



Research paper

“They’re legal so they’re safe, right?” What did the legal status of BZP-party pills mean to young people in New Zealand?

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ABSTRACT

Background: The legislation on psychoactive substances has a role to play with regard to shaping social values and influencing the normalisation of drug use. In New Zealand from 2005 to 2008, benzylpiperazine-containing ‘legal’ party pills (BZP-party pills) were legally available for purchase, subject to controls around a minimum purchase age of 18 years, and prohibitions on free of charge distribution and advertising in certain media. This paper explores what their legal status communicated to young users.

Methods: Interviews and group discussions with young people ($n=58$) who had used BZP-party pills in the preceding 6 months.

Results: Data were collected between June and December 2006 via a series of interviews with individuals, ‘friendship’ pairs, and groups comprised of participants known to each other. Young people saw BZP-party pills as ‘safe’ and of good quality as they were legal/government sanctioned, but also thus of inferior strength, suggesting they could take more of them. However, after using them they often reviewed their view of their safety and quality due to varied experiences. Being legal for some people meant they could use the substances without breaking the law, or having to go to ‘dealers’. Their legal status also meant they were easily accessible and were seen to be ‘socially acceptable’, with some young people indicating they would be happy to discuss their use with their parents. However, social acceptability was, for some, a reason not to use them.

Conclusion: These data provide a unique insight into the tension between positive and negative harm reduction messages relating to the legal nature of psychoactive drugs and as such begin to fill an information void in this area. The legal status of these ‘party pills’ conveys mixed messages to young people and whilst being seen as potentially safe and of good quality, this often leads to higher than ‘recommended’ doses being used. Nevertheless, not breaking the law or having to access BZP-party pills from ‘dealers’, and being able to discuss their use with their parents are all potentially positive harm reduction issues.

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Introduction

The legislation and regulation of psychoactive substances – both legal and illicit – is a much debated topic within media and political arenas. This discourse, which has predominantly focussed on the influence of the law as a deterrent to use, is particularly extensive in the context of youth drug use. Within the literature for this population group, research studies have explored issues such as the impact of legislation/regulation on youth substance use (Ogilvie, Gruer, & Haw, 2005) young people’s knowledge and perceptions of drug laws (Menghrajani, Klaue, Dubois-Arber, & Michaud, 2005)

and the link between personal use and views on the legitimacy of drug laws (Amonini & Donovan, 2006). Beyond this, there has been little examination of how the legal status of a drug (including alcohol and tobacco) shapes young people’s perceptions of the substance at a more fundamental level.

This paper draws on research which explored young people’s use of a legally regulated substance in New Zealand. At the time of the research (2006), pills containing piperazines such as benzylpiperazine (BZP) and trifluoromethylphenylpiperazine (TFMPP) were legally available in New Zealand for purchase from a wide range of retail outlets—including corner shops and conveniences stores, liquor retailers and specialist outlets. These substances have been shown to have broadly similar, although less potent, effects to amphetamine and MDMA or ecstasy (Baumann et al., 2005; Campbell, Cline, Evans, Lloyd, & Peck, 1973). Known in New Zealand as ‘party pills’, they were virtually unregulated until 2005. Hence

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during this period, young people would have been exposed to the advertising of these products, considered to be aimed mainly at the youth market. In 2005, legislation was introduced in the form of a new schedule within the Misuse of Drugs Amendment Act 2005 to control “Restricted Substances”, with BZP being the first substance to be regulated in this way. This made it illegal to sell these substances to anyone under 18 years, to supply free promotional products to any age group, and to advertise in print or broadcast media, although no other regulations were imposed on product quality, dose, labelling, etc., and possession, and use remained legal. On 1st April 2008, however, BZP, phenylpiperazine and related substances were classified as Class C1 controlled drugs under the Misuse of Drugs Act 1975 making it illegal to manufacture, import, export, or supply them. Additionally, it became illegal to purchase, possess and use the substances following the expiration of a 6-month amnesty period for personal possession and use of limited amounts which ended on 30th September 2008. This placed these products in the same legal class as cannabis plant matter. All of this is set within the context of New Zealand’s unique illegal drugs markets, where the availability of substances such as heroin and cocaine is relatively limited and they, and other drugs such as ecstasy, are expensive to purchase (Ministry of Health, 2003; Wilkins & Rose, 2004).

The main aim of the research presented in this paper was to explore young people’s use of BZP-party pills, including function and patterns of use and positive and negative health and other impacts related to use of the substances. It was commissioned as part of the Government’s review of the evidence around their safety. The study did not set out to explicitly explore perceptions of the substances based on their legal status; however, it was a recurring issue raised by young people during interviews and group discussions and one which the authors felt warranted further investigation. At the same time, the research provided a unique opportunity to explore this phenomenon in relation to a drug that does not have the historic associations and familiarity that surrounds other legal substances. Alcohol, for example, is firmly entrenched within New Zealand culture and many young people grow up surrounded by regular familial and societal use of alcoholic beverages. By contrast, BZP and related substances are a relatively new phenomenon, having only been available in New Zealand in ‘party pill’ form since around the beginning of 2000. In addition, their legal status and the ability to purchase the products virtually around-the-clock from a range of ‘everyday’ outlets has aligned them with alcohol, and there was a quick emergence of some of the negative aspects of alcohol consumption such as advertising, target marketing and manipulation of dose. The fact that they were most commonly consumed in pill or tablet form and their close association with the dance party culture (Wilkins, Girling, & Sweetsur, 2007) also positioned them alongside illicit drugs such as ecstasy.

The aims of this paper are to describe how the legal status of ‘party pills’ shaped young people’s perceptions of the substances, and the choices they made with respect to their drug use. [Please note that the term ‘legally regulated’ is used throughout the paper to describe the system under which ‘party pills’ were made available at the time of the research, i.e. as distinct from completely unregulated or prohibited (see above). ‘Legal’ is employed as a term where this was used by research subjects to describe the products].

Methods

The study used semi-structured interviews/group discussions, with thematic analysis of the data undertaken utilising a general inductive approach (Thomas, 2003). Participants were young people aged 16–24 years who had used BZP-party pills in the

preceding 6 months, and data were collected via a series of interviews with individuals, ‘friendship’ pairs, and groups comprised of respondents known to each other. Participants self-selected to take part and were recruited via a range of techniques including the distribution of flyers in appropriate locations (e.g. ‘party pill’ outlets), ‘snowballing’, and youth fieldworkers who were employed to publicise the research and recruit participants via their social networks. An SMS texting service and a ‘freephone’ telephone number were established for the project, allowing young people to contact the research team either to find out more about the study, or to register their interest in participating. Individual, paired, and group interviews were conducted in community-based locations between June and November 2006. All participants provided written informed consent and were offered a movie voucher in recognition of their contribution to the research. The research was approved by the University of Auckland Human Participants Ethics Committee.

Results

Ten individual interviews, 11 paired interviews and seven group interviews (range 3–5 respondents) were conducted, involving a total of 58 young people (28 females and 30 males). The average age of participants was 19.8 years (range 17–23; data missing on five cases). The sample was heavily weighted towards New Zealand European respondents ($n=49$) and included a mix of secondary school and university students, full-time or part-time employees and an at-home mother. The majority of fieldwork was conducted in two large urban centres in New Zealand.

All but one person had drunk alcohol during the previous 6 months (data missing on one person). Thirty-five reported having smoked cigarettes (data missing on one person) and 12 reported having used no illegal drugs during this time. Of those who stated that they had used illicit drugs, 34 had used cannabis, 30 had used ecstasy, 16 had used LSD (lysergic acid diethylamide), four had used nitrous oxide, and a small number had used other substances, including ‘speed’ ($n=3$), gammahydroxybutyrate (GHB) ($n=2$), methamphetamine ($n=3$), ‘magic mushrooms’ ($n=3$), ketamine ($n=2$), and salvia divinorum ($n=1$) (respondents could provide more than one response).

Knowledge of the legislation

The legislation at the time of the study (June–September 2006) prohibited BZP-party pills being sold to those aged under 18; however, it was not illegal for young people under the age of 18 to purchase or use the products. All young people who participated in the research were aware that the products were ‘legal’, and most had some knowledge of the age restrictions relating to the sale of BZP-party pills. Whilst 18 years was widely recognised as the age at which this was set, there was some uncertainty over what this actually meant. Some believed that it was illegal to buy BZP-party pills if the purchaser was under 18 years, some thought that it was unlawful to sell to people in that age range, and others believed it was against the law for young people aged 17 or under to consume BZP-party pills.

Impact of the ‘legal’ status of BZP-party pills on young people’s perceptions and behaviour

When discussing the ‘legal’ status of the substances, a number of key themes were identified. These shaped young people’s perceptions of BZP-party pills, including the level of risk associated with the substances, and the subsequent choices they made with regard to their personal drug use. A description of the key associations made is provided below.

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