Impact assessment on the amendment of Decree No 78/2022 of 28 December of the Ministry of Interior on controlled substances

In Decree No 78/2022 of 28 December of the Ministry of Interior on controlled substances (hereinafter: 'the Decree'), the list of new psychoactive substances in Annex 3 (hereinafter: 'List') contains structural descriptions (generic formulae) and individual new psychoactive substances.

Pursuant to Section 27(4a) of Government Decree No 66/2012 of 2 April on licensed activities with narcotics and psychotropic substances, as well as new psychotropic substances, including the listing and amendment of the lists of these substances (hereinafter: 'the Government Decree'), the National Drug Focal Point is responsible for monitoring the list of suspected new psychoactive substances in foreign circulation, on a monthly basis, within the framework of information exchange. As part of this, 14 new substances (2-allyl-delta-8-THC, 2-allyl-delta-8-THC-methylcarbonate, delta-8-THC-methylcarbonate, protodestonitazene, CUMYL-PMINACA, MADMB-4en-PINACA, ADMB-FUBBIOCA, 2-allyl-delta-8-THC-O-acetate, delta-9-THCP-methylcarbonate, 2-formyl-delta-9-THCP, HHC-TBDMS, N-propyl ephenidine, tilmetamine, avizafone) were identified which are listed in the European Early Warning System (EUDA Early Warning System) but are not controlled substances in Hungary.
In order to ensure the criminalisation of undeclared economic activities with any substance and group of compounds listed in the EUDA Early Warning System in Hungary, thereby leaving ever less room for potential abuse, it is appropriate to add the said 14 substances to the List set out in the Decree.

In accordance with Section 27(4)(c) and (4a) of the Government Decree, the National Drug Focal Point contacted the National Centre for Public Health and Pharmacy (hereinafter: 'NNGYK') and the National Food Chain Safety Office (hereinafter: 'NÉBIH') in connection with the above-mentioned 14 substances to verify whether there is any data known to indicate their medical use or whether they may pose a threat similar to the one that may be attributed to drugs or psychotropic substances.

Based on the response of NNGYK and NÉBIH and its own further investigation, the National Drug Focal Point concluded that it can be suspected that these substances are abused and black marketed, which justifies their classification as new psychoactive substances in order to help effectively tackle the spread of designer drugs so as to minimise the health and social problems resulting from their use.