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January 23, 2005

Representative Rachel L. Bringer  
Missouri House of Representatives  
201 West Capital Avenue, Rm. 116A2  
Jefferson City, MO 65101

**RE: House Bill, No. 165 (*Salvia divinorum*)**

Dear Representative Bringer:

In 2003, the Center for Cognitive Liberty & Ethics provided information to the U.S. Drug Enforcement Administration (DEA) on the whether the plant *Salvia divinorum* met the three criteria necessary for placing the plant in Schedule I of the federal Controlled Substances Act.

It is my understanding that you have introduced a similar bill (HR 165) to place *Salvia divinorum* in Schedule I of the Missouri Controlled Substances Act. Missouri law to mirror the identical scheduling criteria of the federal act. Therefore, to assist you and the other lawmakers in Missouri, I am sending you a copy of the report our office prepared for the DEA.

As you will see, we concluded that despite some nonmedical use of the plant by both young people and adults, it does not meet the criteria for placement under Schedule I. (see enclosed report). Since our report was published, additional medical papers have appeared, which strongly suggest that *Salvia divinorum* may have unique and important medical uses, perhaps as an aid for those suffering from chronic pain, which scientists are just beginning to discover.

A search of Medline for “divinorum,” will turn up 20 published articles on the plant; just two of which are:

Chavkin, et. al, “Salvinorin A, an Active Component of the Hallucinogenic Sage *Salvia divinorum* Is a Highly Efficacious {kappa}-Opioid Receptor Agonist: Structural and Functional Considerations,” *The Journal of Pharmacology And Experimental Therapeutics Fast Forward*, January 8, 2004;

10.1124/jpet.103.059394. Abstract Online at:  
<http://jpet.aspetjournals.org/cgi/content/abstract/308/3/1197>

Roth, et al, "Salvinorin A: A potent naturally occurring nonnitrogenous kappa opioid selective agonist," *Proceedings of the National Academy of Sciences (PNAS)*, September 3, 2002, vol. 99, no. 18, pp. 11934-11939. Abstract Online at:  
<http://www.pnas.org/cgi/content/abstract/182234399>

Placement of *Salvia divinorum* in Schedule I, in addition to not meeting the necessary criteria for such placement, will result in potential *criminal* sentences for the handful of inquisitive young people in your state who learn of the plant and experiment with it. As an alternative to your bill, one which does a much better job of protecting young people, you might consider a more narrowly drafted solution such as that enacted in January 2003 by the city of St. Peters in your own state.

The St. Peters ordinance makes it unlawful to "sell or distribute" *Salvia divinorum* "to an individual who is seventeen years of age or younger." Violations of the city ordinance are punishable by a \$25 fine for the first offense, \$100 for the second offense, and \$250 for the third and subsequent offenses.

As far as I am aware, the St. Peters ordinance has been very successful at protecting young people. This is not only better for the young people concerned, but also for their families, and for society at large.

If you have any questions about the enclosed report, or if I can be of any further service, please do not hesitate to call our office. You can reach me direct at 530.750.7912 or via e-mail to [inforgb@gmail.com](mailto:inforgb@gmail.com)

Sincerely,

Richard Glen Boire, JD  
Director and Legal Counsel  
Center for Cognitive Liberty & Ethics

cc. Representative Rachel L. Bringer, 504 S. Main, Palmyra, MO 63461

encl. *Report on the plant Salvia divinorum*