

14 July 2008

Hon Jim Anderton
Associate Minister of Health
Parliament Buildings
WELLINGTON

Dear Minister,

**Clarification of advice from the Expert Advisory Committee on Drugs
regarding salvia divinorum**

On 17 December 2007, the Expert Advisory Committee on Drugs (the Committee) provided you with advice recommending that the hallucinogenic plant salvia divinorum be classified as a restricted substance under the Misuse of Drugs Amendment Act 2005 (MODAA). On 12 June 2008, the Committee held a teleconference to discuss, *inter alia*, a recommendation that the Committee clarify to you that its previous advice on salvia divinorum applies to preparations of salvia divinorum and that the recommendation does not extend to the scheduling of the unprocessed salvia divinorum plant as restricted substances.

Background

Salvia divinorum is a member of the sage family of plants. The leaves of salvia divinorum can be smoked or chewed to induce the substance's potent, short lasting hallucinogenic effects. The substance originates from Mexico and is documented to have been used in traditional spiritual practices for many centuries.

More recently, use of salvia divinorum has spread into Western cultures and the substance has gained international popularity as a legal hallucinogen. Salvia divinorum is easily accessible within New Zealand from a variety of 'party pill' shops and on-line vendors. Commercially sold preparations of salvia divinorum primarily take the form of concentrated plant extracts containing varying strengths of the psychoactive compound Salvinorin-A. These extracts contain a concentrated tar-like crude extract mixed with the raw leaves of the salvia divinorum plant and the resulting product is substantially stronger than the raw leaves used to produce it.

Australia was the first country in the world to ban salvia divinorum and Salvinorin-A in 2002. Several European countries have also enacted restrictions and/or prohibitions regarding salvia divinorum, each with varying degrees of control. In the United States, Federal legislation to classify salvia divinorum as a controlled drug has previously been defeated, but a number of States have placed their own restrictions on the substance.

In New Zealand, salvia divinorum is not currently controlled by the Misuse of Drugs legislative framework or the Medicines Act 1981, and is subject only to voluntary industry self-regulation.

On 17 November 2007, I wrote to you conveying the Committee's recommendation that salvia divinorum be scheduled as a restricted substance under the MODAA whilst further research into the prevalence and harms of this substance is undertaken.

Clarification of advice on salvia divinorum

On 12 June 2007 the Committee held a teleconference to discuss, *inter alia*, a paper advising 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." The Committee was advised by the Secretariat that, based on this definition, there would likely be legal issues in progressing the scheduling of the salvia divinorum plant as a restricted substance under the MODAA.

The Committee noted that no vendors in New Zealand are thought to market the salvia divinorum plant 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 10 to 50 times 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 are not considered to pose a public health risk.

Concentrated extracts of salvia divinorum pose a significantly greater risk than the unprocessed plant. The Committee noted that, whilst it would be problematic to progress the scheduling of the salvia divinorum plant as a restricted substance, it would be possible, based on the definition of a restricted substance under the MODAA, to progress the scheduling of preparations of salvia divinorum as restricted substances.

The Committee therefore agreed to clarify its recommendation to you that preparations of salvia divinorum would be appropriately scheduled as a restricted substance under the MODAA, but that this scheduling should not apply to the unprocessed salvia divinorum plant.

Yours sincerely

Ashley Bloomfield (Dr)
Chair
Expert Advisory Committee on Drugs