4. Proposals and their impacts

4.1 Main proposals

Changes would be made to the regulation of psychoactive substances prohibited from the consumer market. The definition of a psychoactive substance prohibited from the consumer market in section 3(3) of the Narcotics Act would be amended to allow for the prohibition of new psychoactive substances on the basis of a substance group determined from the chemical structure (*prohibition by substance group*). A prohibition based on the chemical structure of substance groups would facilitate proactive action against the harmful activities of the designer drug market by closing the gaps in current legislation regarding the prohibition of new designer drugs within these substance groups. A prohibition by substance group would mean that the manufacture, import, storage, offering for sale and other supply of substances falling within said groups would be punishable under the Criminal Code. Concurrently, Finnish Customs and the police would be granted the power to use coercive measures under criminal law, namely the seizure and destruction of substances within specific groups, in accordance with the Coercive Measures Act (806/2011).

A prohibition by substance group could be introduced by adding a reference to the definition of a designer drug the Narcotics Act to include substances which, on the basis of their chemical structure, belong to a group of substances that are likely to be hazardous to health. In addition, the place of the definition in section 3 of the Narcotics Act and the linguistic expression and location in the section would be clarified. Section 3a of the Narcotics Act, on the assessment of the properties of new substances, would also be amended to take the substance group-specific assessment into account.

As things stand, the definition of a designer drug already includes the power to issue regulations, pursuant to which designer drugs are further defined in Government Decree (1130/2014). As a result of the amendment to the definition of designer drugs in the Narcotics Act, the Decree would be amended to insert, in addition to the current list of individual substances set out in the Annex, a new Annex 2 to the Decree, defining a number of substance groups. This substance group would be defined from the chemical core structure of the substances, which would be described using the structural formula. In addition, the structural formula would specify the types of variations in the different parts of the core structure that are covered by the definition of said substance group. The purpose of defining these variations is to exactly and precisely cover different variants. It would be possible to verify the core structure of a single substance—that is, its classification within a specific substance group—through laboratory tests. There is a detailed description of the substance groups in the separate draft decree attached to the Government's proposal and in the explanatory memorandum thereof.

In addition, two minor amendments would be made to the control of designer drugs. The obligation to retain records relating to the import and storage of designer drugs, as set out in section 33a(1) of the Narcotics Act, would be extended from three to six years. In addition, the new paragraph 4 of Section 23b of the Narcotics Act would allow the laboratories of the National Institute of Health and Welfare, Finnish Customs and the National Bureau of Investigation (NBI) to transfer reference substances of designer drugs to each other, i.e. substances and preparations used to identify the drugs.

Concerning international assistance, the proposal would amend section 22(4) of the Narcotics Act to include a provision granting the National Institute for Health and Welfare the authority to provide and receive international assistance in the form of medicines classified as narcotics. This would mean that the assistive functions of the National Institute for Health and Welfare, such as those carried out within the framework of the emergency stockpile under the EU Civil Protection Mechanism, are not subject to the import and export licence requirements of the Narcotics Act. The export of the medicinal products would have to be notified in advance, and their import without delay, to the Finnish Medicines Agency Fimea.

In the proposal concerning narcotic medicines, the definition of a narcotic medicine in the act on electronic prescriptions would be amended to not consider all medicinal products containing substances classified as narcotics at national level, by virtue of the definition, as narcotic medicines by default. The amended definition would consider the fact that a medicinal substance classified as a narcotic may, in terms of its pharmacological properties, be comparable to the substances listed in Schedule IV of the 1971 Convention on Psychotropic Substances, which are controlled as psychotropic substances rather than as narcotic drugs. The amendment would clarify and harmonise the definition of a narcotic drug in line with established regulatory practice.

4.2 Principal impacts

[The impact assessment will be supplemented during further preparation]

4.2.1 Economic impact

Impact on business

Extending the scope of the prohibition of psychoactive substances from the consumer market from individual substances to substance groups would mean that the manufacture, import, storage, offering for sale and supply of substances belonging to those groups would be prohibited. The use of substances for industrial and research purposes would remain subject to notification. The amendment would have an impact on currently legal business activities, where new psychoactive substances are traded for consumer use.

Commercial activity in the synthetic drugs market is diverse and encompasses the trade in both prohibited substances and those that have not yet been classified—and therefore legal under the Narcotics Act. Some operators only offer substances that are not yet prohibited under the Narcotics Act, and some operators offer both ‘legal’ and prohibited substances. In view of the limited actual legitimate uses of these substances, the legitimate business activity is essentially carried out by operators that produce these substances as reference substances for use in laboratories. Other operators consciously operate in a grey area. Due to the diversity of operators, the international dimension and the dynamic nature of the market, it is difficult to accurately estimate the size of the market. New psychoactive substances are typically manufactured outside Europe, such as in China or India, from where they are shipped to Europe to be sold and marketed as various products. However, according to EUDA data, an increasing amount of laboratories that produce new conversion drugs, such as synthetic cannabinoids and cathinones, have also been detected in Europe.[1] Manufacturers of these substances have yet to be identified in Finland, and new designer drugs most commonly arrive in Finland from elsewhere in Europe, such as the Netherlands, typically via international online retailers.[2] In 2024, EU authorities seized a total of 41.4 tonnes of designer drugs. This includes both substances previously reported to the EU Early Warning System (350 substances) and new substances identified for the first time (47 substances). According to the

[1] EUDA 2024: EU Drug Market: New Psychoactive substances – in depth analysis.
[2] Customs Laboratory data.

Customs Laboratory, Finnish Customs will have examined 479 samples of substances banned from the consumer market and 48 samples of new, unclassified narcotic substances in connection with suspected customs offences in 2025.

The effects of a prohibition by substance group would apply to narcotic substances that are identified for the first time or have not yet been classified in Finland as either narcotic drugs or designer drugs. On the designer drug market, these substances may be sold as 'legal highs'. This would weaken the operating conditions of the 'legal high' market, as the most popular substance groups would be prohibited, making it more difficult to market substances belonging to those groups in Finland with the aim of circumventing the legal prohibitions. The amendment could also reduce the activity of foreign online shops targeting Finland as a result, as some merchants would likely refuse to supply the substance if they are aware that the substance is prohibited here. [3] The majority of designer drugs already have a typically short lifespan, as new substances are constantly being banned. Substances enter the market quickly and also leave it quickly after a prohibition is imposed.

As the Proposal is aimed at undermining the conditions for the 'legal high' trade, it would not have a direct impact on the supply or demand for drugs that are already prohibited. Trade in these goods is illegal by definition and operated in secret. It is possible that operators engaged in the trade of designer drugs would, after the entry into force of the proposed legislative amendments, seek to find new substances that are not yet included in any prohibited substance group to take advantage of the possibility of operating legally. However, it has been estimated in the preparation stage that banning the most popular substance groups would reduce the number of operators who have the means for manufacturing new substances that remain legal. Furthermore, it would become possible to ban both individual substances and new substance groups, provided that sufficient information is available regarding their prevalence, typical health risks and chemical structure. Even taking these factors into account, the classification by substance group would likely reduce the annual quantity of designer drugs allowed to enter the market significantly.

Impact on healthcare costs

The aim of a substance group-specific ban is to reduce the entry of new substances onto the market, thereby reducing the associated health risks and the burden on the healthcare system. New designer drugs can cause acute poisoning, the need for intensive care and unpredictable long-term health damage. Of particular concern is the risk of powerful synthetic opioids entering the market, as these substances are known to have caused a rise in overdoses and overdose deaths around the world, a phenomenon that has even been described as an epidemic.[4] A particular difficulty in treating overdoses is that the symptoms caused by new designer drugs are not yet fully understood.[5] In particular, appointments at emergency care and periods of intensive care can be costly in terms of unit cost. However, there is no precise information available on the impact of new, unclassified psychoactive substances on healthcare, as these substances do not typically show up in substance abuse screening tests that emergency departments carry out, for example.[6]

Other economic impacts

[3] A. Ledberg (2015); EMCDDA (2011) p. 5.
[4] EUDA (2025).
[5] U. Tacke – B. den Hollander – K. Simojoki – E. R. Korpi – K. Pihlainen – H. Alho (2011): Designer drugs in Finland. Medical journal Duodecim 2011;127(19):2027-36.
[6] See T. Järvinen and J. Boyd: Designer-drug overdose patients treated by Helsinki Emergency Medical Services in 2009-2012. Medical journal Duodecim 2015;131(18):1659-66. However, it should be noted that the availability of designer drugs and drug use in general in Finland has increased since 2012.

Economic impacts have not been identified for the extension of the obligation to keep records of the lawful use of psychoactive substances prohibited from the consumer market, the addition of the power to supply designer drugs between the supervisory authorities to the Narcotics Act, and the amendment of the definition of narcotic drugs.

4.2.2 Impact on the activities of public authorities

Classifying designer drugs by substance group would allow the police and Finnish Customs to better prevent and investigate offences involving designer drugs belonging to these new substance groups. These authorities would be given the power to seize and, where necessary, dispose of new designer drugs entering and circulating within Finland, the spread of which has not been possible to prevent at an earlier stage under the current Narcotics Act. Currently available laboratory methods would be suitable for identifying the structure of these substances. Initially, the amendment might require training and guidance on the chemical classification of substances; in addition, Finnish Customs, the Forensic Laboratory of the NBI, Fimea and the National Institute for Health and Welfare's laboratory could receive more requests for advice and expert opinions than at present, such as in criminal proceedings. However, the potential urgent need for the supervisory authorities to classify new substances individually as designer drugs would be reduced, even if individual substances from substance groups could continue to be decided to be added to the Annex to the Decree in order to emphasise their controlled status. There would continue to be a need for the authorities to actively provide information on the substances detected in Finland and the risks they pose through various channels to better inform the public about the dangers of using new substances.

It is proposed to apply a simplified authorisation procedure for the provision and reception of international assistance in accordance with the guidelines of the International Narcotics Control Board. Changes relating to the provision and receipt of international assistance would improve the ability of the National Institute for Health and Welfare to timely and efficiently carry out its tasks in this area, within the deadlines required by international obligations. In an urgent crisis, the administrative burden would be reduced compared to if the crisis were to occur in the current state of legislation.

The possibility of mutual supply of reference substances for designer drugs between the Finnish Institute for Health and Welfare, the Finnish Customs Laboratory and the Forensic Laboratory of the NBI would facilitate cooperation between authorities, as well as with the laboratory network of the EUDA. This would reduce the administrative burden, as the EUDA would not need to send reference materials to each operator individually.

Extending the obligation to maintain records of the import and storage of psychoactive substances prohibited from the consumer market would improve Fimea's ability to monitor the lawful use of substances suitable for recreational use more effectively. By extending the retention period for accounting records, both Fimea and the operators engaged in lawful use would be better placed to monitor the long-term use of large batches of substances and to ensure that these substances are not abused in addition to their lawful use. Standardised retention periods could simplify record-keeping for operators that handle narcotic drugs and designer drugs, as well as facilitate the authorities' supervisory tasks.

Clarification of the definition of a narcotic drug would constitute an amendment designed to clarify the interpretation of the law. This could reduce the need for competent authorities, such as Fimea, to provide guidance when there is uncertainty arising from the current practical interpretation of the rules.

4.2.3 Social effects

Effects on human health

This proposal seeks to prevent the spread of new designer drugs and the social and public health risks associated with their use by imposing a substance-specific ban on designer drugs. The impacts are based on reducing the demand and supply. Studies show that there is a demand for new designer drugs as 'legal highs', such as for occasional, recreational or experimental use.[7] Users of designer drugs often seek specific effects and look for a substitute from the same class of substances to replace the banned substance. Banning an entire substance group could reduce demand for the substances of that group, as they could no longer be marketed as 'legal'. A decline in demand may reduce consumption and help prevent health risks, such as overdoses and psychosis, associated with particularly potent substances.[8] A substance group-specific prohibition also reduces the fatality risk of a new designer drug that is not yet subject to the restrictions of the Narcotics Act. Deaths caused by new, yet unclassified, designer drugs rarely occur in Finland. However, they are possible. When assessing the social impacts, it is important to bear in mind that restricting the market for narcotic substances is only one part of the overall narcotics policy. Effective prevention and early intervention measures, as well as care services and their availability, are key to reducing substance use.

The proposal on the receipt and provision of international assistance would have a positive impact on population health in potential crisis situations, as it would ensure immediate access to essential medicines in a healthcare setting. As part of international assistance, it would be possible to provide limited quantities of medicinal products classified as narcotics that are essential for anaesthesia during surgical procedures and for the relief of severe pain, among other use cases. These medicines could even save a patient's life.

Impact on young people

The effects of a group-specific ban on designer drugs on the supply of and demand thereof can have a preventive effect, particularly on the uptake of drugs by young people. The market for 'legal highs' and the trade in synthetic and semisynthetic cannabinoids in particular may focus on young people, as the easy availability of these substances via the internet or social media, their legal status and the perceived safety that comes with it, as well as product types that appeal to young people, can create demand among young people.[9] Experimentation with drugs in young people may target various synthetic and semisynthetic cannabinoids, which are derived from cannabis, the most common drug used by young people. According to the European Drugs Agency, various semisynthetic cannabinoids have become more common on the European market as 'legal' substitutes for cannabis and delta-9-THC since 2022.[10] Semisynthetic cannabinoids are sold, for example, as e-cigarettes and in edible form (*edibles*) in colourful, branded packaging that can be particularly appealing to young people.

4.2.4 Basic and human rights impacts

Self-determination

The ban on psychoactive substances prohibited from the consumer market primarily applies to activities whereby a new designer drug is introduced to the Finnish market through the manufacture, sale, import, storage or other supply of the substance. The prohibition does not

[7] EUDA (2024): European Web Survey on Drugs 2024.
[8] EUDA (2025).
[9] EUDA (2025).
[10] EMCDDA (2024): EU Drug Markets Analysis 2024. Key insights for policy and practice, p. 29.

apply to possession or use, and the proposed amendments would not introduce penalties for these or any other new forms of conduct. Therefore, the amendments have no direct bearing on a person's personal freedom and right to self-determination, that is, the right to make decisions about themselves and their own body, for example by using designer drugs.

However, importing may be an activity that precedes personal use. If the number of doses resulting from the imported quantity of substance is small, it may be likely that the substance is not intended for distribution but personal use. In these cases, the act preceding personal use could be punishable under the Criminal Code as smuggling or a violation of the ban on controlled substances. Importing for personal use could also be punishable as a minor offence or by a fine if the offence is, on the whole, deemed to be minor. Criminal law has tended to take a negative view of criminalisation that punishes acts that are harmful only to the perpetrator ('prohibition of paternalism').

However, crossing a border cannot be considered to be a core area of a person's right to self-determination: it is not only a pre-use activity, but also an activity controlled by public authorities; importing of other goods, such as cars, may also be restricted and importing in violation of the laws and regulations would be punishable. Furthermore, the person may not necessarily be the party that brings the psychoactive substance into the country, as they may obtain it from a street dealer. Importing is a key method used by professional or organised criminal groups to smuggle new designer drugs into Finland; therefore, criminalising it is essential for effective regulation. Import restrictions, including for personal use, can therefore be regarded as proportionate. The proportionality of the regulation is also discussed below in the section on the proposal's constitutional relationship.

A substance group-specific ban on designer drugs would be a more proactive and general approach to regulation, as it would no longer be necessary to list the individual substances within each group. Determining whether a particular substance belongs to a prohibited group may require more research than is currently required of a layperson without specialist knowledge in chemistry. A layperson may be more likely to be uncertain about the legal status of the substance they are ordering. Avoiding criminal penalties might therefore require greater care than at present and the need to verify the status of the substance with the competent authority. In principle, criminalisation requires that the offences must be sufficiently foreseeable.

However, it should be noted that ordering of recreational substances for personal consumption already requires care under current regulations, as the sector is known to be heavily regulated and legislation is updated several times per year. Given the particular nature of the sector, all parties involved in the designer drug market can be expected to exercise due diligence in ascertaining the legality of imports (see the European Court of Human Rights case of Cantoni v. France, 1996, § 35, and chapter 12.1.4 of the report). As things stand at present, products sold in foreign online stores do not necessarily contain the substance that the product is marketed with – a product bearing the name of a legal substance may in fact contain another substance, such as one that is already prohibited.[11] The seller may not provide the exact chemical name of the substance, or it may be incorrect, which already makes it difficult or impossible to verify the legality of the substance against the current list of individual designer drugs. Even under current legislation, mere assertions by a seller or other unofficial source regarding the legality of a substance in Finland do not, as a matter of principle, exempt the buyer from criminal liability (see Supreme Court 2015:66). The risks and uncertainties surrounding the legality of imports stem largely from the very nature of the designer drug market, rather than solely from legislation. Were a member of the public to know the exact chemical name of a substance, it is considered that they are able, by reasonable means and with appropriate advice from the competent authorities, to determine whether the substance

[11] EUDA (2011).

falls within a prohibited substance group listed in the Government Decree. Furthermore, it remains important for the competent authorities to publicly disclose information about any discovered hazardous substances and their illegal status whenever such substances are discovered on the Finnish market. This will increase the citizens' awareness of prohibited substances and substance groups.

Protection of personal data

It is proposed to amend the requirement to keep import and storage records of psychoactive substances banned from the consumer market to extend the record-keeping obligation from three to six years. Under Section 33a of the current Narcotics Act, records must show sufficient information to identify the quantity of the substance and the names and addresses of the seller and the buyer.

The obligation to keep records applies to universities and scientific research institutes using designer drugs in their research activities and to industrial operators that use designer drugs. In practice, the names and addresses of the seller and buyer as shown in the records are the names and business addresses of legal persons. However, the records may reveal the name of the employee who prepared the record or the name of the seller's or buyer's contact person. These are personal data of natural persons, which are protected under Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (*General Data Protection Regulation*). The legal basis for the processing of this personal data in record-keeping is laid out Article 6(1)(c) of the General Data Protection Regulation as the data controller's legal obligation.

The impact of the proposal on the protection of personal data can be considered to be limited in scope and relatively minor, as any personal data relating to natural persons that may appear in these records does not constitute sensitive personal data, and the data processed relates to regulated business activities. Currently, the change would impact affect around 20 operators that import and store designer drugs mainly for research purposes. Most of these operators also study substances classified as narcotic drugs, for which there is already a record-keeping obligation of six years.