

**ADVICE TO  
THE EXPERT ADVISORY COMMITTEE ON DRUGS  
ON:**

Clarification of EACD advice on salvia divinorum

**June 2008**

## **Proposal**

It is proposed that the Committee agree their previous advice that “salvia divinorum be scheduled as a restricted substance under the Misuse of Drugs Amendment Act 2005,” be interpreted as “Preparations of salvia divinorum” and that this scheduling is not applied to the unprocessed salvia divinorum plant.

## **Background**

In August 2007 the EACD considered a paper on the hallucinogenic plant salvia divinorum and agreed that the substance had a potential to cause harm. The EACD recommend that salvia divinorum be classified as a Restricted Substance under the Misuse of Drugs Amendment Act 2005 (MODAA) while further research into the prevalence and harms of the substance is undertaken. The Committee further agreed that it must stress the importance of a low profile approach to this classification as increased media coverage would likely lead to an increased risk of harm resulting from a heightened awareness of this substance.

## **Issue**

The Secretariat has received legal advice suggesting that as salvia divinorum is a plant, it is unlikely to fit the definition of a restricted substance under the MODAA. The MODAA states that a substance is defined as “any mixture, preparation, or article that is manufactured for the primary purpose of being administered, ingested, inhaled, or injected in order to induce a psychoactive response.”

As such, it is not practical to progress the Scheduling of the salvia divinorum plant as a restricted substance under this definition.

## **Comment**

No vendors in New Zealand are thought to market salvia divinorum as a raw product. Instead, salvia divinorum is sold in commercially prepared extracts in which the plant leaf is re-infused with an elevated content of the main psychoactive compound Salvinorin-A. This process multiplies the potency of the raw salvia divinorum leaf by a factor between 10x to 75x depending on the strength of extract chosen.

The unprocessed salvia divinorum plant contains only weak levels of Salvinorin-A. Due to this low potency the raw leaves of the salvia divinorum plant are rarely used to achieve a psychoactive effect and not considered, by the Ministry of Health, to pose a public health risk.

Concentrated extracts of salvia divinorum pose a significantly greater risk than the unprocessed plant. Furthermore, while it will be possible to progress the Scheduling of preparations of salvia divinorum as a restricted substance, it is not considered feasible to Schedule the raw salvia divinorum plant under the MODAA.

With this considered the Secretariat recommends the EACD:

**Agree** to clarify that the scheduling of salvia divinorum should apply to the processed extracts of salvia divinorum, and not the raw salvia divinorum plant.

**Note** that the scheduling of preparations of salvia divinorum as a restricted substance will be progressed shortly following Cabinets consideration of further controls on restricted substances through regulation.