

ALASKA STATE LEGISLATURE
SENATE HEALTH, EDUCATION AND SOCIAL SERVICES STANDING COMMITTEE

April 12, 2006

2:41 p.m.

MEMBERS PRESENT3

Senator Fred Dyson, Chair
Senator Gary Wilken, Vice Chair
Senator Lyda Green
Senator Donny Olson

MEMBERS ABSENT

Senator Kim Elton

COMMITTEE CALENDAR

SENATE BILL NO. 313

"An Act relating to scheduling Salvia divinorum as a controlled substance."

MOVED SB 313 OUT OF COMMITTEE

SENATE BILL NO. 48

"An Act relating to recommending or refusing psychotropic drugs or certain types of evaluations or treatments for children."

MOVED CSSB 48(HES) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 313

SHORT TITLE: SALVIA DIVINORUM AS CONTROLLED SUBSTANCE

SPONSOR(S): STATE AFFAIRS

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|----------|-----|---------------------------------|
| 04/05/06 | (S) | READ THE FIRST TIME - REFERRALS |
| 04/05/06 | (S) | HES, JUD |
| 04/12/06 | (S) | HES AT 2:45 PM BUTROVICH 205 |

BILL: SB 48

SHORT TITLE: PSYCH. EVALUATION/TREATMENT FOR STUDENTS

SPONSOR(S): SENATOR(S) DAVIS

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| 01/12/05 | (S) | READ THE FIRST TIME - REFERRALS |
| 01/12/05 | (S) | HES, JUD |
| 04/05/06 | (S) | HES AT 1:30 PM BUTROVICH 205 |
| 04/05/06 | (S) | -- Meeting Canceled -- |
| 04/12/06 | (S) | HES AT 2:45 PM BUTROVICH 205 |

WITNESS REGISTER

Dave Stancliff
Staff to Senator Therriault
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Introduced SB 313.

Jack Degenstein
8180 Kronos Drive
Anchorage, AK 99502
POSITION STATEMENT: Testified in opposition to SB 313.

Senator Betty Davis
State Capitol Building
Juneau AK
POSITION STATEMENT: Sponsor of SB 48.

Richard Benavides
Staff to Senator Davis
State Capitol Bldg.
Juneau AK
POSITION STATEMENT: Commented on SB 48 for sponsor.

ACTION NARRATIVE

CHAIR FRED DYSON called the Senate Health, Education and Social Services Standing Committee meeting to order at [2:41:54 PM](#). Present were Senators Donny Olson, Lyda Green, Gary Wilken, and Chair Dyson.

SB 313-SALVIA DIVINORUM AS CONTROLLED SUBSTANCE

CHAIR DYSON announced SB 313 to be up for consideration.

DAVE STANCLIFF, staff to Senator Therriault, sponsor, said that salvia divinorum (salvia) is the most potent natural hallucinogenic substance known to exist on the planet. He said that although the Mazatec Indians who originally used the drug were able to keep it a secret until very recently, there are currently over 10,000 web sites about the drug today. While the drug is legal in all but two states, seven countries have placed strict controls on it or banned it outright.

He said that only 200 micrograms of salvia can induce a hallucinogenic state and 500 micrograms can induce a serious

loss of mental and physical capacity. He added that some experienced users of salvia have testified to having horrible experiences with the drug and have discouraged others from using the drug to achieve their first hallucinogenic experience.

[2:52:58 PM](#)

CHAIR DYSON asked whether the Department of Health and Social Services (DHSS) has commented on the bill.

MR. STANCLIFF replied that DHSS has not yet commented on this bill.

[2:55:02 PM](#)

CHAIR DYSON said he would have to consult DHSS before acting on the bill.

[2:56:50 PM](#)

SENATOR ELTON referenced a recent news article from the Delaware News Journal claiming that research on salvia's effects on the brain might help scientists to better understand Alzheimer's disease and other forms of organic mental illness. He asked whether criminalizing Salvia would interfere with that research.

MR. STANCLIFF replied that it would not.

SENATOR OLSON asked what the active ingredient in salvia is.

MR. STANCLIFF replied that it contains two active ingredients, salvinorum A and salvinorum B. He added that the concentration of the active ingredients could be increased by a factor of 20 to 40 by soaking the leaves in an alcohol bath.

[2:58:08 PM](#)

SENATOR OLSON asked whether metabolites or other chemical compounds would be affected by this legislation.

MR. STANCLIFF replied no. This drug does not seem to affect the metabolism the same way as mescaline and LSD. It interferes with different receptors that affect in the way the brain operates.

SENATOR OLSON asked whether this legislation would increase the burden on the medical community by affecting similar legitimate drugs.

2:59:33 PM

JACK DEGENSTEIN, Anchorage resident read a statement saying that making savlia divinorum an illegal substance is not warranted. It is not a threat to Alaskan society. However, this bill, if passed into law, would be a threat to the freedoms of American citizens.

He related how un-factual media articles and rumors have lead uninformed people to believe that salvia divinorum is a dangerous plant and might cause someone to commit suicide or become depressed. A report by a Dr. Hains indicated that a 26-year-old woman found relief from depression only by taking self-medicated does of salvia divinorum.

He said further that Senator Therriault is quoted as saying that salvia divinorum is believed to cause schizophrenia, but that is absurd because its cause is not known and is linked to a genetic brain deformity that develops from birth. It is possible that the intensity of the experience of salvia divinorum could trigger it, but no more than any intense emotional or stressful experience.

3:04:11 PM

MR. DEGENSTEIN said that no long-term affects are known to be caused by salvia divinorum. Its toxicity level is very low or possibly even non-existent and the body easily metabolizes it.

A survey of 500 random participants who use the plant found that the average age of the users was 23.4 years old and the average use within a 30-day period was 1.5 times. This information demonstrates that there is a much wider user base than just youth and that it is not a substance that is used over and over for recreation such as other things like alcohol and marijuana. It also doesn't taste good.

3:07:43PM

MR. DEGENSTEIN remarked that while the bill may reduce the use of salvia within the youth community, it would infringe upon the liberty of older, more responsible users. There are other, less intrusive ways of reducing recreational use of the drug such as banning the sale it or the sale of its extract.

CHAIR DYSON asked him to describe non-recreational uses of the drug.

MR. DEGENSTEIN replied that some use it for spiritual purposes.

CHAIR DYSON asked him if he has information from medical professionals to support the claim that this drug is not dangerous to the general population.

MR. DEGENSTEIN replied that he included three references in his written statement and added that much of the aforementioned information is available on the web at Pubmed's central website and at Sage Wisdome.org.

SENATOR WILKEN asked him if he had read page 3 of the Wikipedia article in the background information that accompanied the bill.

MR. DEGENSTEIN replied that he had read it.

SENATOR WILKEN asked whether anything would prevent someone under its influence from attempting to drive a car.

MR. DEGENSTEIN replied that while there is nothing that would prevent someone from attempting to operate a car, the drug is unlike alcohol in that it does not remove inhibitions. People under the influence of salvia divinorum know that they are unable to safely operate a vehicle.

SENATOR WILKEN said according to the entry, low doses of the drug could cause spontaneous laughter, closed eye visuals, and a heightened sense of color and texture. Moderate doses cause a sense of time distortion, open eye visuals, sensations of falling, fully formed visions of other places, people and events, and confusion. High doses can cause out of body experiences, gravitational distortion, vertigo, and audio hallucinations. So, he was particularly concerned when he read that a person will not realize that they have used the drug and asked whether it is unreasonable to place restrictions on a drug with such affects.

MR. DEGENSTEIN responded:

It is true that at higher doses the user does forget that they have taken the drug, but also forget that they are a person and wouldn't be able to comprehend things such as driving a car. That is part of the primary effect, the amnesia. They wear off in five to

seven minutes and then you know what is going on, so the amnesia is very short-term.

[3:14:04 PM](#)

SENATOR WILKEN said that he finds the drug to be rather scary.

CHAIR DYSON said that he would like to hear the opinion of DHSS on this legislation.

MR. STANCLIFF replied that he would consult with DHSS.

SENATOR WILKEN moved to report SB 313 out of committee with individual recommendations and attached fiscal notes.

SENATOR ELTON objected to relate a comment. He said he understood Chair Dyson to say that the sponsor would report the response of DHSS to the committee.

CHAIR DYSON replied that is correct and added that if DHSS does not concur with the action of the sponsor, he would ask that the bill be brought back to the committee.

SENATOR ELTON removed his objection.

There were no further objections and SB 313 was reported from committee.

SB 48-PSYCH. EVALUATION/TREATMENT FOR STUDENTS

CHAIR DYSON announced SB 48 to be up for consideration. He moved to adopt the version L as the committee's working document. There were no objections and it was so ordered.

SENATOR BETTY DAVIS, sponsor of SB 48, deferred the introduction of the bill to her aide Richard Benavides.

[3:18:00 PM](#)

RICHARD BENAVIDES, staff to Senator Davis, said that SB 48 would ensure that a public school could not deny any student access to programs or services simply because the parent of that student has refused to place him on any kind of psychotropic medication or get a psychiatric evaluation or seek a psychiatric or psychological treatment for that student.

He said SB 48 also specifies who is qualified to perform evaluations on students and it outlines protections parents have against being reported to the Office of Child Services (OCS) for refusal to put their children on psychotropic medication.

MR. BENAVIDES said the sponsor recognizes that often times psychotropic medication is recommended and prescribed for children with any kind of mental, behavioral, or emotional symptoms when its potential benefits outweigh its potential risks. The US Department of Education (USDOE) has made it clear that while it recognizes that medical professionals are responsible for prescribing medication, educators also play a role in making any type of diagnosis by providing information about a student's behavior.

MR. BENAVIDES said that in 2004 reauthorization of the IDEA law requires each state to prohibit any school district personnel from requiring a child to obtain a prescription for a substance covered by the controlled substances act as a condition of attending school, receiving services, or receiving an evaluation for a disability.

He said that the bill incorporates the language from that law to clarify that school personnel may share any kind of classroom observations with parents or guardians regarding the student's academic performance and behavior, but they may not compel any specific action by the parent or require the student to take medication.

MR. BENAVIDES said that the sponsor feels that any medical decisions regarding student's needs should be a matter between the student, the student's parents, and a competent health care professional chosen by the parent. He added that nothing in the bill precludes any school personnel from using any other means of dealing with behavioral problems.

3:20:00 PM

CHAIR DYSON remarked that there were some aspects of the L version that caused him concern. He asked Mr. Benavides to describe some of the changes that were made since the last version.

MR. BENAVIDES replied that the sponsor added the phrase "unless authorized by law" after the phrase "school personnel may not" on page 1, line 7. He added that this allows persons certified by school districts to conduct psychological evaluations.

He said that the provision on the second page that prohibited school personal from recommending a psychiatric evaluation was dropped. He added that the phrase "except when refusal of consent causes a child to suffer mental injury or neglect" was added to line 4, page 2.

[3:24:21 PM](#)

CHAIR DYSON asked whether the purpose of this bill is to address the common complaint that children are often inappropriately medicated in response to their behavioral problems.

SENATOR DAVIS replied yes and added that it also defines what teachers can and cannot do while addressing behavioral problems. She said that she has heard several parents complain that they felt they had to put their children on psychotropic drugs in order to keep their children in school

[3:27:21 PM](#)

CHAIR DYSON remarked that due to tight scheduling, the committee could not hear public testimony on the bill during the current meeting. He added that the committee members would review the written testimony of anyone who wished to testify on the bill.

SENATOR ELTON moved to report CSSB 48(HES) version out of committee with individual recommendations and indeterminate fiscal note. There were no objections and it was so ordered.

CHAIR DYSON adjourned the meeting at [3:30:25 PM](#).