

Steroids and the Drugs Misuse Act

By Paul Byrne

In the general community there seems to be a fair degree of ignorance of the fact that steroids are now classified as dangerous drugs under the Drugs Misuse Act, and therefore, unlawfully possessing or supplying them is a criminal offence.

The ***Drugs Misuse Amendment Act 2000 (Qld)*** commenced on 27th July 2000. The Act significantly changes the law governing the **misuse** of anabolic and androgenic steroids. Other fairly well known drugs also included in the amendment are the stimulant ephedrine, and the relaxant/sleeping pill, flunitrazepam, commercially known as *Rohypnol* and infamous for the rapid drowsiness it causes.

Historically, the penalties for the unlawful possession, sale and supply of steroids and other performance and image enhancing drugs were contained in the ***Health (Drugs and Poisons) Regulations***. Under those provisions, the maximum penalty was limited to a maximum fine of \$4,500.00, with no prison term provided for. The monetary penalty was the lowest penalty of any Australian state.

The amendments to the *Drugs Misuse Act* create a new statutory framework whereby steroids are now regulated in the same way as other drugs in the Act. The drugs newly included in the Drugs Misuse Act can be found in Schedule 2A which, though lengthy in any case, concludes with the *catch all provision*, “...**any other anabolic and androgenic steroidal agent**”.

Many of the drugs listed are still commercially available legally by way of a prescription from a medical practitioner. To that extent, the prescribing of the drug by a medical practitioner remains perfectly legal. However, any consumer, lawfully supplied with the drug, who then supplies it to another person, will commit the offence of supplying a dangerous drug.

Certainly the new penalties for steroids are significantly lower than the penalties applicable to pre-existing drugs catalogued in the schedules of dangerous drugs in the Act. Nevertheless, a penalty of up to five years imprisonment may now be imposed upon persons convicted of unlawfully trafficking, supplying or producing steroids, and upon persons convicted of receiving or possessing property obtained from those activities. Furthermore, a maximum penalty of two years' imprisonment may be imposed upon a person convicted of the unlawful possession of steroids, or convicted of ancillary offences such as permitting a place to be used for the purpose of a crime associated with steroids.

Apart from anything else, a conviction represents a conviction under the Drugs Misuse Act for a criminal offence.