and the other services in situations where somebody is on a street and has a quantity of drugs in their possession, even if the drugs may be legal. We all know the situation. Deputy O'Reilly knows better than I do, as does her party colleague Deputy Mary Lou McDonald, who is part of the north inner city forum and is aware of the complex needs that are out there, particularly in certain parts of the city. Deputy McDonald said it herself at a meeting we attended that it is unlikely that An Garda Síochána is going to target the people who are unfortunate enough to be caught with maybe one or two tablets in their pocket. The people out there now who are selling drugs are very clever. I have every confidence that on the streets on which they walk the beat every day of the week, the gardaí know the people they are targeting. This is not about targeting addicts. It is about targeting people who are at the top end and the criminal end of the scale. From listening to Deputy McDonald in the Dáil and in others areas, I believe that this is only a small part of what needs to be done. In saying that, it does give An Garda Síochána and the customs officers the opportunity to be able to seize those kinds of drugs. That is the reason for the Bill.

Regarding Suboxone, I do not mean to be dismissive of Deputy Chambers because I know where he is coming from. The introduction of Suboxone requires amendments to the regulations. This Bill unlocks the regulations so that Suboxone can be made available. As I said, from talking to medical professionals in the Department, Suboxone is not going to be the answer for everybody on methadone. There are some people who just cannot take it for medical reasons. However, it is not off the table. It is very much on the table. We will come back to it.

In response to Deputy O'Connell, I am very aware in the parish I live in of the role the phar-

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macist plays in educating people about drug addiction, in providing methadone treatment and, in general, being the eyes and ears of people who have addiction problems who come into the chemist on a regular basis. I have the greatest of praise for those people, who, like the Deputy, have had to deal with people coming in with forged prescriptions on a daily basis. I know it takes time, but if we want to tackle the sources and the big players, everybody has to play a role in it. I can only stand over the role that I know the pharmacist in my own community plays, even in identifying people. Pharmacists do not send people away because they have a problem. They help them. I believe that is very much the role that most pharmacists play.

Chairman: In reference to the comments of Deputy O’Connell, the purpose of the meeting was to agree the Bill. I did invite comments but we do not really need to have a rerun of the debate, if possible.

Deputy Kate O’Connell: I just want to mention the awareness and the education. I have a sister who is ten years older than me who is a psychiatrist. I remember when we were young at home her showing us brain scans of people with drug dependency. That fairly educated us. There is huge scope to inform younger people at a very early stage of the effects of drugs but also to inform them that these drugs are not manufactured in a controlled environment anywhere. They are produced in a portakabin out the back of somewhere. There is a danger that somebody will put the decimal point in the wrong place.

Regarding Suboxone, there are very few countries that have not licensed it. From the evidence I have read, it seems to be particularly useful to young addicts who have not entered a methadone programme. It has a two-pronged approach to dealing with dependency and overdose at the one stage. It is something we need to keep on the table.

With regard to Deputy O’Reilly’s point about monitoring prescriptions, the prescription situation in Ireland is very unusual. The Chairman could write a prescription on the back of a piece of paper today and present it down the road. It is very difficult to track. Until we get to a situation in which we have the unique patient identifier and we can say, “That is Louise’s number”, and track it, with the way things are at the minute, it is very difficult to monitor all of that scientifically. My only concern is that when this legislation is enacted, the market will still be there. We may cut off one stream. Ninety-five mg of diazepam, one of the benzodiazepines, costs about €20 on prescription. Its street value is about €450. It is a lucrative business. Once we cut it off with this legislation, we are probably going to open up some other avenue because the people who are taking these drugs are not going to wake up in the morning and think they could get in trouble. They are going to go to the other guy. That is why we need to monitor constantly how this is working.

Question put and agreed to.

Chairman: I thank the Minister of State, Deputy Catherine Byrne, and her officials from the Department for attending today’s session.

Message to Dáil

Chairman: In accordance with Standing Order 90, the following message will be sent to the Dáil:

The Select Committee on Health has completed its consideration of the Misuse of Drugs

SELECT COMMITTEE ON HEALTH

(Amendment) Bill 2016 and has no made amendments thereto.

The select committee adjourned at 10.20 a.m. *sine die*.