

ANDERSON LEGISLATIVE COUNSEL OFFICE FILES, 2000-2000/00

11860 SENATE JUDICIARY

These two forms are currently required to be sent. One is due in 7 days, the other is due in 10 days.

NOTICE TO QUIT

TERMINATION OF TENANCY FOR NON-PAYMENT OF RENT

To: _____
 Tenant

 Address of Rental Unit

 City/State/Zip Code

You are notified that you owe rent in the amount of \$_____. If you do not pay this rent within **SEVEN DAYS** after the day you receive this notice, your tenancy is terminated and you must move. You must pay your rent in money order or bank cashier's check.

A lawsuit will be filed to evict you if you have not paid your rent or moved out of the dwelling within **SEVEN DAYS** after you receive this notice.

If you pay your rent in full before the end of the **SEVEN DAY** period, you may stay.

Date: _____ Signature: _____

Print Name: _____

Print Title: _____
 (Owner/Property Manager)

LANDLORD'S RECORD OF SERVICE

Instructions: Serve a copy of this notice on the tenant. Immediately fill out the following to describe how service was accomplished. Complete all that apply. Keep the completed original for use in filing the Complaint.

- Tenant acknowledges receipt of this notice on _____ Tenant Signature
- This notice was personally served on _____ by the undersigned on the date of _____
- I attempted to make personal service on the tenants named above. I knocked on the door of the premises named above, but no one answered. I believe tenants were absent, so I securely affixed this Notice to the entry door of the above premises. This was done on the date of _____
- Tenants were served by registered or certified mail. (The return receipt will be retained for use in court.)

Date: _____ Signature: _____

Print Name: _____

I know that Tenants are aware of this Notice, because I discussed this Notice with _____
 on _____ Date Signature Print Name

ATTACH TO COMPLAINT IF SUIT IS FILED

10 DAY NOTICE TO QUIT
(VIOLATION OF LEASE)

To: _____ Date: _____
(Resident)

Address: _____

You are notified that you are in violation of your rental agreement or lease. If you do not correct the violations listed below within **TEN DAYS** of this notice, your tenancy is terminated and you must move. If you correct the violations listed below on or before the **TEN DAY** period is ended, you may stay. Please act immediately.

VIOLATIONS:

Paragraph 2B
Resident agrees to pay a \$ 50.00 late rent fee charged in addition to the total monthly rent if the total monthly rent is not received by midnight of the 5th day of each calendar month.

Agent

Receipt:

I received this notice on the _____ day of _____ 200__ at _____ am/pm.

(Resident)

_____ Resident was not at home, this notice was served as follows:

_____ Taped securely to door.

Agent

Support

ALASKA MANUFACTURED HOUSING ASSOCIATION

Post Office Box 100254 Anchorage, Alaska 99510-0254

Senator Con Bunde
Senate Labor and Commerce Committee
State Capitol; Room 506
Juneau, Alaska 99801

Dear Senator Con Bunde,

The Alaska Manufactured Housing Association is a Statewide Association of Manufactured Home Community Owner's with members ranging from Bethel to Cordova to Juneau. Sometimes the issues we address are locally based and sometimes they are Statewide issues. Senate Bill 307 affects each of our members equally no matter the location of their Community in the State.

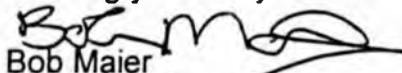
Rent falls due on the first of the month. Usually after a five or ten day grace period a late fee is assessed and a seven day notice is hung on the door demanding either payment or asking the resident to leave. As only one or two of these notices per hundred hung ever winds up in court, their main purpose is to be used as a collection device for the rent.

It is important that the dollar amount on the Notice be accurate. Including both the past due rent and the now owing late fee on the same piece of paper is necessary so that both tenant and landlord are speaking the same language.

Senate Bill 307 will assure that at this level of communication between landlord and tenant there will be no confusion. Senate Bill 307 is simple housekeeping legislation which just restores the situation to as historically it always was.

Thank you for your efforts to date. We will be available to testify at each Committee hearing as SB307 moves forward and look forward to answering any questions then.

Wishing you and your staff the best,


Bob Maier

Executive Director
Alaska Manufactured Housing Association
Post Office Box 100254
Anchorage, Alaska 99510-0254
337-4961 - Phone
632-3117 - Cell
bobmaier@gci.net



ALASKA ASSOCIATION OF REALTORS, INC.
4205 Minnesota Drive Anchorage, Alaska 99503
Telephone (907) 563-7133 Fax (907) 561-1779
www.alaskarealtors.com

March 7, 2006

The Honorable Con Bunde
Alaska State Senate
State Capitol Building
Juneau, Alaska 99801

RE: Senate Bill 307, relating to a fee provided in the rental agreement for late payment of rent under the Uniform Residential Landlord and Tenant Act

Dear Senator Bunde,

The Alaska Association of REALTORS® with over 1,600 members statewide supports Senate Bill 307, which addresses the late fee regarding the seven day notice to quit.

We favor this bill because it would simplify the process for the landlord by only having to give one seven day notice to quit for the rent and the late fee rather than two separate notices.

This bill would also clarify communication between the landlord and the tenant.

The Association encourages the passage of Senate Bill 307.

Sincerely,

Don McKenzie
AAR President



Jane Alberts

From: William M. Columbus [wcolumbus@mac.com]
Sent: Tuesday, March 07, 2006 11:43 AM
To: Jane Alberts
Cc: Bob Maier
Subject: SB 307

Hello,

I am writing to voice my support for the adoption of SB 307.

I am the owner and operator of Dimond Estates Mobile Home Park in Anchorage.

The park has been in operation since 1969 and provides unit space for 522 manufactured homes.

Passage of SB 307 would greatly simplify an often confusing process when late fees are due as well as past rents. Not only does SB 307 make it easier for the landlord to recoup outstanding monies owed, but at the same time, it places a lesser burden on our court system by streamlining the paperwork now required.

Thank you for your consideration.

William Columbus
President
Dimond Estates, Inc.
1200 West Dimond
Main Office
Anchorage Alaska 99515
907-344-6611

Headquarters:
217 2nd Street, Suite 201
Juneau, Alaska 99801
(907) 536-2323 FAX 463-5515
www.alaskachamber.com



Regional Office:
601 W. 5th Ave., Suite 700
Anchorage, Alaska 99501
(907) 278-2722 FAX 278-6643

★ STATE ★
CHAMBER
OF COMMERCE

March 02, 2006

Senator Con Bunde, Chair
Senate Labor and Commerce Committee
State Capital, Room 1506
Juneau, AK 99801-1182

The Honorable Chairman and Members of the Senate Labor and Commerce Committee

The Alaska State Chamber of Commerce supports the changes to the Uniform residential Landlord Tenant Act to allow for the collection of late fees as contained in SB 307.

A Superior Court decision issued in 2002, created confusion and disruption to the rental and leasing services industry in Alaska. The court found that the inclusion of late fees on the same seven-day notice to quit for non-payment of rent was illegal. This legislation will allow for the inclusion of late fees on the same seven day notice to quit for failure to pay rent.

Simple language is essential for undisputed communication between a landlord and tenant. Replacing one notice to quit with two, both with different due dates and amounts of money owed has caused unnecessary confusion and associated problems between tenants and owners. Senate Bill 307 corrects these flaws.

Thank for your consideration and support of this bill.

Yours in economic prosperity,



Wayne A. Stevens
President/CEO



March 06, 2006

Senator Con Bunde
Chairman
Senate Labor and Commerce Committee
Room 506
Alaska State Capitol
Juneau, Alaska 99801

Dear Senator Bunde,

First and foremost I would like to thank both you and the Senate Labor and Commerce Committee for introducing this legislation. As is true with many Industries quite often it is difficult for our voices to be heard.

Weidner Investment Services, first formed in 1977, has over 17,000 residential apartment homes in four states and Canada. Of that total 3,300 are in Anchorage alone. Out of the 3,300 units in Anchorage approximately 400 will be late payers each month for which we must issue two notices. The worst part of the current procedure is that it lengthens the time before which we can file with the courts for eviction. This delay has resulted in rent loss doubling from \$60,000 to over \$135,000 this past year. While only 10-15 evictions will be granted a month, most late payers take advantage of the lengthened period and simply "skip" at month end owing us for the entire month.

In the spirit of the efficiencies which Senate Bill 307 will create, I will keep this letter short.

I fully endorse Senate Bill 307 as defined in the Sponsor Statement.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Dean Weidner", written in a cursive style.

W. Dean Weidner
Weidner Investment Services
Suite #300
9757 Juanita Drive / NE
Kirkland, Washington 98034
425-821-3844

Jane Alberts

From: Kate Herring
Sent: Monday, March 20, 2006 2:03 PM
To: Jane Alberts
Subject: FW: SB 307

Here's the email from Jim Davis. I will let you know when I hear back from them.

k

From: Jim Davis [mailto:jjdjr2001@yahoo.com]
Sent: Wednesday, March 15, 2006 2:46 PM
To: Kate Herring
Subject: SB 307

Kate:

Thank you so much for taking my call vis a vis the above. We litigated the case that this bill seeks to over-turn, Kegley v. Nakomoto. But that case is just one of many where Alaska courts have said it is unfair to evict tenants over late fees.

The principal behind these cases is simple. Tenants should not be subject to the very harsh remedy of eviction unless they have utterly breached the lease. Not paying rent is an utter breach. But, not paying late fees, parking fees, dog parking fees, etc., are "de minimis" issues and should not subject a tenant and her family to a summary eviction and homelessness. It is akin to using a sledge hammer on a mouse. Tenants already lose 90% of the time. Why make it even more unfair?

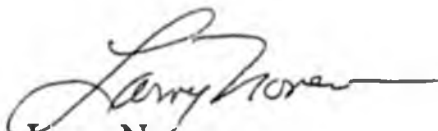
So, we oppose SB 307, it is overly harsh, it is at odds with the laws of many other states, and it will lead to a lot more tenants being evicted and/or charged excessive "late" fees by their landlords.

James J. Davis, Jr.
Statewide Litigation Attorney
Alaska Legal Services Corporation
1016 West Sixth Avenue, Suite 200
Anchorage, AK 99501
(907) 272-9431 (phone) (907) 279-7417 (fax)

NORENE REALTY, INC.

400 W. Benson. Suite 201 Anchorage. AK 99503 Bus. (907) 272-1227 Fax: (907) 277-9852 email norene@alaska.net

As the owner/president of Norene Realty, Inc. founded in 1944 I am also involved in residential and commercial rental property around Anchorage. I support SB307 and think that it should have never been changed as it has caused much confusion and misunderstanding for my tenants, it has even caused some evictions because the two separate dates on the notices. I strongly believe that SB307 is necessary and support the bill 100%.



Larry Norene
Norene Realty, Inc.



March 13, 2006

Senator Con Bunde
Room 506
Alaska State Capitol
Juneau, Alaska 99801

Dear Mr. Bunde:

This letter is simply to express our strong support for SB307. We have been in the residential rental business for approximately 40 years and this bill is long overdue. We do not believe it is fair to the Landlord or tenant to have two separate notices to quit for non-payment of rent and non-payment of late fees. Our experience is that it has caused confusion and problems that could easily be avoided by passing SB307. Thank you in advance for your careful consideration of this bill.

Sincerely,

A handwritten signature in cursive script that reads "Brent L. Williams".

Brent L. Williams

CC: Ray G. Debenham
CC: Shaun T. Debenham

Debenham Properties, LLC
2932 C Street, Suite C
Anchorage, AK 99503
907.562.9330
907.562.9331

A real estate development company.

SB

313

SENATE COMMITTEE REPORT

DATE: 4/13/06

(CS)

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Judiciary Committee considered

SENATE BILL NO. 313

SB 313 SALVIA DIVINORUM AS CONTROLLED SUBSTANCE

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

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			X	
<i>[Signature]</i>			X	
<i>[Signature]</i>	X			
<i>[Signature]</i>	X			
CHAIR: <i>Ralph Perkins</i>	X			

24-LS1825G
Luckhaupt
4/17/06

CS FOR SENATE BILL NO. 313()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE STATE AFFAIRS COMMITTEE

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to scheduling Salvia divinorum and Salvinorin A as controlled**
2 **substances."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1. AS 11.71.150(b) is amended to read:**

5 (b) Schedule IIA includes, unless specifically excepted or unless listed in
6 another schedule, any material, compound, mixture, or preparation that [WHICH]
7 contains any quantity of the following hallucinogenic substances, or that [WHICH]
8 contains any of its salts, isomers, whether optical, position, or geometric, or salts of
9 isomers whenever the existence of these salts, isomers, or salts of isomers is possible
10 within the specific chemical designation:

11 (1) 4-bromo-2, 5-dimethoxy-amphetamine, also known as 4-bromo-2,
12 5-dimethoxy-a-methylphenethylamine and 4-bromo-2, DMA;

13 (2) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-a-
14 methylphenethylamine and 2,5-DMA;

- 1 (3) 4-methoxyamphetamine, also known as 4-methoxy-a-
2 methylphenethylamine and paramethoxyamphetamine, PMA;
- 3 (4) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 4 (5) 4-methyl-2,5-dimethoxy-amphetamine, also known as 4-methyl-
5 2,5-dimethoxy-a-methylphenethylamine;
- 6 (5) 3,4-methylenedioxy amphetamine;
- 7 (7) 3,4,5-trimethoxy amphetamine;
- 8 (8) bufotenine, also known as 3-(B-dimethylaminoethyl)-5-
9 hydroxyindole, 3-(2-dimethylaminoethyl)-5-indolol, N, N-dimethylserotonin; 5-
10 hydroxy-N, N-dimethyltryptamine, and mappine;
- 11 (9) diethyltryptamine, also known as N, N-diethyltryptamine and DFT;
- 12 (10) dimethyltryptamine, also known as DMT;
- 13 (11) ibogaine, also known as 7-ethyl-6, 6B, 7, 8, 9, 10, 12, 13-
14 octahydro-2-methoxy-6, 9-methano-5H-pyrido ~~{1,2': 1, 2 }~~ azepino ~~{5, 4-b}~~
15 indole and tabernanthe iboga;
- 16 (12) lysergic acid diethylamide, also known as LSD;
- 17 (13) mescaline;
- 18 (14) n-ethyl-3-piperidyl benzilate;
- 19 (15) n-methyl-3-piperidyl benzilate;
- 20 (16) peyote;
- 21 (17) analogs of phencyclidine (PCP), including:
- 22 (A) ethylamine analog, also known by some trade or other
23 names as follows: N-ethyl-1-phenylcyclohexylamine (1-phenylcyclohexyl)-
24 ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE;
- 25 (B) pyrrolidine analog, also known by some trade or other
26 names as follows: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPY, PHP;
- 27 (C) thiophene analog, also known as 1-~~{1-(2-thienyl)~~
28 cyclohexyl~~}~~piperidine and 2-thienylanalog of phencyclidine, TPCP, and
29 TCP;
- 30 (D) 1-~~{1-(2-thienyl)-cyclohexyl}~~-pyrrolidine, also known
31 as TCPy;

1
2
3
4
5

(18) psilocybine;

(19) psilocyn;

(20) 3,4-methylenedioxymethamphetamine (MDMA);

(21) Salvia divinorum;

(22) Salvinorin A (Divinorin A).

Alaska State Legislature

SENATOR
GENE THERRIAULT

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 488-0857
Fax: (907) 488-4271



Senate

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884
SENATE DISTRICT F

Sponsor Statement

Senate Bill 313

Salvia Divinorum is very powerful a hallucinogenic substance primarily grown in the mountainous regions of Mexico. It has a history of use as a vision inducing substance by the Mazatec Indians of the region. Because it is so easy to misuse and can produce long-lasting psychological effects, it is banned in several countries and now several states.

The leaves of this perennial herb, once processed can be eaten, drunk as a tea, or inhaled. Salvia is presently available to persons in Alaska who choose to order it over the Internet. Although purchasers of this substance are asked to certify they are over the age of 18, we know such restrictions are loosely applied. Sellers and their web sites promise mind-altering experiences, but experts warn that depression and schizophrenia are very real risks with this drug. (www.intheknowzone.com)

As with all items that enter the pop drug culture, Salvia Divinorum is enjoying a rise in use due to the lack of restrictions. We have an opportunity to get ahead of this powerful substance and reduce the risk to our young people by following the lead of other states and countries in declaring Salvia a dangerous substance and adding it to our Schedule II list of illegal drugs. Such action would place it in the same category as mescaline and Peyote.

I urge your support for this important action.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 313
 (S) Publish Date: 4/13/06

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to scheduling Salvia divinorum RDU CRIMINAL
as a controlled substance." Component Criminal Justice Litigation
 Sponsor Senate State Affairs
 Requester Senate Health, Education, and Social Services Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill amends AS 11.71.150(b) - the statutory list of controlled substances - by adding the plant Salvia Divinorum to it. This plant, which if smoked or ingested in various ways is a hallucinogen, however its existence is not much known in Alaska. As a result, passage of this legislation will not have a fiscal impact on the Department of Law.

Prepared by: Kathryn Daughhete, Director Phone 465-3673
 Division Administrative Services Division Date/Time 4/11/06 12:58 PM
 Approved by: Kathryn Daughhete for David Márquez, Attorney General Date 4/11/2006
 Agency Department of Law

SB 313 Background

Salvia Divinorum (a member of the sage/mint plant family) is primarily grown in the mountains of Mexico.

It has a long history of use by the Mazatec Indians as a vision producing substance that can be smoked, drunk, or chewed.

It contains the substances Salvinorum A and Salvinorum B.

Both of these substances are highly hallucinogenic. A dose of 250 micro grams (a micro gram is one millionth of a gram) induces hallucinogenic effects. At 500 micro grams extreme reactions are common.

Multiple Internet suppliers are now conduits for a new and growing business in the distribution of Salvia Divinorum.

In Alaska, if a person certifies that they are 18, any amount of this hallucinogen can be in their hands in a matter days through a click of a mouse.

To date Missouri and Louisiana have banned this drug. Delaware and New York are actively moving to do the same with legislation.

A number of prominent countries have also placed either outright bans or tight controls on Salvia, including: Australia, Belgium, Italy, Denmark, Finland, Norway, Iceland, Spain, Estonia, and South Korea.

Clinical tests have thus far indicated the effects of Salvia being similar to Mescaline and Peyote, however research has yet to reveal exactly how this substance produces hallucinations.

Even experienced "mind travelers" have expressed caution with Salvia as the effects vary widely in both intensity and duration.

At least one suicide in Delaware involving a promising young man has been connected to his experiments with Salvia. In response the Delaware Legislature is acting now on what is being called "Brett's" law.

In an essay Brett wrote the following,

"Salvia allows us to give up our senses and wander in the interdimensional time and space. Also, and this probably hard for most to accept, our existence in general is pointless. Final point: us earthly humans are nothing."

Let's stay ahead of the drug curve on Salvia and do all we can to make sure our young people are protected, and Salvia dealers get the message; Alaska is not open for their business.

November 13, 2005

Salvia: It's intense, it's dangerous, it's inexpensive ... and it's legal

By **JOHN DARLING**
for the Mail Tribune

Few police, teachers or counselors have even heard of it, but the drug salvia — a powerful psychedelic herb from Mexico — is legal in the U.S. and easily purchased over the counter in Medford or on eBay.

Also known as Diviner's Sage or Sally-D, salvia divinorum is extremely intense, say those who have tried it. They say it is as powerful or more so than LSD and produces vivid, often terrifying hallucinations and out-of-body experiences lasting five to 10 minutes. Effects vary widely; a few users report little or no effect.

The herb is sold at Magic Man in the Bear Creek Shopping Center in various strengths for \$11.95 to \$44.95. In Ashland, Zen Den doesn't sell it and Puff's used to but stopped.

Theresa Jermain of Medford called police when a 17-year-old high school student, for whom she is guardian, bought salvia at Magic Man and, after smoking it, told her he "got real high" and it was "way too strong."

After checking out the shop, police reported back to Jermain that the drug was not illegal and there was nothing they could do, she said.

The student, "Chris," who asked not to be identified by his full name, said he smoked it with 15 fellow South Medford High School students and that only three of them had a "good trip" — the rest being "very bad." Students, he added, are little aware of the drug and it's not being much used there.

He described his experience as an "out-of-body experience in a totally different world" followed by a bad "body high," in which he felt sick and awkward and couldn't move. With a cell phone, he videoed another student on salvia hallucinating and trying to crawl out the back window of a car, he said.

Sheriff's Lt. Dewey Patten, commander of the Jackson County Narcotics Enforcement Team, said he wasn't aware of the drug. "I don't know what we'd do if we found someone whacked on it, because it's not illegal," he said.

Jan Janssen, community outreach officer with Ashland Police, said she'd never encountered it, but after consulting the drug Web site erowid.org, said it's surprising that it's legal, considering that most users report unfavorable experiences. Ashland officers trained as drug recognition experts do know the drug and can spot its effects, she said.

Patten consulted a comprehensive drug reference, "Uppers, Downers and All-Arounders," co-written by Ashlander William Cohen, who also lectures and makes films about psychoactive drugs.



□ Salvia is a powerful, legal herb from Mexico that produces vivid, often terrifying hallucinations. The drug is sold in Magic Man in various strengths.

Mail Tribune / Bob Pennell

Salvia, wrote Cohen, is similar to PCP and originates among the Mazatec Indians of Oaxaca, Mexico, who use it to induce dreamlike hallucinations, delirium and out-of-body experiences, so as to seek out the causes of illness.

The effects, or "trip," last up to 10 minutes, tapering off over half an hour, with the nature of the trip dependent on the person's mind-set and surroundings.

"Cliff," a 19-year-old from Ashland who asked not to be identified, called salvia an "anti-drug drug" because his trip was so intense that it turned him off alcohol and drugs.

"In my first trip, my legs turned to a waterfall of tears," said Cliff. "The second time, I thought, seriously, that I had died and that my soul was being sucked out of me. It was the most intense thing I've ever done. Coming off it, I felt needles were coming out of my body. It definitely had teaching value because I was abusing (alcohol and drugs) and it gave me a lot of insight about what I was doing."

Magic Man owner John Hopf said salvia is sold as an incense or meditative aid like sage — and that customers learn about it on the Internet and come in to buy it. Although Hopf said he knows of no psychedelic properties for the plant, his store had a stack of printouts from a government Web site warning that salvia is a powerful hallucinogen.

"Pete," 27, another Medford resident who used salvia and asked not to be identified, said he had bought salvia from Magic Man seven or eight times. He described it as "a meditative thing that helps you feel a reality outside the ordinary reality and become one with yourself, as a unity."

He added, "It's very personal, not smoke-a-bowl-and-relax."

"Max," an 18-year-old senior at North Medford High School who bought salvia last week at Magic Man and declined to be identified, said friends suggested he try it. "I'm curious. I'll probably feel good for a while and hallucinate. They said it was worth the money for the feeling you get."

The federal Drug Enforcement Administration has the plant under review based on its potential abuse, availability and effects on users, said DEA public affairs officer Lauren Alder in Washington, D.C.

"The DEA lists it as 'of concern,' but just because it's not listed as a controlled substance doesn't mean it's healthy or safe," said Alder. "The medical profession stresses the danger of it."

The DEA Web page on salvia — www.usdoj.gov/dea/pubs/states/newsrel/newark_intel_bulletin_salvia.html — classifies it as a psychoactive terpenoid, a family that includes marijuana. It produces "profound hallucinations," with effects similar to mescaline, the DEA bulletin said.

The DEA welcomes comments at its Drug and Chemical Evaluation Section: 202-307-8570 (fax) or 202-307-7183 (phone).

Three years ago, staff Oregonian columnist Margie Boule branded salvia "the most powerful natural hallucinogen known on earth."

"Salvia divinorum is a wild ride," wrote Boule. "This is not a drug that simply makes people play Beatles' records backward. It induces powerful hallucinations that sometimes are terrifying."

Salvia is illegal in Australia, Italy, Denmark, Norway and South Korea. California Rep. Joe Baca in

2002 Introduced a bill to ban it in the U.S., but, says erowid.org, it is chemically different from schedule I and II drugs, so it is not covered by the federal law used to ban drugs.

SALVIA

salvia divinorum

- **Other names:** Diviner's Sage, Sally-D
- **Cost:** Sold in various strengths for from \$11.95 to \$44.95 a bag
- **Use:** Similar to PCP, intense hallucinations lasting for 5-10 minutes when the drug is smoked
- **Legal use:** An incense or meditative aid, akin to sage
- **Federal position:** The U.S. Drug Enforcement Administration has the plant under review. The government classifies it as a psychoactive terpenoid, with effects similar to mescaline
- **Why is it still legal?** Chemically differences from schedule I and II drugs mean it is not covered by the federal law used to ban drug
- **Where is it banned?** Australia, Italy, Denmark, Norway and South Korea
- **Salvia web site:** erowid.org
- **DEA information:** www.usdoj.gov/dea/pubs/states/newsrel/newark_intel_bulletin_salvia.html
- **Comments:** The DEA welcomes comments at its Drug and Chemical Evaluation Section: 202-307-8570 (fax) or 202-307-7183 (phone).

John Darling is a free-lance writer living in Ashland. E-mail him at jdarling@jeffnet.org.

You can find this story online at:

<http://www.mailtribune.com/archive/2005/1113/local/stories/11local.htm>

Copyright © Mail Tribune, Inc. All rights reserved.

Firstcoastnews.com Article

Potentially dangerous drug "salvia" is popular in the party scene

By Jamie Muro
First Coast News

JACKSONVILLE, FL – Teens and college students often make the mistake of "trying anything once." But that policy and a powerful herb for sale on the Internet could prove a deadly combination.

It's called "salvia," an herb from the mint family. University of Florida pharmacy experts say salvia divinorum is gaining popularity with the recreational drug users. One woman, we'll call her "Alexia," used the drug once, and that was enough.

"When it first hits you, it's like euphoric, reality changes, it's a trip, but it's not like acid, it's a lot different."

But neither users nor scientists have a handle on the herb's potential dangers. Salvia is a plant native to Mexico that apparently causes hallucinations similar to those experienced with L-S-D. And although salvia is not classified as a controlled substance, drug experts stress that just because a drug is made available online it's by no means safe.

"I would see it as a roll of the dice. A person who chooses to use salvia is taking a huge risk in my opinion because of what we don't know about the long term effects of this drug," said Dr. Paul Doering who is with the University of Florida.

Finding salvia is easy enough, simply log onto the internet and there are plenty of vendors, promising "high potency." Too "high" for some college students.

"I've talked to some college students who've used this drug and they've flat out told me, "Never again!" said Dr. Doering.

Pharmacists have little information on how many people are using salvia. But they say the numbers are likely on the rise. Research indicates that only one in ten users who bought and used salvia off the internet came back to make a second purchase.

Experts say this shows the drug's unpredictability among individual users.

As far as the party scene, "Alexia" advises salvia is not the path for a good time.

"If you use it as a party drug, they're going to be abusing it, using too much of it, you really shouldn't drive when you're using it, it changes reality."

First Coast News



Salvia Divinorum



Dr. Paul Doering

● Information on Salvia Divinorum



- HOME**
- NEWS**
- WEATHER**
- MORNING**
- INVESTIGATORS**
- COMMUNITY**
- SPORTS**
- ABOUT US**
- TRAFFIC**
- PHOTO TEAM**
- EMPLOYMENT**
- CONTACT US**
- WHAT'S ON**
- SITE INDEX**

FOX 9 INVESTIGATORS

Salvia Divinorum

By Trish VanPilsun of the Fox 9 Investigators:

Think of the world of salvia divinorum as a place where Jimi Hendrix meets Harry Potter. From the movie: "Welcome my children. Soon you shall explore the noble art of divination." Divination. To see beyond the here and now. First you must broaden your minds. You must look beyond.

Is salvia divinorum A, as it's sometimes called, a magic herb? Your mind will put you in very strange places. Actually different worlds. Or is it, as Hermione so aptly puts it: "what a bunch of rubbish." It's more a hyped up thing than anything else."

Don't dismiss the divinorum just because you haven't heard of it." It's a young person's thing. It's being talked about among the 19-year olds. The 20 year olds. Even younger. "I know a lot of people who will be looking for people who are 18 specifically to get it for them." That's because you have to be 18 to buy it.

Before we get to all that legal stuff, let's back up a minute: What exactly is salvia divinorum? It's a hallucinogenic. And can cause psychological effects.

Back it up a bit further: Salvia divinorum is a plant. A member of the mint family. They say you're supposed to smoke it in a water pipe. Salvia is considered sacred medicine by Shaman healers in Oaxaca, Mexico. It is said to produce a "visionary trance" that allows the healer to travel to the supernatural world to discern the true cause of disease.

Salvia's use as a legal recreation drug has quietly swelled here in this country in the past four years. Fueled by internet sales. "This pipe you can use. Put the tobacco in here. than smoke it like that, you know." This tobacco and paraphenalia shop sells more than 20 packages a week. "Is this safe?" "Yeah. This is safe. Just like smoking. Just like tobacco." It's nothing like tobacco.

"Should parents be concerned?" "Yeah. I mean I certainly would be." Salvia's chemistry is different than other hallucinogens. So it does not fall into an illegal drug classification. Nor does it show up in a drug test. Potency? That depends on the plant. The processing. And the person. "Didn't really feel much of any effect." "what were you expecting?" "Most people said you melt into whatever you're sitting. Then their mind would not be with their body."

The web is full of accounts of more dramatic out of body experiences." You become other things. You can travel places in your mind. And not always pleasant places. It can feel, we're told, as though your trapped in a horror film. Or the worst of nightmares. Unable to wake up. It can be just terribly frightening. So frightening that users are supposed to have someone with them. A kind of babysitter. You're



not in control of yourself. You're not aware of what your body is doing. You could accidentally hurt yourself. So frightening that a couple of people have turned up at the HCMC emergency room. Although by the time they got here, they were fine again.

There's a lot that's not known about this. And these receptors, these brain receptors, all the information's not in. And it's a crapshoot. And do you want your kid out there playing russian roulette? No. I don't think so.

Russian roulette in a small plastic bag. We won't tell you exactly where we found it. But there are several stores that carry it. Packages are printed with what experts call bogus disclaimers: "Sold for incense only." Same kind of language on the printed info sheets some stores hand out. Bogus because the same packages and the same handouts also included phrases such as "this product will not show up in a drug test." Or first time uses "sober sitter recommended."

"We sell it for incense." "I know but that doesn't mean that people don't use it." "I don't know what you're talking about." "you don't?" They're a bit touchy about the whole thing at this store. "But can you explain what this Salvia is for?" "We have no comment. You have to go." "But it's just for incense, why not talk about it." "We have no comment." "Can you leave the store?"

This store doesn't bother with the incense charade. Instead, we get smoking advice: "You're supposed to hold it in as long as you can and blow it out til it's gone." from a guy who warns that the herb's legal for now. Until the DEA finds out about it, he says. "I seen one guy freak out after taking it. i heard like people hallucinate? Oh yeah. It's that strong. It's like an intense acid trip."

The freaking out, as its been described to us, isn't fun. A lot of people stop it cold turkey and never do it again because they have just one bad experience. Between the bad trips and and the disappointing ones sally may do more to regulate herself than the cops ever could.

For the latest news and updates, watch FOX 9 News tonight at 9.

TM & © 2006 Fox/UTV Holdings, Inc.

Many pages in the KMSP FOX 9 Web site feature links to other sites, some of which are operated by companies unrelated to KMSP FOX 9. KMSP FOX 9 has no control over the content or availability of any linked site.

TM and © 2006 KMSP FOX 9., and its related entities. All rights reserved. Any reproduction, duplication, or distribution in any form is expressly prohibited. Legal Notices.

KMSP FOX 9., "KMSP" recognizes the privacy interests of visitors to this site on the Internet. For a full description of KMSP's privacy policy for this site, click here.

Advertisement



PRINT THIS

Powered by Clickability

Teens, and now DEA, are on trail of hallucinogenic herb

By Donna Leinwand, USA TODAY

WASHINGTON — Federal drug agents are so concerned about the growing use of a little-known and accessible herb with hallucinogenic qualities that they are taking steps to treat it like cocaine, heroin and LSD, and make it illegal.

The herb is salvia divinorum, a type of sage native to the Sierra Madre Oriental mountain range in Mexico and used by natural healers there. It can alter perception and induce visions when smoked or chewed.

Salvia emerged in the USA about three years ago. Word spread on the Internet. And now, teenagers and young adults in search of mind-bending experiences are trying it.

Its price ranges from \$8.95 to \$120 an ounce depending on potency. It is sold in "head shops," on the Internet and, in one St. Louis suburb, a record shop at a mall.

In St. Peters, Mo., young teens were smoking salvia that they bought at the mall until January, when the Board of Aldermen banned its sale to those younger than 18.

"It's not like this substance is overtaking the streets of America, but I could see it becoming a problem as it becomes more available," said Sgt. Rick Gerger, a detective in St. Peters.

The Drug Enforcement Administration agrees and is collecting information about the herb's active ingredients as the first step toward seeking to have it declared an illegal controlled substance.

"My main concern is that young people are buying something and taking something that we know almost nothing about," said Frank Sapienza, chief of the DEA's drug evaluation section.

But the herb has its defenders, who say there is little information that points to addiction or side effects with its use.

"I find it really bizarre that you can outlaw a plant," said Kim Upton, who runs the Starlight Goddess metaphysical store in Louisville. The store sells salvia. "Even nutmeg taken in large quantities will give you a bigger buzz than LSD."

Daniel Siebert of Malibu, Calif., sells salvia on the Internet for as much as \$120 an ounce. His buyers are "spiritual seekers," he said. They must acknowledge that they

Advertisement



**High-Speed Wireless
Broadband Access**
Now Built into
Select Notebooks



have read information on salvia and that they are at least 18. He encourages people who take it to have sober "sitters" who watch so users don't hurt themselves while hallucinating.

Even so, he says the DEA is overreacting to salvia.

"It could never become popular like marijuana or Ecstasy," Siebert said. "The effects are not desirable for recreational drug users. It's not something that is fun. It's more of an existential ordeal."

Find this article at:

http://www.usatoday.com/news/nation/2003-06-22-salvia-usat_x.htm

Check the box to include the list of links referenced in the article.



<http://www.delawareonline.com/apps/pbcs.dll/article?AID=/20060226/NEWS/602260356/1006>

Legal high new worry for parents

LSD-like herb blamed in Delaware teen's suicide

BY MIKE CHALMERS
THE NEWS JOURNAL
02/26/2006

In the daily search for reasons behind their 17-year-old son's suicide, Dennis and Kathy Chidester keep coming back to the same answer: salvia divinorum.

The herb, a cousin of the flowering sages enjoyed by backyard gardeners, contains the world's most potent natural hallucinogen, as strong as LSD. The drug is legal in most states, including Delaware, and easily available through hundreds of Internet sites, including eBay.

That aura of legitimacy lulled Brett Chidester, a straight-A senior at Salesianum School, into thinking smoking salvia leaves was safe, even while convincing himself that he had gained incredible insights into the universe, his parents said.

"Salvia allows us to give up our senses and wander in the interdimensional time and space," Brett wrote in an essay his parents found after his death. "Also, and this is probably hard for most to accept, our existence in general is pointless. Final point: Us earthly humans are nothing."

Brett acted on that belief Jan. 23.

Dennis Chidester had been trying to call Brett all day with no luck. He came home at 5 p.m., opened the garage door and saw a tent pitched inside -- an odd sight that he didn't process right away.

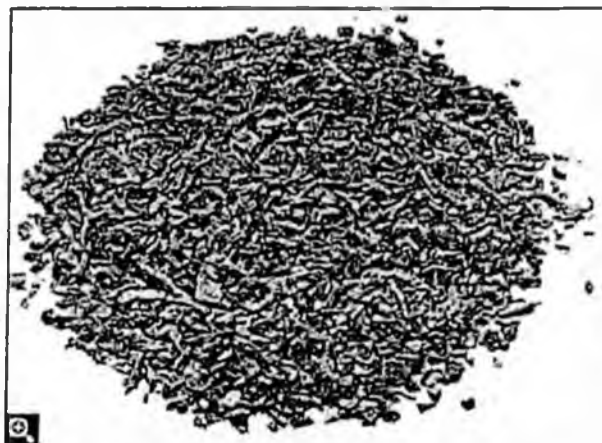
"I just ran upstairs calling his name," Chidester remembered. "Now my heart's pounding. He's not in his room. I go downstairs, I go into the garage and I open up that tent.

"That's the one thing I didn't want to do," he said, his voice cracking. "I found him in there, dead. He had taken a charcoal grill and ... carbon monoxide poisoning."

Brett's essay, suicide note and actions before his death still



COURTESY OF THE CHIDESTER FAMILY
Bret Chidester's parents are certain that smoking salvia divinorum led him to take his own life.



Salvia divinorum is a perennial herb. When chewed or smoked, it produces LSD-type hallucinations.

About the time Brett Chidester started smoking salvia, his parents say, he began falling into moods of anger or melancholy.

leave his parents with more questions than answers.

"We just won't have any answers, and we have to learn to accept that," Kathy Chidester said. "But my gut feeling is it was the salvia. It's the only thing that can explain it."

Abuse concerns DEA

Mazatec Indians have used *salvia divinorum* to divine spiritual truths for hundreds or thousands of years, experts said. Outsiders discovered it in the 1960s, but it remained a relatively obscure drug until popularized on the Internet, beginning in the 1990s. It's now sold as live plants that can be grown indoors, dried leaves or liquid extracts, from tiny bags costing a few dollars to wholesale shipments for hundreds of dollars.

"You type 'salvia divinorum' in a search engine and you get 10,000 hits, most of which are head shops on the Internet," said Thomas E. Priszano, a medical researcher at the University of Iowa. "That's not good. People are going to abuse it."

Experts and users say when the leaves are chewed or smoked, they produce powerful visions that make users believe they're in an alternate place and time. Despite its growing popularity online, law enforcement and health officials, as well as several teenagers and their parents, said salvia is not a common drug in Delaware.

Since 2003, the federal Drug Enforcement Agency has considered *salvia divinorum* a "drug of concern" because of its wide availability, potential for abuse and unknown long-term effects. Louisiana, Missouri and several countries have outlawed it, but congressional attempts to control it in the United States have failed, in part because of a reluctance to infringe on the religious freedoms of American Indians.

"It's dangerous," DEA spokeswoman Rogene Waite said. "Just because it's not a controlled substance, people shouldn't think it's OK to use it."

Dennis and Kathy Chidester, who divorced when Brett was 3, are uncomfortable talking publicly about their son's salvia use and suicide. But, they said, they are more uncomfortable remaining silent and letting other parents learn through tragedy.

"If other states can [regulate] it, why do we have to wait for a nationwide law?" Dennis Chidester said. "States should act on their own."

Delaware should consider outlawing salvia, two state legislators said. Sen. Karen E. Peterson, chairwoman of the Senate Combat Drug Abuse Committee, and Rep. Pamela S. Maier, chairwoman of the House Health and Human Development Committee, had not heard of the herb but said they would look at the laws in Louisiana and Missouri.



COURTESY OF THE CHIDESTER FAMILY

SALVIA Q&A

Is it legal?

It is not a controlled substance, so it is legal to own, use and distribute *salvia divinorum* in Delaware and most states. Louisiana, Missouri and several countries have outlawed salvia.

What are the effects?

The DEA considers *salvia divinorum* a "drug of concern" because its full effects are not known. Researchers said they do not know the long-term effects of using salvia.

Is it addictive?

Researchers and users said salvia is not addictive.

Who uses it?

Mazatec Indians have chewed *salvia divinorum* for ritual divination and healing for hundreds of years. Westerners discovered it in the 1960s, and its popularity has grown among teenagers and young adults since the 1990s because of availability over the Internet.

Does it have other uses?

Medical researchers are interested in the herb's potential to treat pain without addiction and to better understand Alzheimer's, Parkinson's and other diseases that alter a patient's perception of reality.

How is it sold?

Web sites and Internet vendors sell *salvia divinorum* as live plants, dried leaves, crushed leaves and a liquid extract.

Legislators in those states banned salvia last year over concerns about teenagers' abuse of it and other hallucinogenic plants.

"It was being marketed to high school kids," said Scott Lipke, a Missouri state representative. "It's not a widespread problem, but we were trying to be out in front on it."

Delaware police said they know little about salvia. "I don't think we'd even know what it is," said Sgt. William Wells, Wilmington police spokesman.

Health officials said it hasn't hit their radar screen, either.

"If it's not an FDA-regulated drug, we couldn't track it any more than we could track someone using ginkgo biloba," said Heidi Truschel-Light, spokeswoman for the Delaware Division of Public Health.

Local merchants who sell glass pipes and other smoking supplies said they don't sell salvia, even though customers ask for it and wholesalers have urged them carry it.

"Kids come in here all the time and ask for it," said Randy Neil, a cashier at Frolic in Newark. "But we don't mess with it. As far as I know, the only place you can get it is the Internet. Probably the reason it's legal now is most people don't know about it."

'Getting deep'

Dennis and Kathy Chidester had never heard of salvia until Brett's cousin told them last summer that she was worried about his salvia use.

About the same time, a friend showed Kathy Chidester Brett's site on MySpace.com, an Internet service where teenagers can chat and share pictures and music. Brett's site contained a video of him and a friend smoking salvia. She confronted him.

"He kept saying, 'Mom, it's legal. It's just an herb. The Indians used to use it to divine knowledge of the universe,'" she remembered. He told them he stopped using salvia, and they believed him.

Still, when Brett was out with friends, his parents would stay up until he came home.

"I thought, if he's doing this stuff or he's drinking, I'm going to know," Kathy Chidester said. "And when he came home, he would be normal, always normal."

Experts said salvia's effects last from a few minutes to an hour or two, with no hangover or other symptoms. Daniel Siebert, a California botanist who sells the herb online and promotes its "responsible" use, described the experience as similar to a vivid

dream. "It's like your mind is on autopilot," Siebert said. "Your brain is generating images that have some kind of narrative line to them. It puts your mind in a very introspective place. It's a way of getting deep inside yourself."

Siebert said crowds and loud music make a salvia-induced trip unpleasant, so it's unlikely people would use it as a "party drug" more than once or twice. He supports some regulations on salvia, such as age restrictions and penalties for driving under the influence of salvia.

"People take their experiences way too literally and read too many things into it," Siebert said. "If you take it literally, you really believe you've traveled to other dimensions and met other beings that told you things. Minors are particularly prone to not understanding that."

That doesn't stop some Internet merchants from billing salvia as a legal, albeit more expensive, alternative to illicit recreational drugs.

The site where Brett Chidester got at least one batch sells it in packages dubbed "mind bender," "mood mix" and "freshman selection." It sells a "party pack" of three different strengths of extract, plus four ounces of leaves, for \$207.90.

Promising medical use

Salvia does have legitimate research value.

Prisinzano, who earned a bachelor's degree in chemistry from the University of Delaware in 1995, is studying whether salvia's main ingredient, salvinorin A, could be used to create a nonaddictive painkiller. Also, he said, understanding the way salvia creates hallucinations could help scientists better understand Alzheimer's disease and mental illnesses that alter patients' perceptions of reality.

"It's actually become a hot area of research," said Bryan Roth, a leading salvia researcher at Case Western Reserve University in Cleveland. In 2002, he discovered how salvinorin A travels through the brain.

One salvia user described watching a mountain lake turn into a desert, Roth said. Another said she found herself in a room with an alternate future behind each door. She picked one door and saw the death of her child, he said.

"Depending on the dose, it can cause a mild sense of distortion," Roth said. "In the extreme, people are basically shot out into another reality, another place and time."

A changed son

Dennis and Kathy Chidester think that's what happened to Brett.

About the time Brett began using salvia, he became more melancholy and had trouble sleeping, his parents said. He was sometimes angry for no reason. Because Brett had never displayed typical teenager moodiness, they thought he was just catching up to his peers.

"He definitely changed," Kathy Chidester said. "It wasn't a drastic change. I just figured well, this is the other shoe dropping. This is what teenagers are like and we haven't experienced it."

The week before Brett's suicide, Kathy Chidester called him from Austria, where she was leading an annual ski trip for the Wilmington Ski Club. Brett said he was fine and probably was going to make the Salesianum honor roll again.

The next Saturday night, Jan. 21, Brett went to his girlfriend's homecoming dance. In the few months they had been dating, the relationship had become serious, his parents said. Brett noted in his daily planner that he was going to buy her flowers and take her to dinner for Valentine's Day.

Brett spent much of the weekend writing college application essays, hoping to become an architect. Brett was off work Monday, Jan. 23, from his job in the dining room of Cokesbury Village, an assisted living facility.

He was still sleeping when his father left the house that morning.

"Mom and Dad, don't worry about me," Brett wrote in his suicide note. "Please don't cry. I love you guys so much. I always have. Take a vacation. You deserve it. Please do not be sad. I want you to carry on your lives. Remember me and be happy when you think of me, not sad. Tell yourselves I'm in a better place, because I am. I'm sorry I didn't get to say goodbye before this, but I love you."

Contact Mike Chalmers at 324-2790 or mchalmers@delawareonline.com.

Jack Degenstein

SB 313

Why the Law Won't Work

My name is Jack Degenstein and I am representing an ever growing group of Alaskan residents who believe that the proposed bill SB313 is unwarranted and would take away freedoms from many responsible Alaskan citizens in order to prevent a non-existent problem.

This bill, if passed into law, would be impossible to enforce to the full extent. *S. divinorum* is not a unique looking plant, and when dried, the leaves resemble the leaves from many other plants. If the plant looks, smells, and tastes like another plant how would a police official have probable cause to allow them to search or confiscate any of this plant. Without first getting a screening to see if the plant is truly *S. divinorum*, the suspect could simply state that it is something else and not consent to a search. Because the effects are short lasting and the active chemical is quickly metabolized by the human body, there would be no way to field test a suspect to discover that they are or were under the influence of *S. divinorum* at a given time.

It seems to be the hip thing thing to go around proclaiming how other countries and states have made *S. divinorum* an illegal plant when in fact it is a fallacy to use this argument as a reason for why it should be made illegal in this state. It is insulting to believe that our senators, without knowledge of the subject they are dealing with, will jump on the bandwagon to insure their own good status throughout the country. *S. divinorum* is not a problem in Alaska. This plant is not dangerous and it is non-toxic. Most people, including drug users, don't even know what the plant is. Surveys have shown that the demographic of users of this plant differ from many other drug cults in both age and purpose.

It was argued that because a search engine brings up 10,000 hits for purchasing *S. divinorum* that it would most likely be abused because of this. Again this is another skewed argument. The internet is so vast that 10,000 hits means nothing. A similar search for porn web sites brings up 47.6 million hits; any of which a child could use their parent's credit card to subscribe to. It is common sense to know that certain drugs become more popular among the youth when it is made illegal. Is it not true that the more responsible of users seek out legal highs? Making this plant illegal may in fact increase its youth attraction.

The only thing that this law would be effective in achieving would be to eliminate the sale of *S. divinorum* legally. As far as enforcing the prohibition of this plant it would be near impossible. So I ask, why does the law need to be so restrictive when it will fail to achieve its goal.

I propose to you alternatives that will achieve the same goal of keeping the youth from purchasing this plant while at the same time preserving the freedoms of Alaskans. A general age restriction and permit system within the state would allow adults to purchase this plant as they wish while at the same time preventing the youth from purchasing.

It may also be possible to restrict internet sales to the state of Alaska. This would allow any local sellers to effectively enforce an age restriction to the public. Growers of this plant would also be free from criminalization.

With so many other options that would achieve the desired control while at the same time preserving the freedoms of many it would be un-ethical for a senate of the people to refuse to consider this.

Brian Hove

From: Sharon Clark
Sent: Saturday, April 22, 2006 9:19 AM
To: Brian Hove
Subject: FW: Salvia divinorum
Attachments: Case Report - Antidepressant.pdf; Clinical Research Potential.pdf; CCLE.pdf; Letter to Congress.pdf

From: Christopher [mailto:chazlitt@mtaonline.net]
Sent: Saturday, April 22, 2006 3:06 AM
To: Sharon Clark
Cc: Sen. Ralph Seekins
Subject: Re: Salvia divinorum

Sharon,

I put together a notebook with some articles in it for Mr. Seekins to see but found out today that the next meeting on SB 313 is tomorrow morning at 9:30 AM. Is it possible you might be able to print the attached documents out for him to see? The documents are each only three to four pages in length.

I also put a letter up with my views at the following web site: <http://www.imageevent.com/salviadivinorum>

Sincerely,

Christopher Hazlitt
Palmer, AK

907 746-4200

4/22/2006

Antidepressant Effects of the Herb *Salvia Divinorum*: A Case Report

Karl R. Hanes, PhD

JOURNAL OF CLINICAL PSYCHOPHARMACOLOGY 2001;21:634-635

Editors:

Case Report

Ms. G is a 26-year-old woman with a history of depression, that has shown no significant periods of remission since adolescence and has been predominated by feelings of worthlessness, lack of interest in social activities, an absence of occupational satisfaction, and inability to find "purpose and meaning" in her life. After first seeking treatment for her depression 5 years ago Ms. G was prescribed sertraline, 50 mg daily, which she self-discontinued after 3 months, reporting no significant benefits. Ms. G then underwent a course of cognitive-behavioural therapy for about 6 months, with some improvement but no definitive resolution of her symptoms. Hamilton Depression Rating Scale (HAM-D¹) scores during the 6-month period of cognitive-behavioural therapy were consistently in the moderately depressed range (i.e. 19-21).

During a review consultation some 7 months after discontinuing cognitive-behavioural therapy Ms. G claimed to have found relief from her symptoms of depression with use of the herb *salvia divinorum* sourced through a mail-order herbal supplier. A HAM-D score of 2 confirmed remission of her symptoms of depression at this time. Ms. G claims that she discovered its antidepressant effects accidentally after smoking the herb and had later developed a method of oral consumption which she claimed maintained its antidepressant effects even after she abstained from using it for up to a week.

Despite being cautioned against use of a herb whose safety profile was unknown, she has continued to use a preparation of *salvia divinorum* leaves taken as an oral dose of 2-3 leaves (1/2 to 3/4 of a gram of leaf material) three times per week (the leaves are chewed and held in the mouth for 15-30 minutes). During this period she has continued to show a total remission of her symptoms of depression according to HAM-D scores in the range of 0-2 and has maintained this improvement for the last 6 months, showing no signs of relapse and reporting only minimal side effects, such as occasional lightheadedness for up to 1 hour after using the herb.

Ms. G volunteered that she has also benefited from occasional intoxicating oral doses of *salvia divinorum*, consisting of from 8-16 leaves of the herb (approximately 2 to 4 grams), claiming that this herb had engendered a kind of "psycho-spiritual" awakening, characterized by the discovery of the depth of her sense of self, greater self-confidence, increased feelings of intuitive wisdom and "connectedness to nature."

Discussion

Salvia divinorum is a perennial herb of the Labiateae (mint) family native to the Sierra Mazateca region of Oaxaca, Mexico.²⁻⁴ Its main constituents have been identified as the neoclerodane diterpenes Salvinorin A and B^{5,6} while trace elements of several other diterpenes have also been detected.⁶ The plant has been used in healing ceremonies by the Mazatec Indians of Oaxaca for centuries and for the

treatment of such conditions as anaemia, headache, and rheumatism.⁷ The psychoactive effects of the main ingredient Salvinorin A in humans were uncovered recently and it has enjoyed some popularity since that time as a legal, short-acting psychedelic, though its psychoactivity varies considerably depending on dosage and method of ingestion.⁸

This unique case may be of interest to the psychiatric and psychopharmacological communities in demonstrating the possible therapeutic effects of the unique active components of *salvia divinorum* in a case of treatment-resistant depression. While the typical dose used by this patient in maintenance management of her depression, consisting of 2-3 leaves, is well below that reported to cause significant intoxication when taken orally,⁸ one cannot discount the possibility that some of the benefits derived from *salvia divinorum* were due to the psychedelic qualities associated with the larger doses of this herb used occasionally by this patient.

While a discussion of these effects is outside the scope of this paper, the value of psychedelic compounds as research tools and their beneficial effects in the amelioration of symptoms of psychiatric conditions is well established.⁹⁻¹¹ Given that the mechanisms of action of the constituents of *salvia divinorum* remain unknown and the spectrum of psychedelic effects of this herb appears to be unique,⁸ it is not inconceivable that research using the active ingredients from this herb may pinpoint a unique mechanism of antidepressant action for these compounds. This, in turn, could lead to methods for the management of depression or of treatment-resistant subtypes of this condition. This possibility is further enhanced by the recent finding using the screening procedure called Novascreen that Salvinorin A did not show significant inhibition of reference target compounds on any of the 42 known bioreceptors tested.⁸ We may be dealing with a highly novel agent that has significant research and therapeutic potential in fields such as psychopharmacology, psychiatry and complementary disciplines such as herbal medicine.

Karl R. Hanes, PhD

Cognitive-Behavioural Treatment Centre, Melbourne, Victoria, Australia

References

1. Hamilton M. A rating scale for depression. *Journal of Neurology, Neurosurgery and Psychiatry*, 1960; 23: 56- 62.
2. Johnson JB. The elements of Mazatec witchcraft. Goteborg Ethnografiska Museum. *Ethnologiska Studier* 1939; 9: 119- 149.
3. Wasson RG. A new Mexican psychotropic drug from the mint family. *Botanical Museum Leaflets*. Cambridge, MA: Harvard University 1962; 20: 77- 84.
4. Epling C, Jativa M. A new species of *salvia* from Mexico. *Botanical Museum Leaflets*. Cambridge, MA: Harvard University 1962; 20: 75- 76.
5. Ortega A, Blount JF, Manchand PS. Salvinorin, a new transneoclerodane diterpene from *salvia divinorum* (Labiatae). *Journal of the Chemical Society, Perkin Transactions 1, Organic and Bio-Organic Chemistry*, 1982; 2505-2508.
6. Valdes III, JL Butler WM, Hatfield GM, Paul AG, Koreeda M. Divinorin A, a psychotropic terpenoid and divinorin B from the hallucinogenic mint *Salvia divinorum*. *Journal of Organic Chemistry*, 1984; 49: 4716- 4720.
7. Valdes III, JL Diaz JL, Paul AG. Ethnopharmacology of Ska Maria Pastora (*Salvia divinorum* Epling and Jativa-M). *Journal of Ethnopharmacology*, 1983; 7: 287- 312.
8. Siebert DJ. *Salvia divinorum* and Salvinorin A: new pharmacologic findings. *Journal of Ethnopharmacology*, 1994; 43: 53- 56.
9. Riedlinger TJ, Riedlinger JE. Psychedelic and entactogenic drugs in the treatment of depression. *Journal of Psychoactive Drugs*, 1994; 26: 41- 55.
10. Henrietta LL, Rapoport JL. Relief of obsessive-compulsive symptoms by LSD and psilocybin. *American Journal of Psychiatry*, 1987; 144: 1239- 1240.
11. Strassman RJ. Hallucinogenic drugs in psychiatric research and treatment: perspective and prospects. *The Journal of*

Nervous and Mental Disease, 1995; 183: 127- 138.

J Clin Psychopharmacol 2001 December;21(6):634-635
Copyright © 2001 Lippincott Williams & Wilkins
All rights reserved

***Salvia divinorum*: Clinical and Research Potential**

Karl R. Hanes, Ph.D. (khanes@rocketmail.com)

[PDF Version of this Document](#) 

Salvia divinorum is a perennial Mexican herb from the labiate (mint) family (Epling & Jativa, 1962) that has a history of use chiefly for the initiation and facilitation of shamanic practice among such peoples as the Mazatec Indians of the Sierra Mazateca region of Oaxaca, Mexico, and possibly by earlier human civilizations (Johnson, 1939; Wasson, 1962; Ott, 1995). In its capacity as a tool of divination, the predominant known use of this plant (aside from general problem solving, such as finding lost objects) occurred in the context of healing ceremonies, for the treatment of disease.

Typically, these healing rituals involved the oral consumption of large doses (50-100 leaves) of the plant in order to induce altered states of consciousness that fostered the detection of specific ailments. Significantly, the means of such identification of a specific condition was often through self-report. The Mazatec Indians, who referred to this herb by a number of names, most commonly 'ska Maria pastora' ('leaves of the Virgin Mary, the Shepherdess'), also employed this plant medicinally for the management of such conditions as headache, diarrhoea, rheumatism and anaemia (Valdez, Diaz & Paul, 1983). Recent investigations have isolated the neoclerodane diterpenes Salvinorin A, B and C as the main constituents (Ortega, Blount & Manchand, 1982; Valdez et al., 2001; Roth et al., 2002), and the psychoactivity of this herb, identified by earlier investigators (Wasson, 1962), has been clearly delineated only recently (Siebert, 1994). Like other plant substances (e.g. nutmeg) and many prescription medications (e.g. belladonna alkaloids), there may be considerable variation in the psychoactivity of *Salvia divinorum* depending on dosage and method of ingestion. Oral consumption of *Salvia divinorum* requires that the herb material be brought into extended contact with the oral mucosa (held in the mouth for 15-30 minutes), producing significant effects lasting up to an hour.

Clinical use

In December, 1997, following discussions some months earlier concerning the possible healing potential of various plant substances in psychiatric conditions, a treatment-resistant depressed patient (Ms. G) under the care of the author reported the serendipitous management of her symptoms of depression with use of *Salvia divinorum* obtained via a mail-order herbal supplier (Hanes, 2001). Despite initial caution, the author has treated several patients with refractory (or treatment-resistant) depression since that time, adapting to varying circumstances and requirements the broad protocol followed by Ms. G in the self-management of her symptoms of depression, namely oral dose of 2-3 *Salvia divinorum* leaves (1/2 to 3/4 of a gram of leaf material) three times per week. Prior to the prohibition of *Salvia divinorum* in Australia in June 2002, I had introduced the herb to six additional patients, five of whom have provided valuable feedback regarding their use. I have also had contact with over 20 individuals

from around the world who report beneficial effects of this herb in their lives, including relief from depressive symptoms.

Although it is too early to draw definitive conclusions regarding the antidepressant potential of *Salvia divinorum*, initial results are promising, with the majority of patients reporting lasting benefits from their use of this herb. In addition to significantly reduced scores on quantitative measures of depression, some of the reported benefits of the herb include mood enhancement and increased feelings of relaxation and self-awareness. In the case of a severely depressed 24-year old patient, who has since discontinued use of the herb, the use of *Salvia divinorum* over several months stimulated an ongoing interest in meditation and hypnogogic/hypnopompic states. The author has received no reports of any deleterious effects arising from the use of this herb. Only occasional feelings of 'lightheadedness' have been reported as a side effect, with some patients also expressing dislike for the bitter flavor of the leaf material.

Among the initial barriers to such work is the lack of availability of *Salvia divinorum* in a standardised form, the relative sparsity of refractory depression cases, the difficulty controlling for the possible benefits of self-administered larger doses of the herb, and the apparent differential sensitivity of patients to the herb's effects. Notably, the emphasis in this work thus far has been largely on patient management, and not on producing results, even if this were possible, commensurate with a clinical trial.

Finally, several patients have reported benefits of a broadly 'psychospiritual' quality from their unsanctioned occasional use of larger doses of this herb, incorporating such experiences as loss of body awareness (e.g. becoming numbers, household objects), being present in an alternate reality, ineffability (difficulty describing the experience with words), nature mysticism, and increased intuitive insight (Hanes, 2001). These experiences certainly fall outside the parameters of mainstream mental health practice. However, the personal growth and healing significance of integrating such experiences into the lives of those bearing such symptoms as hopelessness, worthlessness, loss of interest/pleasure in all activities and difficulty finding 'meaning' in their lives cannot be underestimated.

Discussion

The use of plant substances for the treatment of depression has a long history in herbal medicine, and herbs such as St John's Wort are now well recognised treatments for this condition (Linde et al., 1996). Given also that there is an extensive literature supporting the use of psychedelic agents in psychiatric conditions, including depression (see Riedlinger & Riedlinger, 1994 for a review), it would not be surprising that herbs demonstrating short-acting and unique psychoactivity, such as *Salvia divinorum*, may find some application in this broad interface between such disciplines as psychiatry, psychopharmacology and herbal medicine.

In terms of future directions, exploring the effect of this herb on specific receptor and neurobehavioural systems (eg. Ukai, Suzuki & Mamiya, 2002), and its propensity to uncover underlying emotional or psychic conflicts, consistent with its traditional use to

detect illness, also merits study. Furthermore, this herb demonstrates a very broad and unique spectrum of psychoactivity, ranging from very mild 'mood-altering effects' to purportedly more profound experiences such as 1) 'becoming objects', suggesting possible overlap with such attainments of yoga practice as 'samadhi' or 'enstasy' (see Eliade, 1969); 2) 'psychospiritual experiences' (Hanes, 2001); and 3) out-of-body experiences (Siebert, 1994). Correspondingly, the future prospects for this herb may extend beyond its clinical use for conditions such as refractory depression toward the unfoldment of human potential (Walsh & Vaughan, 1993; Tart, 1997).

References

- Eliade, M. (1969). *Yoga: Immortality and freedom*. Princeton, NJ: Princeton University Press.
- Epling, C, & Jativa-M (1962). A new species of *Salvia* from Mexico. *Botanical Museum Leaflets, Harvard University*, 20: 75-76.
- Hanes, KR. (2001). Antidepressant effects of the herb *Salvia divinorum*. *Journal of Clinical Psychopharmacology*, 21, 634-635.
- Johnson, JB (1939). The elements of Mazatec witchcraft. *Goteborg Ethnografiska Museum Ethnologiska Studier*, 9: 119-149.
- Linde, K, Ramirez, G, Mulrow, CD, Pauls, A, & Weidenhammer, W. (1996). St John's wort for depression - an overview and meta-analysis of randomized clinical trials. *British Medical Journal*, 313: 253-258.
- Ortega A., Blount JF. & Manchand PS (1982). Salvinorin, a new trans-neoclerodane diterpene from *Salvia divinorum* (Labiatae). *Journal of the Chemical Society, Perkin Transactions 1: Organic and Bio-Organic Chemistry*, 2505-2508.
- Ott, J. (1995). Ethnopharmacognosy and human pharmacology of *Salvia divinorum* and salvinorin A. *Curare*, 18: 103-129.
- Riedlinger, TJ & Riedlinger, JE. (1994). Psychedelic and entactogenic drugs in the treatment of depression. *Journal of Psychoactive Drugs*, 26:41-55.
- Roth, BL., Baner, K., Westkaemper, R., Siebert, D., Rice, KC., Steinberg, S., Ernsberger, P., & Rothman, RB. (2002). Salvinorin A: a potent naturally occurring nonnitrogenous {kappa} opioid selective agonist. *Proceedings of the National Academy of Sciences, U.S.A.*, Sept. 3; 99: 11934-11939.
- Siebert, DJ. (1994). *Salvia divinorum* and Salvinorin A: new pharmacologic findings. *Journal of Ethnopharmacology*, 43: 53-56.
- Tart, C. (Ed.) (1997). *Body, mind, spirit: Exploring the parapsychology of spirituality*. Charlottesville, VA: Hampton Roads.
- Ukai, M., Suzuki, M. & Mamiya, T. (2002). Effects of U-50, 488H, a kappa opioid receptor agonist, on the learned helplessness model of depression in mice. *Journal of Neural Transmission*, 109: 1221-1225.
- Valdes, JL III, Diaz JL, Paul AG. (1983). Ethnopharmacology of Ska Maria Pastora (*Salvia divinorum* Epling and Jativa-M). *Journal of Ethnopharmacology*, 7: 287-312.
- Valdes, LJ III, Chang, H-M, Visger, DC, & Koreeda, M (2001). Salvinorin C, a new neoclerodane diterpene from a bioactive fraction of the hallucinogenic mexican mint *Salvia divinorum*. *Organic Letters*, 3: 3935-

3937.

Walsh, R. & Vaughan, F. (Eds.) (1993). Paths beyond ego: The transpersonal vision. Los Angeles: J.P. Tarcher.

Wasson, RG (1962). A new Mexican psychotropic drug from the mint family. Botanical Museum Leaflets, Harvard University, 20: 77-84.

← previous article

table of contents

next article →


CENTER FOR COGNITIVE LIBERTY & ETHICS

Home

Top News

About

Contact

Publications

Navigate

Issues

The ENTHEOGENS
& DRUG POLICY
PROJECT

Salvia Divinorum & Cognitive Liberty Frequently Asked Questions

(last updated 20 February 2003)

BACKGROUND

1. What is *Salvia divinorum*?

Salvia divinorum (a.k.a. Diviner's Sage, Seer's Sage, Hojas de la Pastora, or Ska Maria Pastora) is a psychoactive plant native to the eastern Sierra Madre in Mexico. A member of the mint family, *Salvia* is used by the Mazatec Indians of that region for its medicinal and vision-inducing properties. Preliminary scientific investigation of **Salvinorin A**, the plant's active principle, suggests a unique chemical structure and great therapeutic potential. *Salvia* was first introduced to the United States in 1962 and remained virtually unknown until a recent article in the *New York Times* created public interest in the plant as a legal hallucinogen.

2. Why is *Salvia* an Issue for the CCLE?

- The Center for Cognitive Liberty & Ethics believes that people have a **fundamental right** to access the full spectrum of cognition, to engage in multiple modalities of thought, and to occasion alternative states consciousness. Because *Salvia divinorum* is both legal in the US and visionary, some law-abiding people have relied upon it to occasion profound **alternative states of consciousness** without fear of incarceration.
- On October 10, 2002, federal legislation (HR 5607) was introduced to make *Salvia* and its active principle, Salvinorin A, schedule I drugs under the federal Controlled Substances Act. Although HR 5607 died in committee last year (see HR 5607 archive), Congressman Joe Baca (D-CA), the bill's sponsor, has vowed to reintroduce it this year. Schedule I is reserved for dangerous drugs that pose great risks to public safety. The CCLE opposes the **inappropriate scheduling** of *Salvia* as an unwarranted extension of the War on Drugs.

3. What is the *Salvia Divinorum* Defense Fund?

The *Salvia Divinorum* Defense Fund was established with **tax-deductible contributions** to help CCLE educate policy makers and the public about *Salvia divinorum* and advocate against its scheduling under the Controlled Substances Act. To date publication of a CCLE informative report on *Salvia*, filling of a

Freedom of Information Act Request seeking DEA information about the plant, coordination of a broad based coalition of organizations, experts, and activists who oppose scheduling, and monitoring and reporting on legislative activity concerning the plant have all been made possible by the fund. You can learn more about CCLE's work on *Salvia* and even make a donation to the Salvia Divinorum Defense Fund by visiting the Salvia Divinorum Action Center on our website.

SCHEDULING

4. Why would inclusion of *Salvia divinorum* and Salvinorin A in Schedule I be inappropriate?

Schedule I is typically reserved for dangerous drugs that have a high potential for abuse and no current medical use. The placement of *Salvia* in schedule I cannot be scientifically justified.

- **Salvia does not have a high potential for abuse.** *Salvia* remains relatively unknown and is not widely used. Reports of *Salvia* experiences tend to emphasize the plant's potentially disturbing psychoactive effects, making it unattractive as a recreational drug. No *Salvia* poisonings or related emergency room visits have been reported. The plant's effects are short acting and lack any known toxicity or health risks.
- **Salvia has tremendous medical potential and can be safely used under medical supervision.** *Salvia* has a long history of medical use in the folk tradition of the Mazatec Indians for relief from anemia, headache, and rheumatism. An article in the *Journal of Clinical Psychopharmacology* reported its recent successful use in treating a patient's chronic depression. Current scientific research, supported by ethno-botanical data, suggests that Salvinorin A holds promising therapeutic potential in the fields of psychopharmacology, psychiatry, and herbal medicine.
- **Schedule I classification would make scientific research on *Salvia* virtually impossible.** Once a plant is placed in Schedule I, scientific research with the plant becomes next to impossible. One need only look at the situation with respect to *Cannabis* and medical marijuana to see how federal "drug war" politics makes even medicinal use of, and research on, a Schedule I plant very difficult. Given that scientists are just beginning to find promising medical uses for *Salvia divinorum*, placement of the plant in Schedule I threatens to forestall the development of new and effective medical treatments.

CURRENT USE PATTERNS

5. How is *Salvia* used?

Salvia is generally acknowledged as a difficult drug to use. The leaves are **either chewed or smoked**. The intense bitterness of the leaves makes oral ingestion unpleasant while smoking them requires the rapid inhalation of large volumes of smoke.

6. What do the effects of *Salvia* feel like?

Salvia's psychoactive effects are **inconsistent and short-lived**. Even the isolated chemical produces brief effects in humans. Few people consider the effects pleasurable, and most people choose not to repeat the experience after one exposure. Many describe the appearance of geometric shapes in their field of vision, while at higher doses, brief "out of body experiences" or visionary states may be produced.

7. Is it true that some people use Salvia spiritually or religiously?

Some drugs and visionary plants can help users attain mystical states of consciousness. Some people take *Salvia* with the intent of having a spiritual or religious experience and claim to be able to achieve one from it. It is used this way, for example, by the Indians of the Sierra Mazatec, in Mexico.

8. Isn't Salvia use prevalent in the youth culture and visible at raves?

Contrary to claims made by parties seeking to schedule *Salvia*, it is **not the "new ecstasy."** Reports of widespread *Salvia* use at raves have yet to be substantiated. The fact that *Salvia* is difficult to use and does not generally produce fun or pleasurable effects makes the popular recreational use of *Salvia* highly unlikely.

PUBLIC SAFETY CONCERNS

9. Aren't hallucinogens inherently dangerous?

Any psychoactive substance can be potentially dangerous if it is used irresponsibly. There are no known medical complications, poisonings, deaths, or cases of dependency associated with *Salvia*. Any danger from the use of *Salvia* would most likely arise from **anxiety reactions** experienced by the user or the possibility of accidents occurring while users try to walk or engage in other activities while visually impaired. Anxiety reactions are generally self-limiting due to the brief duration of the effects and respond to quiet reassurance. Additionally, extraneous noise or even opening the eyes may completely terminate the plant's short-lived effects.

10. Congressman Baca alleges that Salvia caused a teenager to stab someone, is this true?

There is one known case involving a minor who claims to have smoked *Salvia*, become disoriented, and stabbed another person who was selling him marijuana. The stabbing was **not fatal**. Because the case involves a minor, the record including the arrest report is sealed and it is very difficult to clearly determine the exact details of the event and what role *Salvia* may have played in it. We do know that the minor raised *Salvia* intoxication as a defense to the stabbing charges and that the judge reviewing the evidence **rejected that defense**.

REGULATION VERSUS PROHIBITION

11. Won't children have access to Salvia if it is not scheduled the way Congressman Baca proposes?

- Outlawing *Salvia* is not as simple a solution as it may seem. Prohibiting a substance often makes it more attractive (a result known as the **forbidden fruit effect**)

and creates a black market for it, which, ironically, makes it **easier to obtain** for minors. It has been reported for example that minors have easier access to marijuana than beer, because access to alcohol is better controlled.

- **Blanket prohibition** would keep responsible adults who have been using *Salvia* without incident and legitimate scientific researchers from having access to the plant as well.
- There are **less restrictive alternatives** to complete prohibition. The town of St. Peters, Missouri, for example, has passed a local ordinance limiting *Salvia divinorum* sales to adults aged 18 and over.

Salvia Divinorum Action Center

For the latest updates on *Salvia divinorum's* legal status, please visit our [Salvia Divinorum Action Center](#), and subscribe to our top news e-mail service (see above left).

Please donate to the Salvia Divinorum Defense Fund


CENTER FOR COGNITIVE LIBERTY & I
[Home](#)
[Top News](#)
[About](#)
[Contact](#)
[Publications](#)
[Navigate](#)
[Issues](#)

The ENTHEOGENS & DRUG POLICY PROJECT

[CCLE Actions](#) | [Resources](#)

A Prominent *Salvia Divinorum* Researcher Speaks Out: Letter to Congress

RE: Bill H.R. 5607

Dear Honorable Member of Congress:

This letter summarizes the important medicinal properties of *Salvia divinorum* and its primary active constituent salvinorin A. It also puts forth several objections to bill H.R. 5607, which inappropriately seeks to place this medicinal herb in Schedule I of the Controlled Substances Act.

As a pharmacognosist who has devoted the last ten years to the scientific study of this herb, I believe that I am particularly qualified to speak on this issue. I was the first person to investigate the human pharmacology of salvinorin A and to clearly identify this compound as the psychoactive principle of *Salvia divinorum* (Siebert, 1994). Most recently, I coauthored a paper published in *Proceedings of the National Academy of Sciences (PNAS)*, in which my research group reported our findings regarding the neurological mechanism of salvinorin A's action. These findings are of particular significance because they provide solid evidence for the medicinal value of this compound. I am currently working in collaboration with several other scientists on various avenues of scientific investigation into the pharmacology of salvinorin A and closely related compounds. My collaborators include Dr. Bryan Roth (Project Director of the National Institute for Mental Health Psychoactive Drug Screening Program) and Dr. Michael J. Ladarola (Chief of the Neuronal Gene Expression Unit at the Pain and Neurosensory Mechanisms Branch of the National Institute for Health). In addition to my scientific endeavors, I am presently completing work on a comprehensive book about *Salvia divinorum*.

Medical properties

There are approximately one thousand species of *Salvia* worldwide. *Salvia divinorum* is just one of the many species that are recognized for their useful medicinal properties. The common name for all salvias is *sage*. Most people are familiar with the common culinary sage, *Salvia officinalis*, which in addition to its usefulness as a flavoring agent, is also used for its medicinal properties. The genus name *Salvia* is derived from the Latin *salvare*, meaning "to heal" or "to save." The words *salvation* and *savior* also come from this same root.

Salvia divinorum is endemic to the Mazatec Sierra of central Mexico, where it has a long history of medicinal use. It is used both for its psychoactive properties and as an effective treatment for arthritis, headache, and eliminatory complaints. The validity of each of these different applications is well supported by my research group's recent pharmacological findings.

To summarize our recent findings: Salvinorin A is a uniquely potent and highly selective kappa-opioid receptor agonist, and as such, it has tremendous potential for the development of a wide variety of valuable medications. The most promising of these include safe non-addictive analgesics, antidepressants, short-acting anesthetics that do not depress respiration, and drugs to treat disorders characterized by alterations

in perception, including schizophrenia, Alzheimer's disease, and bipolar disorder (Roth *et al.*, 2002).

Kappa-opioid receptor agonists are of particular interest to pharmacologists because they provide effective pain medications that are not habit forming and do not produce dependence. In fact, there is a growing body of evidence that indicates that kappa-opioid receptor agonists are actually "aversive"—the opposite of addictive. This is an important advantage over most powerful analgesics currently prescribed. My colleagues and I will soon be publishing a paper that reports the results of animal studies that demonstrate the effectiveness of salvinin A as an analgesic (Chavkin *et al.*, in press). In my book I describe many case reports in which people testify to the effectiveness of this herb for managing pain. The traditional Mazatec use of *Salvia divinorum* to treat headaches and arthritis also attests to its efficacy as an analgesic.

The ability of salvinin A to block perception of pain also suggests that it may prove quite useful as a short-acting general anesthetic. The fact that it does not depress respiration is particularly interesting, because it indicates that salvinin A could be much safer than most general anesthetics currently in use.

Recently Dr. Karl Hanes published a case report in the *Journal of Clinical Psychopharmacology*, in which he describes a patient that obtained relief from chronic depression by using *Salvia divinorum* (Hanes, 2001). In my book I describe several additional accounts of people who have recovered from serious depression with the help of this herb. It is especially interesting that these people were able to obtain persistent relief from their depression after only a few treatments. Quite unlike the continuous medication regime required with conventional antidepressants such as Prozac—which in most cases only offer symptomatic relief from depression—*Salvia divinorum* often produces long-lasting clinical improvement.

Because salvinin A alters various perceptual modalities by acting on kappa-opioid receptors, it is clear that these receptors play a prominent role in the modulation of human perception. This suggests the possibility that novel psychotherapeutic compounds derived from salvinin A could be useful for treating diseases manifested by perceptual distortions (e.g. schizophrenia, dementia, and bipolar disorders). This is a promising area of research that is important to pursue further.

Salvia divinorum has several properties that make it useful in psychotherapy: it produces a state of profound self-reflection, it improves one's ability to retrieve childhood memories, and it provides access to areas of the psyche that are ordinarily difficult to reach. I have spoken with several psychotherapists who have used this herb in their practice. They are impressed with its effectiveness as a psychotherapeutic tool. This type of application is not new—the Mazatecs have long used *Salvia divinorum* to treat psychological complaints.

Salvinin A is also an important neurochemical probe for studying the dynorphin/kappa-opioid-receptor system. As such, it is useful for research into the neurological mechanisms of perception and awareness. Salvinin A is remarkable in that it belongs to an entirely different chemical class than any previously identified opioid receptor ligand (it is a diterpenoid). This fact is of great interest to pharmacologists because it opens up a vast new area for future drug development.

No significant abuse potential

There are many popular misconceptions about *Salvia divinorum*. Presumably, bill H.R. 5607 is based on some these. Many of these misconceptions have their origin in a few sensationalistic articles that have appeared in the popular press, and others derive from the absurd advertising claims of unethical herb vendors who deliberately exaggerate the effects of *Salvia divinorum* in an effort to increase sales.

The fact is that the effects of *Salvia divinorum* are not appealing to recreational drug users. The majority of people who try it find that they do not enjoy its effects and do not continue using it. People who use it medicinally take it infrequently. It is not euphoric or stimulating. It is not a social drug. Since it increases self-awareness, it is useless as an escapist drug. It is most useful as a medicinal herb.

Salvia divinorum is not addictive or habit forming. Its mechanism of action indicates that it may actually be anti-addictive. Many people have reported that *Salvia divinorum* actually helped them to overcome substance abuse problems.

Safety

Salvia divinorum is non-toxic. Toxicological studies have been performed by Dr. Leander Valdés at the University of Michigan, Jeremy Stewart at the University of Mississippi, Dr. Frank Jaksch of Chromadex Inc., and Wayne Briner of the University of Kansas. Neither *Salvia divinorum* nor salvinorin A showed toxicity in any of these studies. There is a vast body of empirical evidence that indicates *Salvia divinorum* is a remarkably safe herb. Indeed, the Mazatecs, who have probably used *S. divinorum* for hundreds of years, do not attribute any toxic properties to this plant.

Conclusions

Salvia divinorum is a relatively obscure medicinal herb with no significant abuse potential. It does not present a risk to public health or safety. Criminalizing it would only serve to create a problem where one did not previously exist. The regulation of herbal medicines such as this is a matter that should be handled by the FDA, not the Controlled Substances Act.

There is no reasonable justification for making *Salvia divinorum* a controlled substance. Placing it in schedule I would deprive people of a safe and useful medicinal herb, and it would seriously hamper promising medical research. Because of its complex stereochemistry, salvinorin A is virtually impossible to produce synthetically. It is important that its source plant, *Salvia divinorum*, remain available so that researchers can continue to study this important compound.

Evidently, this bill is based on inaccurate information about *Salvia divinorum*. Schedule I is intended for substances that have a high potential for abuse, a lack of accepted safety, and no currently accepted medical use. *Salvia divinorum* does not meet any of these criteria.

Sincerely,

Daniel J. Siebert

References:

Siebert, Daniel J. *Divine Sage*. Work in progress.

Chavkin, Charles, Sumit Sud, Wenzhen Jin, Jeremy Stuart, Daniel J. Siebert, Sean Renock, Karen Baner, Nicole M. White, John Pintar and Bryan L. Roth. Paper in progress.

Roth, Bryan L., Karen Baner, Richard Westkaemper, Daniel Siebert, Kenner C. Rice, SeAnna Steinberg, Paul Ernsberger, and Richard Rothman. 2002. Salvinorin A: A Potent, Naturally Occurring, Non-Nitrogenous κ -Opioid Selective Agonist. *Proceedings of the National Academy of Sciences of the United States of America (PNAS)*. Vol. 99, Issue 18, 11934-11939.

Hanes, K. R. 2001. Antidepressant Effects of the Herb *Salvia divinorum*: A Case Report. *Journal of Clinical Psychopharmacology*. 21(6):634-635.

Gruber, John W., Daniel J. Siebert, Ara H. Der Marderosian, and Rick S. Hock. 1999. High Performance Liquid Chromatographic Quantification of Salvinorin A from Tissues of *Salvia divinorum* Epling & Játiva-M. *Phytochemical Analysis*. 10(1):22-25.

Siebert, Daniel J. 1994. *Salvia divinorum* and salvinorin A: new pharmacologic findings. *Journal of Ethnopharmacology* 43: 53-56.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF BEHAVIORAL HEALTH

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 110620
JUNEAU, ALASKA 99811-0620
PHONE: (907) 465-3370
FAX: (907) 465-2668
TDD: (907) 465-2225
TOLL FREE: 1-800-465-4828

April 19, 2006

Senator Fred Dyson
State Capitol, Room 121
Juneau, Alaska 99811-11182

Dear Senator Dyson,

The Division of Behavioral Health wanted to write a letter expressing our support for SB 313, which classifies *Salvia Divinorum* (or Diviner's Sage) as a controlled substance. In our research of this issue, we have become gravely concerned about this herb for reasons we outline below.

Salvia Divinorum is a plant used for its psychoactive effects. It is very difficult to categorize pharmacologically, and experts report unpredictability among users. The fact that so little is known about the effects of *Salvia Divinorum* could pose a danger to users who run the risk of overdosing if they consume too much or if the potency is too great. Furthermore, the medical community has minimal knowledge about this drug, which could result in a lack of proper treatment for an individual who has overdosed.

Law enforcement officials who have come in contact with the drug reported that *Salvia Divinorum* abuse by young people has been extremely high. States that have passed laws banning its use cite their actions were necessary due to the high rates of abuse by adolescents and concerns that the herb poses a threat to the health, safety, and welfare of its residents.

Salvia Divinorum was outlawed in Missouri in the Fall of 2005. New York is considering a bill that would place heavy civil penalties on sales of the plant, and Illinois is also considering adopting regulations to that affect. The Delaware State Legislature (because of a recent teen suicide related to this drug) is rapidly moving to pass legislation that would make the drug illegal there.

Individuals and especially young people who are influenced by the promotion of the drug on Internet sites are at greatest risk of unintended harm due to experimentation. Based on research and credible reports from legislative bodies and law enforcement, it is obvious that the regulation of *Salvia Divinorum* is a prudent outcome for Alaska.

Please do not hesitate to contact our office, if I or my staff can be of any assistance in this effort.

Sincerely,



Stacy B. Toner
Acting Deputy Director

Jack Degenstein

Salvia Divinorum and SB313

My name is Jack Degenstein and I am representing a community of people in Alaska as well as a larger community throughout the United States who believe that the act of making *S. divinorum* an illegal substance is not warranted. *S. divinorum* is not a threat to Alaskan society, however, this bill, if passed into law, would be a threat to the freedoms of American citizens. In the following I will cover topics concerning misconceptions of *S. divinorum*, who uses *S. divinorum* and why, and problems with the proposed senate bill and what can be done about it.

Many rumors and un-factual media articles have been spreading across the United States in the last few years. These stories lead uninformed people to believe that *S. divinorum* is a dangerous plant. This is reflective of the falsified news articles concerning LSD in the 60's. The fact is that *S. divinorum* is not as dangerous as one might believe. In the last month there has been an explosion of news reports concerning a 17 year old boy who committed suicide. Although it was never determined that Brett Chidester was under the influence of salvinorin A at the time (salvinorin A being the primary active chemical of *S. divinorum*), his mother blamed his death on *S. divinorum*. To consider this correlation as fact is a fallacy. No one has ever been known to kill themselves because of *S. divinorum* and there is insufficient evidence to support this case as an exception.

Some may argue that *S. divinorum* causes depression and that this is what may have caused Brett to take his life. The fact is that it has not been determined if the plant causes depression, however, there is evidence to suggest that it acts as an antidepressant. According to a case report by Hancs, PhD, a 26 year old woman suffering from a severe

case of depression found relief only in a self medicated dose of *S. divinorum*. It was noted that no conventional medicines or therapy were working as her depression level remained constant. When she stumbled upon *S. divinorum* she found that, with a small dosage taken three times a week, it reduced her depression almost completely with a Hamilton Depression Rating score close to zero (Hanes, 2001).

Senator Therriault was quoted in saying that *S. divinorum* is believed to cause schizophrenia. This is absurd. It is not known what causes schizophrenia, although, it is known to be linked to a genetic brain deformity that develops from birth. Symptoms of schizophrenia usually start to emerge toward late adolescence and early adulthood. It is possible that the intensity of the experience of *S. divinorum* could trigger schizophrenia to emerge, however, this is no more likely than any intense emotional or stressful experience. No long term effects are known to be caused by *S. divinorum* and there is no evidence to suggest that it ever would.

The toxicity level of *S. divinorum* is very low or possibly even non-existent. Despite what most people observe from the media, *S. divinorum* should be considered non-toxic. Although the lethal dosage of salvinorin A is not known in humans, it is believed to be extremely high, much higher than any dose that a human would be exposed to normally. With an active dose as low as 200 mcg this allows the body to quickly metabolize the substance.

In a toxicologic experiment mice were chronically exposed to doses of salvinorin A ranging from 400-6400 mcg/kg for two weeks. The results showed that there were no significant histologic changes in the organs of the mice as well as the circulatory mechanisms (Mowry, Mosher, Briner, 2003).

Because of the unique effects that salvinorin A causes the user, it is not common as a party drug. It is not generally sold on the street as most people have either never heard of it or are not interested in the specific effects it gives the user. Some people may be lured into trying it not knowing what it is, but after they have experienced the effects they may never try it again.

When smoked, the primary effects are very short in duration lasting on average from 3-7 minutes. This is followed by the secondary afterglow effects which last from 15-50 minutes after ingestion. At higher doses, the primary effects are intense usually rendering the user incapacitated. The afterglow effects are generally very mild, but the user is very competent at this point and it is obvious to the user that they are in no state to be doing anything that requires physical coordination.

Because of the short duration and the primary effects being, for lack of a better term, strange, most people do not seek out this substance in order to gain a high. People that do, find after their first experience that it isn't what they expected it to be and leave it alone. The people that return to use this substance further do it in a more purposeful manner rather than recreational use.

Along with the atypical effects of *S. divinorum* comes a different demographic of users. In a survey conducted 500 random participants were surveyed about various different topics regarding their personal use of this plant. It was found that the average age of users was 23.4 years old and the average use within a 30 day period was 1.5 times (Baggot, Erowid 2004). This information demonstrates that there is a much wider user base than just youth. With the common usage being about one time a month it shows that this is not a substance that is used over and over for recreation such as other things like

alcohol and marijuana.

Certain difficulties with ingestion of *S. divinorum* also help change the demographic to some degree. Some people find the amount of smoke required and the taste of the smoke to not be to their liking, again reinforcing this as being a non-recreational drug. It is possible to chew leaves of the plant to achieve longer lasting, more mild effects, however, most people consider the leaves to be very bitter and some are even unable to hold them in their mouth. Again, this is more reason for people to consider it not worth the effort save the users who truly respect what the plant has to offer and who approach the use in more of a ritualistic manner.

This bill is a paranoid act that targets something that is not a problem and may never become a problem within Alaska. Passing this bill would incriminate many individuals who are using this plant in a peaceful and responsible manner. This bill suggests more law than what is enforceable and there are alternatives that would accomplish the same goals while preserving the freedoms of the responsible.

The leaves of *S. divinorum* are not unique looking at all and smell similar to tea leaves. The leaves, when dried and in their complete form, look just like any normal household plant. The plant as a whole is also very difficult to distinguish between other household and garden plants. Because this plant, physically, is very normal, it would be difficult to enforce a law that would criminalize a person that has parts of this plant or the plant as a whole. The only thing this bill would be effective in prohibiting is the sale of the plant and its elements whether over the internet or in local shops.

There are a few alternatives that would be just as effective while being much less restrictive. Making illegal the sale of this plant in its various forms to persons under a

certain age certainly would be quite effective. For example, an age restriction of 21 would eliminate the mass market through the internet to the youth while still preserving the right for persons of the age to purchase the plant through other means.

Another alternative would be to make illegal the sale of extracts and other products that enhance the potency of the plant. This would ban youth from purchasing products that would make ingestion less difficult while still allowing salvia enthusiasts to purchase the live plants and plain leaves for their own needs. This would work similar to federal law that outlaws the extractions of many common, legal plants that contain potent illegal substances.

Since last year, New York has been working on a bill that would make only the sale of *S. divinorum* within the state an illegal act. Even this is much less restrictive than what SB313 seeks to accomplish while still eliminating the chance of young people accidentally stumbling across the plant with no knowledge. Because *S. divinorum* is not a threat in Alaska, there should be no need to adopt such a strict law and these alternatives should be considered beforehand.

As you can see, this bill is overkill for what truly is needed to simply protect youth from using this plant. If passed it would affect many responsible adult citizens denying them the freedom to control their own mind. Please make the right decision and put freedom first while keeping restrictions at a minimum.

References:

Daggot, Matthew. Erowid, E & F. "A Survey of Salvia Divinorum Users". 2004, URL:
http://www.erowid.org/plants/salvia/salvia_survey1.shtml

Hanes, Karl R. PhD. "The Antidepressant Effects of the Herb Salvia Divinorum: A Case Report", Journal Of Clinical Psychopharmacology: 2001;21:634-635

Mowry, M.; Mosher, M.; Briner, W. "Acute physiologic and chronic histologic changes in rats and mice exposed to the unique hallucinogen salvinorin A". Journal of Psychoactive Drugs: 2003;35:379-382



Alaska State Legislature

Please enter into the record my testimony to the ALL SENATE CMTE'S
committee name

committee on SB 313, dated 4/22/06
bill/subject

7 pages including
cover page.

- ANC LIO

Signed: _____

Testifier

Representing (Optional)

Address

Phone No.

SB

316

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 4/13/06

FURTHER:

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: _____

Judiciary Committee considered SENATE BILL NO. 316

SB 316 COURT REVIEW OF STRANDED GAS DECISION

"An Act amending the Alaska Stranded Gas Development Act to eliminate the opportunity for judicial review of the findings and determination of the commissioner of revenue on which are based legislative review for a proposed contract for payments in lieu of taxes and for the other purposes described in that Act; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
SCS House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Mitchell</i>			X	
<i>[Signature]</i>			X	
<i>[Signature]</i>	X			
<i>[Signature]</i>			X	
CHAIR: <i>[Signature]</i>	✓			

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 28, 2006

SUBJECT: CSSB 316(Judiciary) (Work Order No. 24-LS1842X)

TO: Senator Ralph Seekins
Chair of the Senate Judiciary Committee

FROM: Jack Chenoweth
Assistant Revisor

Of the committee's two amendments to the earlier draft, I made only the title insertion. The designation of existing AS 43.82.440 (bill section 7) as subsection (a) (because of addition of a new subsection (b) by bill section 8) is handled editorially, as an instruction given by the revisor of statutes to the publisher. In the Legislative Drafting Manual, it is clear that the revisor of statutes, under authority given in AS 01.05.031(b), is to automatically designate the previous language of an existing section as "subsection (a)" when additional material in the form of new subsections is added to that section.

JBC:lmb
06-154.lmb

Enclosure

24-LS1842S
Chenoweth
4/28/06

CS FOR SENATE BILL NO. 316(JUD)

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION**

BY THE SENATE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act amending provisions of the Alaska Stranded Gas Development Act relating to
2 establishing when records and files relevant to development of a contract for payments
3 in lieu of taxes and for the other purposes described in that Act become public records,
4 to the content of the preliminary and final findings and determinations that apply to a
5 proposed contract negotiated under that Act, to legislative review of, and authorization
6 to execute, a proposed contract negotiated under that Act, to vesting of rights under a
7 contract negotiated under that Act, and to judicial review of the final findings and
8 recommendation *#1 at least* that support a proposed contract, of its authorization, and of its
9 enforceability; extending to 60 days the period during which the public and members of
10 the legislature may comment on a proposed contract under that Act; and providing for
11 an effective date."

12 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

1 * **Section 1.** AS 43.82.310(f) is amended to read:

2 (f) If the commissioner of revenue chooses to develop a contract under
3 AS 43.82.020, the portions of the records and files of the Department of Revenue, the
4 Department of Natural Resources, the Department of Law, and a municipal advisory
5 group established under AS 43.82.510 that reflect, incorporate, or analyze information
6 that is relevant to the development of the position or strategy of the commissioner of
7 revenue, the commissioner of natural resources, or the attorney general with respect to
8 a particular provision that may be incorporated into the contract are [NOT] public
9 records after [UNTIL] the commissioner of revenue gives public notice under
10 AS 43.82.410 of the commissioner's preliminary findings and determination under
11 AS 43.82.400. Nothing in this subsection

12 (1) makes a record or file of the Department of Revenue, the
13 Department of Natural Resources, or the Department of Law a public record that
14 otherwise would not be a public record under AS 40.25.100 - 40.25.220;

15 (2) affects the confidentiality provisions of (a) - (e) of this section; or

16 (3) abridges a privilege recognized under the laws of this state,
17 whether at common law or by statute or by court rule.

18 * **Sec. 2.** AS 43.82.400(a) is amended to read:

19 (a) If the commissioner develops a proposed contract under AS 43.82.200 -
20 43.82.270, the commissioner shall

21 (1) make preliminary findings and a determination that the proposed
22 contract terms are in the long-term fiscal interests of the state and whether the
23 contract meets the requirements and [FURTHER THE] purposes of this chapter;
24 and

25 (2) prepare a proposed contract that includes those terms and shall
26 submit the contract to the governor.

27 * **Sec. 3.** AS 43.82.410 is amended to read:

28 **Sec. 43.82.410. Notice and comment regarding the contract.** The
29 commissioner shall

30 (1) give reasonable public notice of the preliminary findings and
31 determination made under AS 43.82.400;

1 (2) make copies of the proposed contract, the commissioner's
2 preliminary findings and determination, and, to the extent the information is not
3 required to be kept confidential under AS 43.82.310, the supporting financial,
4 technical, and market data, including the work papers, analyses, and recommendations
5 of any independent contractors used under AS 43.82.240 available to the public and to

6 (A) the presiding officer of each house of the legislature;

7 (B) the chairs of the finance and resources committees of the
8 legislature; and

9 (C) the chairs of the special committees on oil and gas, if any,
10 of the legislature;

11 (3) offer to appear before the Legislative Budget and Audit Committee
12 to provide the committee a review of the commissioner's preliminary findings and
13 determination, the proposed contract, and the supporting financial, technical, and
14 market data; if the Legislative Budget and Audit Committee accepts the
15 commissioner's offer, the committee shall give notice of the committee's meeting to
16 the public and all members of the legislature; if the financial, technical, and market
17 data that is to be provided must be kept confidential under AS 43.82.310, the
18 commissioner may not release the confidential information during a public portion of
19 a committee meeting; and

20 (4) establish a period of at least 60 [30] days for the public and
21 members of the legislature to comment on the proposed contract and the preliminary
22 findings and determination made under AS 43.82.400.

23 * Sec. 4. AS 43.82.430(a) is amended to read:

24 (a) Within 30 days after the close of the public comment period under
25 AS 43.82.410(4), the commissioner of revenue shall

26 (1) prepare a summary of the public comments received in response to
27 the proposed contract and the preliminary findings and determination;

28 (2) after consultation with the commissioner of natural resources, if
29 appropriate, and with the pertinent municipal advisory group established under
30 AS 43.82.510, prepare a list of proposed amendments, if any, to the proposed contract
31 that the commissioner of revenue determines are necessary to respond to public

1 comments;

2 (3) make final findings and a determination as to whether the proposed
3 contract and any proposed amendments prepared under (2) of this subsection meet the
4 requirements and purposes of this chapter and findings and determination that the
5 proposed contract is in the long-term fiscal interests of the state.

6 * Sec. 5. AS 3.82.430(b) is amended to read:

7 (b) After considering the material described in (a) of this section and securing
8 the agreement of the other parties to the proposed contract regarding any proposed
9 amendments prepared under (a) of this section, and after [IF] the commissioner
10 determines that the contract is in the long-term fiscal interests of the state, the
11 commissioner shall submit the contract to the governor.

12 * Sec. 6. AS 43.82.435 is repealed and reenacted to read:

13 **Sec. 43.82.435. Legislative authorization.** (a) The governor may transmit a
14 contract developed under this chapter to the legislature together with a request for
15 authorization to execute the contract.

16 (b) Concurrent with transmittal of the contract and request for authorization
17 under (a) of this section, the governor shall

18 (1) submit to the legislature the commissioner's final findings and
19 determination and the financial, technical, and market data, including the work papers,
20 analyses, and recommendations of any independent contractors used under
21 AS 43.82.240, that were considered by the commissioner to make the findings and
22 determination; and

23 (2) make available to the public copies of the proposed contract and, to
24 the extent a record or information is not required to be kept confidential under
25 AS 43.82.310, the material described in (1) of this subsection.

26 (c) After considering the material described in (b)(1) of this section and other
27 information that the legislature considers relevant that it has requested from the
28 governor and state agencies and received, the legislature may, by law, authorize the
29 state to execute the contract transmitted by the governor.

30 (d) A contract developed under this chapter is not binding on or enforceable
31 against the state or other parties to the contract unless the governor is authorized to

1 execute the contract by law.

2 (e) The state and the other parties to the contract may execute the contract
3 within 60 days after the effective date of the law authorizing the contract.

4 * Sec. 7. AS 43.82.440 is amended to read:

5 Sec. 43.82.440. Judicial review; delayed vesting of rights in contracts.

6 #2
7 (g)

8 Notwithstanding any other provision of law, a [A] person may not bring an action
9 challenging a final agency decision of the commissioner of revenue made under
10 AS 43.82.430(c), the constitutionality of a law authorizing a contract enacted under
11 AS 43.82.435, or the enforceability of a contract executed under a law authorizing a
12 contract enacted under this chapter until that contract has been executed and
13 [AS 43.82.435] unless the action is commenced within 120 days after the date that the
14 contract was executed by the state and the other parties to the contract.

13 * Sec. 8. AS 43.82.440 is amended by adding a new subsection to read:

14 (b) Rights under a contract entered into under this chapter may not vest until
15 the day after the deadline to bring an action under (a) of this section.

16 * Sec. 9. This Act takes effect immediately under AS 01.10.070(c).

24-LS1842L
Chenoweth
4/27/06

CS FOR SENATE BILL NO. 316()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE JUTICIARY COMMITTEE

A BILL
FOR AN ACT ENTITLED

1 **"An Act amending provisions of the Alaska Stranded Gas Development Act relating to**
2 **establishing when records and files relevant to development of a contract for payments**
3 **in lieu of taxes and for the other purposes described in that Act become public records,**
4 **to the content of the preliminary and final findings and determinations that apply to a**
5 **proposed contract negotiated under that Act, to legislative review of, and authorization**
6 **to execute, a proposed contract negotiated under that Act, and to judicial review of the**
7 **final findings and recommendation that support a proposed contract, its authorization,**
8 **and its enforceability; and providing for an effective date."**

9 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

10 *** Section 1. AS 43.82.310(f) is amended to read:**

11 (f) If the commissioner of revenue chooses to develop a contract under
12 AS 43.82.020, the portions of the records and files of the Department of Revenue, the

1 Department of Natural Resources, the Department of Law, and a municipal advisory
2 group established under AS 43.82.510 that reflect, incorporate, or analyze information
3 that is relevant to the development of the position or strategy of the commissioner of
4 revenue, the commissioner of natural resources, or the attorney general with respect to
5 a particular provision that may be incorporated into the contract are [NOT] public
6 records after [UNTIL] the commissioner of revenue gives public notice under
7 AS 43.82.410 of the commissioner's preliminary findings and determination under
8 AS 43.82.400. Nothing in this subsection

9 (1) makes a record or file of the Department of Revenue, the
10 Department of Natural Resources, or the Department of Law a public record that
11 otherwise would not be a public record under AS 40.25.100 - 40.25.220;

12 (2) affects the confidentiality provisions of (a) - (e) of this section; or

13 (3) abridges a privilege recognized under the laws of this state,
14 whether at common law or by statute or by court rule.

15 * Sec. 2. AS 43.82.400(a) is amended to read:

16 (a) If the commissioner develops a proposed contract under AS 43.82.200 -
17 43.82.270, the commissioner shall

18 (1) make preliminary findings and a determination that the proposed
19 contract terms are in the long-term fiscal interests of the state and whether the
20 contract meets the requirements and [FURTHER THE] purposes of this chapter;
21 and

22 (2) prepare a proposed contract that includes those terms and shall
23 submit the contract to the governor.

24 * Sec. 3. AS 43.82.430(a) is amended to read:

25 (a) Within 30 days after the close of the public comment period under
26 AS 43.82.410(4), the commissioner of revenue shall

27 (1) prepare a summary of the public comments received in response to
28 the proposed contract and the preliminary findings and determination;

29 (2) after consultation with the commissioner of natural resources, if
30 appropriate, and with the pertinent municipal advisory group established under
31 AS 43.82.510, prepare a list of proposed amendments, if any, to the proposed contract

1 that the commissioner of revenue determines are necessary to respond to public
2 comments:

3 (3) make final findings and a determination as to whether the proposed
4 contract and any proposed amendments prepared under (2) of this subsection meet the
5 requirements and purposes of this chapter and findings and determination that the
6 proposed contract is in the long-term fiscal interests of the state.

7 * Sec. 4. AS 43.82.430(b) is amended to read:

8 (b) After considering the material described in (a) of this section and securing
9 the agreement of the other parties to the proposed contract regarding any proposed
10 amendments prepared under (a) of this section, and after [IF] the commissioner
11 determines that the contract is in the long-term fiscal interests of the state, the
12 commissioner shall submit the contract to the governor.

13 * Sec. 5. AS 43.82.435 is repealed and reenacted to read:

14 **Sec. 43.82.435. Legislative authorization.** (a) The governor may transmit a
15 contract developed under this chapter to the legislature together with a request for
16 authorization to execute the contract.

17 (b) Concurrent with transmittal of the contract and request for authorization
18 under (a) of this section, the governor shall

19 (1) submit to the legislature the commissioner's final findings and
20 determination and the financial, technical, and market data, including the work papers,
21 analyses, and recommendations of any independent contractors used under
22 AS 43.82.240, that were considered by the commissioner to make the findings and
23 determination; and

24 (2) make available to the public copies of the proposed contract and
25 the material described in (1) of this subsection.

26 (c) After considering the material described in (b)(1) of this section and other
27 information that the legislature considers relevant that it has requested from the
28 governor and state agencies and received, the legislature may, by law, authorize the
29 state to execute the contract transmitted by the governor.

30 (d) A contract developed under this chapter is not binding on or enforceable
31 against the state or other parties to the contract unless the governor is authorized to

*To the extent the
info is not required
to be kept
under AS 43.82.312*

#3

1 execute the contract by law.

2 (e) The state and the other parties to the contract may execute the contract
3 within 60 days after the effective date of the law authorizing the contract.

4 * Sec. 6. AS 43.82.440 is amended to read:

5 **Sec. 43.82.440. Judicial review. Notwithstanding any other provision of**
6 **law, a [A] person may not bring an action challenging the final findings and**
7 **determinations of the commissioner of revenue made under AS 43.82.430(a), the**
8 **constitutionality of a law authorizing a contract enacted under AS 43.82.435, or the**
9 **enforceability of a contract executed under a law authorizing a contract enacted under**
10 **AS 43.82.440 until that contract has been executed and** unless the action is
11 commenced within 120 days after the date that the contract was executed by the state
12 and the other parties to the contract.

#5

this chapter

13 ~~* Sec. 7. AS 43.82.430(c) is repealed.~~

14 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).

#4

*and no rights shall be vested in any
party to the contract ~~within~~ 120 days following the
until the day after the
deadline to bring action*

AMENDMENT #2

OFFERED IN THE SENATE

BY SENATOR THERRIAULT

TO: CSSB 316(), Draft Version "I"

1 Page 1, line 6, following "enforceability".

2 Insert "extending to 90 days the period during which the public and members of
3 the legislature may comment on a proposed contract under that Act;"

4

5 Page 2, following line 12:

6 Insert a new bill section to read:

7 "* Sec. 2. AS 43.82.410 is amended to read:

8 Sec. 43.82.410. Notice and comment regarding the contract. The
9 commissioner shall

10 (1) give reasonable public notice of the preliminary findings and
11 determination made under AS 43.82.400;

12 (2) make copies of the proposed contract, the commissioner's
13 preliminary findings and determination, and, to the extent the information is not
14 required to be kept confidential under AS 43.82.310, the supporting financial,
15 technical, and market data, including the work papers, analyses, and recommendations
16 of any independent contractors used under AS 43.82.240 available to the public and to

17 (A) the presiding officer of each house of the legislature;

18 (B) the chairs of the finance and resources committees of the
19 legislature; and

20 (C) the chairs of the special committees on oil and gas, if any,
21 of the legislature;

22 (3) offer to appear before the Legislative Budget and Audit Committee
23 to provide the committee a review of the commissioner's preliminary findings and

1 determination, the proposed contract, and the supporting financial, technical, and
2 market data; if the Legislative Budget and Audit Committee accepts the
3 commissioner's offer, the committee shall give notice of the committee's meeting to
4 the public and all members of the legislature; if the financial, technical, and market
5 data that is to be provided must be kept confidential under AS 43.82.310, the
6 commissioner may not release the confidential information during a public portion of
7 a committee meeting; and

8 (4) establish a period of at least 90 [30] days for the public and
9 members of the legislature to comment on the proposed contract and the preliminary
10 findings and determination made under AS 43.82.400."

11

12 Renumber the following bill sections accordingly.

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR THERRIAULT

TO: CSSB 316(), Draft Version "I"

1 Page 1, line 6, following "**enforceability**":

2 Insert "**extending to 90 days the period during which the public and members of**
3 **the legislature may comment on a proposed contract under that Act;**"

4
5 Page 2, following line 12:

6 Insert a new bill section to read:

7 "*** Sec. 2.** AS 43.82.410 is amended to read:

8 **Sec. 43.82.410. Notice and comment regarding the contract.** The
9 commissioner shall

10 (1) give reasonable public notice of the preliminary findings and
11 determination made under AS 43.82.400;

12 (2) make copies of the proposed contract, the commissioner's
13 preliminary findings and determination, and, to the extent the information is not
14 required to be kept confidential under AS 43.82.310, the supporting financial,
15 technical, and market data, including the work papers, analyses, and recommendations
16 of any independent contractors used under AS 43.82.240 available to the public and to

17 (A) the presiding officer of each house of the legislature;

18 (B) the chairs of the finance and resources committees of the
19 legislature; and

20 (C) the chairs of the special committees on oil and gas, if any,
21 of the legislature;

22 (3) offer to appear before the Legislative Budget and Audit Committee
23 to provide the committee a review of the commissioner's preliminary findings and

1 determination, the proposed contract, and the supporting financial, technical, and
2 market data; if the Legislative Budget and Audit Committee accepts the
3 commissioner's offer, the committee shall give notice of the committee's meeting to
4 the public and all members of the legislature; if the financial, technical, and market
5 data that is to be provided must be kept confidential under AS 43.82.510, the
6 commissioner may not release the confidential information during a public portion of
7 a committee meeting; and

8 (4) establish a period of at least 90 [30] days for the public and
9 members of the legislature to comment on the proposed contract and the preliminary
10 findings and determination made under AS 43.82.400."

11
12 Renumber the following bill sections accordingly.

24-LS1842V
Chenoweth
4/27/06

CS FOR SENATE BILL NO. 316()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE JUDICIARY COMMITTEE

A BILL.

FOR AN ACT ENTITLED

1 **"An Act amending provisions of the Alaska Stranded Gas Development Act relating to**
2 **establishing when records and files relevant to development of a contract for payments**
3 **in lieu of taxes and for the other purposes described in that Act become public records,**
4 **to legislative review of, and authorization to execute, a proposed contract negotiated**
5 **under that Act, and to judicial review of the findings and recommendation that support**
6 **a proposed contract, its authorization, and its enforceability, and providing for an**
7 **effective date."**

8 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

9 *** Section 1. AS 43.82.310(f) is amended to read:**

10 **(f) If the commissioner of revenue chooses to develop a contract under**
11 **AS 43.82.020, the portions of the records and files of the Department of Revenue, the**
12 **Department of Natural Resources, the Department of Law, and a municipal advisory**
13 **group established under AS 43.82.510 that reflect, incorporate, or analyze information**

1 that is relevant to the development of the position or strategy of the commissioner of
2 revenue, the commissioner of natural resources, or the attorney general with respect to
3 a particular provision that may be incorporated into the contract are [NOT] public
4 records after [UNTIL] the commissioner of revenue gives public notice under
5 AS 43.82.410 of the commissioner's preliminary findings and determination under
6 AS 43.82.400. Nothing in this subsection

7 (1) makes a record or file of the Department of Revenue, the
8 Department of Natural Resources, or the Department of Law a public record that
9 otherwise would not be a public record under AS 40.25.100 - 40.25.220;

10 (2) affects the confidentiality provisions of (a) - (e) of this section; or

11 (3) abridges a privilege recognized under the laws of this state,
12 whether at common law or by statute or by court rule.

13 * **Sec. 2.** AS 43.82.435 is repealed and reenacted to read:

14 **Sec. 43.82.435. Legislative authorization.** (a) The governor may transmit a
15 contract developed under this chapter to the legislature together with a request for
16 authorization to execute the contract.

17 (b) Concurrent with transmittal of the contract and request for authorization
18 under (a) of this section, the governor shall

19 (1) submit to the legislature the commissioner's final findings and
20 determination and the records and files that are relevant to those findings and that
21 determination, including those that, under AS 43.82.310(a) and (b), were determined
22 to be confidential and that, under AS 43.82.310(f), become public records; and

23 (2) make available to the public copies of the proposed contract and
24 the material described in (1) of this subsection.

25 (c) After considering the material described in (b)(1) of this section and other
26 information that the legislature considers relevant that it has requested from the
27 governor and state agencies and received, the legislature may, by law, authorize the
28 state to execute the contract transmitted by the governor.

29 (d) A contract developed under this chapter is not binding on or enforceable
30 against the state or other parties to the contract unless the governor is authorized to
31 execute the contract by law.

1 (e) The state and the other parties to the contract may execute the contract
2 within 60 days after the effective date of the law authorizing the contract.

3 * Sec. 3. AS 43.82.440 is amended to read:

4 Sec. 43.82.440. Judicial review. Notwithstanding any other provision of
5 law, a [A] person may not bring an action challenging the findings and
6 determinations relied on by the legislature to authorize the execution of a
7 contract developed under this chapter, the constitutionality of a law authorizing a
8 contract enacted under AS 43.82.435, or the enforceability of a contract executed
9 under a law authorizing a contract enacted under AS 43.82.435 until that contract
10 has been executed and unless the action is commenced within 120 days after the date
11 that the contract was executed by the state and the other parties to the contract.

12 * Sec. 4. AS 43.82.430(c) is repealed.

13 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

AMENDMENT

OFFERED IN THE SENATE

TO: CSSB 316(), Draft Version "Y"

1 Page 1, line 3, following "records,":

2 Insert "to the content of the preliminary and final findings and determination that
3 apply to a proposed contract negotiated under that Act,"

4

5 Page 2, following line 12:

6 Insert new bill sections to read:

7 ** Sec. 2. AS 43.82.400(a) is amended to read:

8 (a) If the commissioner develops a proposed contract under AS 43.82.200 -
9 43.82.270, the commissioner shall

10 (1) make preliminary findings and a determination that the proposed
11 contract terms are in the long-term fiscal interests of the state and meet the
12 requirements and [FURTHER THE] purposes of this chapter; and ^{whether the}
_{how the}

13 (2) prepare a proposed contract that includes those terms and shall
14 submit the contract to the governor.

15 * Sec. 3. AS 43.82.430(a) is amended to read:

16 (a) Within 30 days after the close of the public comment period under
17 AS 43.82.410(4), the commissioner of revenue shall

18 (1) prepare a summary of the public comments received in response to
19 the proposed contract and the preliminary findings and determination;

20 (2) after consultation with the commissioner of natural resources, if
21 appropriate, and with the pertinent municipal advisory group established under
22 AS 43.82.510, prepare a list of proposed amendments, if any, to the proposed contract
23 that the commissioner of revenue determines are necessary to respond to public