



From the garden of Carl P. McCall

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A considered response to Assembly Bill AB259.

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Esteemed Assemblyman Jose Solorio,

It has come to my attention that there have been a lot of 'scare tactic' stories on TV, and radio, and in the newspaper, about the evils and dangers of our kids smoking a hallucinogenic herb. I have seen articles stating that this is the most dangerous drug to come along since marijuana, and those claiming it is addictive. Neither of these statements is true!

I have seen mostly lies and disinformation being publicly spread about this misunderstood plant, and I feel it is time for the truth to be told about it.

I began researching this interesting and lovely plant over three years ago, and in three years I have come to be considered one of California's leading researchers into the botany of this unique plant. The truth is, when used by responsible adults in the privacy of their own homes, there is absolutely no harm in this plant.

In fact, this plant shows great potential for producing many new medicines, including: painkillers, new treatments for depression, diarrhea, mood disorders, Alzheimer's disease, and even a possible treatment for cocaine addiction. Certain spiritual explorers in the state of California also use it as a religious sacrament. This plant is also very ornamental, making a wonderful privacy hedge, and is grown by thousands of Californians across the state as a landscaping plant.

Some of the reasons Salvia divinorum should not be a schedule I substance in California include:

- **It is used as a part of their landscaping by many Californians. If this bill becomes law it will make a lot of California gardeners tear up their landscaping, or become felons. Even the state of Tennessee, in their public chapter number 700, provided that "it would not be a criminal offense to possess, plant, cultivate, grow, or harvest salvia divinorum for aesthetic, landscaping, or decorative purposes. Also, this amendment does not apply to any dosage that is legally obtainable from a retail establishment without a prescription when it is recognized by the FDA as a homeopathic drug." (1) Likewise, the states of Maine or Georgia do not prohibit gardeners' from landscaping with this plant.**
- **This plant has great potential therapeutic value. (2),(3) Recent research has indicated compounds in this plant may be the key to understanding and finally breaking the cycle of cocaine addiction. (4) Exciting new research into the KOR properties of salvia divinorum may lead to a major victory in the war on drugs, with a cure for the intense cravings cocaine holds its victims in thrall with!**
- **This plant is non-addictive. No one has ever died of an overdose. It is a natural healing sacrament with a long history of being used by spiritual seekers in religious settings. (5) A small church in New Mexico (UDV) recently won a Supreme Court case upholding the use of certain other plants as religious sacraments. "The religious freedom restoration act was adopted by congress to ensure that the government does not interfere with religious practices absent a compelling justification," (6)**

- The American civil liberties union, in conjunction with their center for cognitive liberty and ethics, has published a thoughtful and well reasoned PDF pamphlet explaining why salvia divinorum is not suitable for scheduling. (7) http://www.cognitiveliberty.org/pdf/salvia_dea.pdf
- The state of California does not have the millions of extra enforcement and tax dollars to spare for making its citizens into criminals. The state loses a taxpayer for each felon any new laws make and incarcerates – and extra taxes will be spent to house him or her!
- The state of California does not have the extra jail cells to put all these proposed new felons in. The state of California currently has so many prisoners in overcrowded jails that they have been ordered to ship them to other states to relieve overcrowding. (8)

I now will quote from [Sage Wisdom](http://www.sagewisdom.org): the most respected and complete web site involved in research & acting as a clearinghouse for facts on this novel plant – <http://www.sagewisdom.org/legalstatus.html>

*“Salvia divinorum is a valuable medicinal herb that is rarely abused. The profoundly introspective nature of its effects makes it unsuitable for recreational use. It is not habit-forming, not addictive, and does not present a significant risk to public health or safety. Because it is a powerful consciousness-altering herb, some regulation of sales is sensible and appropriate, but criminalizing possession certainly is not. It is appropriate to prohibit delivery to minors. It is also appropriate to prohibit reckless use, such as driving a vehicle while inebriated. It is reasonable to require that vendors provide detailed safety information and guidelines for responsible use. There are many already-existing non-drug-specific laws that can be enforced against reckless salvia users (e.g., laws that prohibit public endangerment, public intoxication, reckless driving, etc.). Legislation should only penalize irresponsible use, not all use. **Legislation that imposes punishment for possession of Salvia divinorum is neither useful nor humane. A sensible approach would be to regulate salvia divinorum in a similar manner as alcohol and tobacco.**” Daniel Siebert (emphasis mine.)*

As an example of “a sensible approach” look to the legislation of the state of Maine. “(An amended) bill was approved in an 8 to 4 committee vote by lawmakers on the criminal justice committee. The amended bill would regulate salvia in the same way tobacco products are regulated in Maine. Adults 18 and over could legally purchase and use the material. Selling or providing salvia divinorum or salvinorin A to anyone under the age of 18 would be a criminal offense. Possession by a minor would be a civil violation, punishable by a fine, community service, or both.”

Maine will regulate it under the existing state tobacco regulatory structure. Maine will not declare common gardeners felons. Maine will be saving hundreds of millions of dollars in enforcement funds, as well as saving on prison costs.

Maine has simply addressed *the real problem* underlying the media furor: somehow minors are getting hold of these ‘adults only’ materials. Make whomever is selling this to our children the felons, PLEASE, and do not legislate the private lives or spiritual pursuits of ordinary people.

I recommend, as a scientist concerned for the public good, and also as an active voter concerned about the erosion of personal liberties in America, that you not pass this bill as it stands. I wholeheartedly agree with the laws of the state of Maine: Selling or providing Salvia divinorum or salvinorin A to anyone under the age of 18 should be a criminal offense. Possession by a minor should be a civil violation, punishable by a fine, community service, or both.

I am not against laws being passed in respect to the regulation of this plant. I wanted to give you a friendly heads up that this plant could actually be a useful tool in the war against drugs! I only wished for you to have the most complete set of facts with which to make the best laws with. After all, I live here in California too.

Thank you for taking the time to read my concerns for the future of this state!

Regards, *Carl McCall* – salvia researcher.

<http://members.cox.net/sageseeds/>

Like any good facts based essay, I will now cite some of the legal & scientific research papers used by me in compiling this necessarily brief report.

(1) Gardeners should not be made felons! From the text of Tennessee public chapter number 700.
<http://tennessee.gov/sos/acts/104/pub/pc0700.pdf>

(2) Antidepressant effects of the herb salvia divinorum: a case report.
By Karl R. Hanes, PhD. Journal of clinical psychopharmacology (2001).
<http://www.sagewisdom.org/jclinpsych.html> salvia shows potential in fighting depression!

(3) Salvia has painkilling potential/ help for mood disorders
Salvia divinorum: clinical and research potential.
By Hanes KR. Maps bulletin 13(1): 18–20 (2003). This paper is in pdf format.
<http://www.maps.org/news-letters/v13n1/13118han.pdf>

(4) Salvia could help end dependency on cocaine!
Salvinorin a: from natural product to human therapeutics.
By Vortherms TA and Roth BL. Molecular interventions. Vol.6 no.5 (2006).
This review article is in pdf format. <http://www.sagewisdom.org/vorthermsandroth.pdf>

“These observations have led, in part, to the hypothesis that modulation of KOR signaling Pathways will be useful for the treatment of depressive behaviors. There is also significant evidence to support the involvement of KOR signaling pathways in the dependence of cocaine.

[For review, see Hasebe, K., Kawai, K., Suzuki, T., Kawamura, K., Tanaka, T., Narita, M., and Nagase, H.

Possible pharmacotherapy of the opioid kappa receptor agonist for drug dependence.

Annals of the New York academy of sciences. 1025, 404–413 (2004).

<http://www.nyas.org/annals/detail.asp?annalid=764>].”

(5) This plant has known spiritual uses: <http://www.sagewisdom.org/shepherdess.html> - this plant has a long history as a medicinal & healing plant!

(6) The supreme court holds up religious plant use by O Centro Espirita Beneficiente Uniao Do Vegetal (UDV): <http://www.aclu.org/scotus/2005/21252prs20051101.html> “The religious freedom restoration act was adopted by congress to ensure that the government does not interfere with religious practices absent a compelling justification,”

(7) The ACLU has published a PDF pamphlet explaining why salvia divinorum is not suitable for scheduling. http://www.cognitiveliberty.org/pdf/salvia_dea.pdf

(8) There is no more room in California prisons! <http://gov.ca.gov/index.php?/text/press-release/5587/> “currently in California, there are 171,600 inmates in the prison system which was designed for 100,000 prisoners. A court-imposed prison cap on the state prison system would prevent any new inmates from being transferred from county jails.”

You can read more facts about the possible therapeutic uses of salvia divinorum, if you want to, here: <http://sagewisdom.org/> . It is my concern that you know this plant has great potential medicinal value (and makes a nice hedge, too). ***And please do not stop the research into a cure for cocaine addiction! We need to WIN the war on drugs in our lifetimes or I fear it shall be lost forever. Thank You!*** (For your convenience the clickable version is online at <http://members.cox.net/sageseeds/ab259.html>)