
A BILL FOR AN ACT

RELATING TO CONTROLLED SUBSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Salvia divinorum, also known as "Diviner's
2 Sage" or "Magic Mint" is a psychoactive herb that has been known
3 to induce strong dissociative effects. The primary psychoactive
4 constituent in salvia divinorum is a diterpenoid known as
5 salvinorin A, a potent k-opioid receptor agonist.

6 Salvia divinorum can be chewed, smoked, or taken as a
7 tincture and can lead to altered states of mind ranging from
8 increased feelings of insight to uncontrollable laughter.
9 Salvia divinorum can also cause dysphoria (unpleasant or
10 uncomfortable mood), impair one's coordination and induce other
11 psychedelic states.

12 Although there have been no documented cases of fatal or
13 near fatal incidences involving this hallucinogenic drug,
14 several countries such as Australia, Belgium, Denmark, Estonia,
15 Finland, Italy, Japan, Spain, and Sweden have all imposed
16 regulatory controls on salvia divinorum or its primary
17 psychoactive constituent, salvinorin A.



1 Likewise in the United States, California, Delaware,
2 Florida, Illinois, Iowa, Kansas, Louisiana, Maine, Michigan,
3 Mississippi, Missouri, New Jersey, North Dakota, Ohio, Oklahoma,
4 Pennsylvania, South Carolina, Tennessee, and Virginia have all
5 passed laws to regulate salvia divinorum or salvinorin A, or
6 both. Regulations both in and out of the United States range
7 from classifying salvia divinorum or salvinorin A, or both as a
8 "Schedule I" controlled substance to regulating sales.

9 Crystal methamphetamine use in Hawaii went quietly
10 unnoticed and unaddressed for several years before becoming a
11 full blown epidemic that gained national attention. Although
12 salvia divinorum and salvinorin A may seem minimally dangerous
13 now, the potential for addiction or possibility of increased
14 danger over time still exists.

15 The purpose of this Act, to be known as "The Salvia
16 Divinorum Safety Act of 2009" is to add salvia divinorum and
17 salvinorin A to Schedule V of the Uniform Controlled Substances
18 Act.

19 SECTION 2. Section 329-22, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§329-22 Schedule V.** (a) The controlled substances
22 listed in this section are included in schedule V.



1 (b) Narcotic drugs containing [~~nonnarcotic~~] non-narcotic
2 active medicinal ingredients. Any compound, mixture, or
3 preparation containing limited quantities of any of the following
4 narcotic drugs, which also contains one or more [~~nonnarcotic~~] non-
5 narcotic active medicinal ingredients in sufficient proportion to
6 confer upon the compound, mixture, or preparation, valuable
7 medicinal qualities other than those possessed by the narcotic
8 drug alone:

- 9 (1) Not more than 200 milligrams of codeine, or any of its
10 salts, per 100 milliliters or per 100 grams;
- 11 (2) Not more than 100 milligrams of dihydrocodeine, or any
12 of its salts, per 100 milliliters or per 100 grams;
- 13 (3) Not more than 100 milligrams of ethylmorphine, or any of
14 its salts, per 100 milliliters or per 100 grams;
- 15 (4) Not more than 2.5 milligrams of diphenoxylate and not
16 less than 25 micrograms of atropine sulfate per dosage
17 unit;
- 18 (5) Not more than 100 milligrams of opium per 100
19 milliliters or per 100 grams; and
- 20 (6) Not more than 0.5 milligram of difenoxin and not less
21 than 25 micrograms of atropine sulfate per dosage unit.



1 (c) Stimulants. Unless specifically exempted or excluded
2 or unless listed in another schedule, any material, compound,
3 mixture, or preparation that contains any quantity of the
4 following substances having a stimulant effect on the central
5 nervous system, including its salts, isomers, and salts of
6 isomers.

7 (d) Depressants. Unless specifically exempted or excluded
8 or unless listed in another schedule, any material, compound,
9 mixture, or preparation that contains any quantity of the
10 following substances having a depressant effect on the central
11 nervous system, including its salts, isomers, and salts of
12 isomers:

13 (1) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic
14 acid].

15 (e) Salvia divinorum.

16 (f) Salvinorin A."

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun, before its effective date.

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Barbara Maramba

~~[Signature]~~

Neil Hernandez

John M. Payne

~~[Signature]~~

~~[Signature]~~

K. L.

[Signature]
James Welch

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JAN 27 2009



Report Title:

Controlled Substances; Salvia Divinorum; Salivinorin A

Description:

Adds salvia divinorum and salivinorin A to Schedule V of the Hawaii controlled substances list.

