Abstract: In the past few years Ireland has experienced a dramatic rise and fall in the use of legal head shop drugs. By utilizing a legal loophole head shops were able to sell substances that were nearly identical to the chemical structure of ecstasy and cocaine. The sharp rise in the use these drugs led to a significant spike in violent crime and hospitalized overdoses. Police and legislators quickly recognized the damaging effects these drugs had on society and moved to outlaw them with The Criminal Justice Act 2010. While this legislation did ban a number of substances, Irish head shops have begun selling new drugs by utilizing new legal loopholes. While the crime wave created by original head shop drugs has been put to an end, this new “second wave” of head shop drugs suggests that this is a game of cat and mouse that will continue for some time to come.

In the past few years Ireland has had to deal with a unique legal and criminal predicament. The introduction and popularization of head shop drugs occurred in a relatively short period of time but resulted in many permanent social and legal ramifications for Ireland. The whole illicit drug market has changed as a result of these once legal drugs and their current prohibition. This essay gives a brief history of head shop drugs and their effects on the Irish population. As head shop drugs are a relatively recent phenomenon very little objective scientific investigation has been done on the subject. Therefore, this essay relies more on experts’ observations, news articles, case studies, and my own personal interviews. I found that utilizing these sources was the most effective way to weave together the social, criminal, and legal aspects of head shop drugs into one cohesive narrative.

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Head shops existed in Ireland for quite some before the head shop drug epidemic. Originally, these shops offered products typically used in illegal activities but that were not actually illegal themselves. Typical merchandise has included rolling papers, pipes, and tools used in the cultivation of marijuana; the pivotal point being that head shops do not sell anything that could get the store into legal trouble. Although the consumer will likely use their products for illegal purposes, head shops operate fully within the constraints of the law. In 2002, Irish head shops began exploiting a legal loophole to legally sell magic mushrooms and other psychoactive edibles to customers. This was possible because these psychoactive edibles were not explicitly listed as controlled drugs under the Misuse of Drugs Acts of 1977 and 1984. This went on for some time before the government closed the loophole in 2006 after one man’s accidental death while using the legal hallucinogen. This was a relatively minor hiccup compared to the massive problem head shops have presented to Ireland in more recent years. After the outlawing of mushrooms there were a few years before “head shop drugs” exploded onto the scene. Again, head shops began exploiting legal loopholes to sell drugs that were chemically similar to ecstasy and cocaine but were not actually forbidden by law. Mushrooms and similar psychoactives had been banned after the Misuse of Drugs Acts were amended to declare them controlled drugs. However, this new wave of head shop drugs contained narcotics that were not explicitly listed by the Misuse of Drugs Acts and thus legal. Some of the drugs that fall into this catchall category are mephedrone, Spice (imitation cannabis), MDPV, and methylone. These drugs became popular with the middleclass youth of Ireland. This wealthy customer base made the sale of head shop drugs an extremely lucrative business during a time when most of the economy was hit hard by the recession. This surge in business caused an explosion in the opening of new stores. In 2008 only 5 head shops existed in Ireland but this number had risen to a startling 113 shops by 2010.² In early 2010 these shops were actually opening up at the rate of one new shop every week.³ The business of head shop drugs was so lucrative at this time that many of these shops would stay open 24 hours a day to cater to the constant demand. On a Saturday night of 2010 an Irish TV

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crew filmed the front of a 24-hour head shop and observed more than 400 customers in a two-hour period.\textsuperscript{4}

While the head shops were technically operating within the confines of the law there were a number of criminal ramifications that occurred as a result of these legal drugs. The head shops effectively flooded the market with cheap drugs that customers trusted more than traditional street drugs. Users no longer had to interact with potentially dangerous drug dealers to buy drugs that had the same effects as cocaine and ecstasy. As a result, illegal street dealers had to drop their prices dramatically. This reportedly caused cocaine to be sold for as little as €10 per bag and MDMA to sell for as little as €3 per pill.\textsuperscript{5} Illegal drug dealers became furious at the head shops for taking their business and reacted violently. There were a number of cases of head shop arson, pipe bomb attacks; some illegal drug dealers actually went into stores and threatened the shop owners face-to-face. A head shop located near the Dublin Criminal Courts of Justice had to permanently close after it was maliciously set ablaze one night in February of 2010.\textsuperscript{6} After one of these cases of head shop arson the authorities found over half a million euros in cash stashed inside the burned down shell of a head shop.\textsuperscript{7} This discovery gives a small glimpse of the large amounts of profits that head shops were amounting as a result of head shop drugs.

The explosion of head shop drugs also created a brand new class of narcotics user in Ireland. Some users developed a tolerance to orally ingesting the drugs and began developing new ways to smoke, snort and inject the drugs into their bodies.\textsuperscript{8} The drugs also caused a sharp increase in muggings and violent assaults. Chief Superintendent Pat Leahy said in an interview “teenagers who had never been in trouble with the law in the past were turned, in a matter of weeks, into violent criminals with a string of offences to


their name.” The one most commonly associated with violent street attacks is mephedrone. A stimulant belonging to the amphetamine drug class, mephedrone has been sold under many different brand names including Snow Blow, Recharge, and Diablo XXX. There have not been many scientific studies done on substances like mephedrone but it has been shown that its side effects include anxiety, paranoia, and disinhibition. This state of mind coupled with the highly addictive nature of head shop drugs has led users to do anything to get their next fix, including committing violent robberies. I had a chance to see these effects first hand while working at Terence Lyons & Co Solicitors firm located in Dublin, Ireland. While I have come across a number of cases involving head shop drugs and assault, the case of Jane Doe is perhaps the most striking (Jane Doe’s name has been changed for privacy reasons). Jane is a young woman who had not committed any violent offenses before she began taking head shop drugs. She quickly became addicted to the drugs and spent all of her time and money trying to her next legal high. When I met her, Jane was in Dóchas Prison serving a sentence for theft and assault. Jane had stolen a couple of cell phones from two girls she saw sitting at an outdoor cafe. During our interview she admitted that she stole these phones so that she could sell them and purchase head shop drugs with the profits. When the girls chased Jane to get their phones back Jane brandished a syringe and threatened to prick them if they did not walk away. Jane later admitted that the syringe was filled with head shop drugs that she planned on injecting intravenously. She was convicted of robbery and of assault using the syringe. It is a sad story but there have been a number of crimes like this that occur simply because people, like Jane Doe, have become enslaved to these head shop drugs. This surge in crime had an effect on most parts of Irish society; the Guardia had to spend more time dealing with violent assaults, average citizens became fearful of the streets, and solicitors firms had a huge influx of cases involving these head shop drugs.

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The crime wave was not the only repercussion caused by head shop drugs. The drugs also had a number of health side effects that could wreak havoc on a user’s body. One user summarized the negative effects he experienced when using powdered head shop drugs: “[I had] heavy insomnia afterwards, it took at least 8 hours to get asleep. While doing it I was a mess, couldn’t string a sentence together, started to stutter but couldn’t stop talking, [I had] heart palpitations [and] sweats.”

During the height of head shop drugs popularity there were a number of people with symptoms similar to these arriving in hospital emergency rooms around the country. In some extreme cases users arrived at hospitals showing symptoms of psychosis as the result of their drug use. That was the situation with “Case A” a case study that was held and observed due to their severe psychotic symptoms. “Case A” was an unemployed 30-year-old woman who had no psychiatric history. She had been in good shape mentally and physically before she became addicted to the head shop drugs Mint Mania (methylone) and Lime Fantasy (contents unknown). She had been taking these drugs for six to eight months before arriving at the hospital and reported she had usually used them in concert with alcohol. She admitted that while using the drugs she had shop lifted, had sex with strangers, and committed other illicit acts. When she was admitted to the hospital she was experiencing psychomotor agitation, disorganized speech, irritability, and paranoid delusions. The hospital held “Case A” over a five day period for detox and observation. During this period there was a rapid resolution in her symptoms and she was released after what the doctors termed a full recovery. All symptoms disappeared and she was able to return to normal life. It is clear from the example of “Case A”, along with many similar hospital reports, that head shop drugs can have very serious psychological consequences for the user.

The Irish government quickly realized how large a threat head shop drugs were to societal safety as well as psychological stability. They responded with a two pronged strategy to put an end to the sale of head shop drugs. First, the government amended the Misuse of Drugs Acts of 1977 and 1984 to include head shop drugs such as synthetic

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cannabinoids, mephedrone, and methylone as controlled drugs. 13 Second, the government passed a new piece of legislation termed The Criminal Justice Act14, which went into operation on Monday, 23 August 2010. This piece of legislation also instituted a ban on a long list of substances that had been sold in head shops across the country. More importantly, it set out the maximum punishment for those in possession of the now illegal head shop drugs as either a fine that could not exceed €5,000, a prison sentence not exceeding 5 years, or a combination of the both. The Act also set out new procedures for the Gardaí (Irish police) to procure warrants to investigate head shops thought to be selling illegal substances. This piece of legislation was designed to be the ultimate crackdown, both on head shop drugs and the stores that were selling them.

However, in the months preceding the passage and enforcement of The Criminal Justice Act15 it is clear that it has not worked out exactly as intended. Instead of ridding the country of head shop drugs like mephedrone and MDPV the new law has relocated the drugs to the black market. Now instead of picking these drugs up at the local head shop users will go to a street dealer, likely the same drug dealer one would buy cocaine, ecstasy, and harder drugs from. For people that want the same drugs they used to buy at head shops but do not want to interact with a drug dealer to get them, there is now a number of websites setup for the sole purpose of shipping illegal head shop drugs to Ireland disguised in inconspicuous packaging. Head shops have also figured out how to get around the new law by selling new drugs that are chemically tweaked versions of the old head shop drugs. A study performed by the Irish National Advisory Committee on Drugs found that, when they analysed head shop drugs purchased both online and in store, there were five new psychoactive substances that are not specifically banned by the Psychoactive Substances Act 2010.16 These new substances have been labelled as “second wave” head shop drugs and they usually contain the warning “Not for human consumption”. This is another loophole that head shops have found to legally sell psychoactive drugs. They now package the drugs as “bath salts” or “plant food” and give

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explicit instructions that they are not to be consumed. When packaged in this way they are in full compliance with the law.

While the Psychoactive Substance Act 2010 was in many ways a failure at ridding Ireland of head shop drugs, it was quite successful at decreasing the number of head shops that exist in Ireland. The height of the head shop craze saw 113 head shops operating in the country; this number has since dropped to 36 head shops due to Gardaí enforcement. Gardaí have also reported that, since the passage of the Act, there has been a 75% decrease in Dublin robberies. Previously, most of these robberies had been directly linked to head shop drug addicts. The new head shop laws have had a number of other positive effects that cannot be quantified. The reduction in head shops has led to decreased availability in drugs, resulting in less drug users and less drug addicts. In an interview, solicitors working at Terence Lyons & Co Solicitor’s office reported that current criminal cases that they represent do not involve head shop drugs nearly as much as they did in past years. There is a general consensus among solicitors that the Psychoactive Substances Act was successful in doing what it was intended to do.

Ireland has come a long way since head shop drugs were first introduced. The drugs themselves are not new; it was their recent sale at head shops that sparked their popularization among the middle class youth. Many young people became enslaved to these drugs and committed violent robberies in an effort to secure their next fix. The Irish government quickly realized that these drugs were a danger to society as well the psychological wellbeing of users. They responded by passing The Criminal Justice Act\(^\text{18}\) in August 2010 and amending other legislation. The government’s move to outlaw head shop drugs was a step in the right direction. Authorities reported a significant drop in robberies and violent crimes since the prohibition came into effect. However, there has been a rise in a new family of second wave head shop drugs that is not covered by current legislation. It seems that the government and drug manufacturers are in the early stages of a game of cat and mouse, a game that could potentially continue for years to come. The most obvious solution to this problem would be to create a single government body that is charged with regulating all drug-like substances being sold in


Ireland. In the United States the Food and Drug Administration (FDA) is authorized to regulate drugs, medical devices, dietary supplements, and all tobacco products. In contrast the Irish Medicines Board only regulates substances used in the medical treatment of humans and animals. The Irish government should expand the regulatory power of the Irish Medicine Board to include all mind and body altering substances, specifically those sold in head shops. If Ireland remodels the Irish Medicine Board with the reach of the FDA and the enforcement power of the US Drug Enforcement Administration, the Irish Medicine Board would be able to stop new waves of head shop drugs before they start. In the current situation new legislation must be proposed and passed every time a new drug is to be regulated. However, if Ireland passes a single piece of legislation to empower and restructure the Irish Medicine Board the war against head shop drugs could be won once and for all.