

MEMORANDUM

Agenda Item No. 11(A)(12)

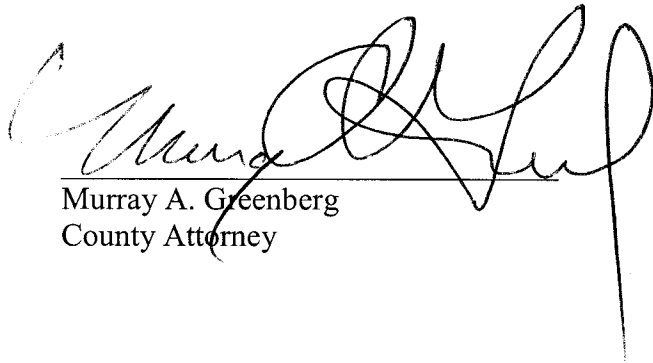
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 20, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution relating to
Salvia divinorum and
salvinorin A

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz.



Murray A. Greenberg
County Attorney

MAG/jls

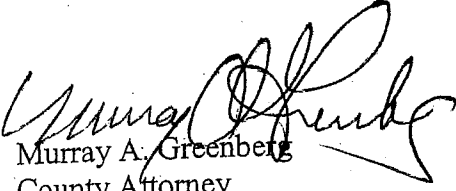


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 20, 2007

FROM: 
Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(12)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(12)
03-20-07

RESOLUTION NO. _____

RESOLUTION REQUESTING THE STATE OF FLORIDA TO
ADD *SALVIA DIVINORUM* AND SALVINORIN A TO
SCHEDULE I OF THE FLORIDA COMPREHENSIVE DRUG
ABUSE PREVENTION AND CONTROL ACT

WHEREAS, *Salvia divinorum* (hereinafter “salvia”) is a perennial herb in the mint family native to certain areas of the Sierra Mazateca region of Oaxaca, Mexico; and

WHEREAS, salvia is one of several plants that have been employed by the Mazatec Indians for ritual divination and healing; and

WHEREAS, in recent years the active ingredient of salvia has been identified as salvinorin A; and

WHEREAS, there has been interest among young adults and adolescents to discover ethnobotanical plants that can induce hallucinations, changes in perception, and other psychological effects; and

WHEREAS, since neither salvia, nor any of its constituents, are listed in the federal Controlled Substances Act (CSA), a variety of Internet sites have appeared advertising salvia as a legal alternative to plant hallucinogens such as mescaline; and seeds, fresh and dried leaves, plant cuttings, whole plants, and various extracts are purported to be sold over the Internet; and

WHEREAS, neither salvia nor its active constituent, salvinorin A, have approved medical uses in the United States; and

WHEREAS, salvia is chewed or smoked to induce illusions and hallucinations, the diversity of which is described by users as similar to those induced by ketamine, mescaline, or psilocybin; and

WHEREAS, although information on the user population is limited, it appears to be mostly younger adults and adolescents influenced by promotions of the drug on Internet sites; and

WHEREAS, psychic effects include perceptions of bright lights, vivid colors and shapes, as well as body movements and body or object distortions; other effects include dysphoria, uncontrolled laughter, a sense of loss of body, overlapping realities and hallucinations (seeing objects that are not present); adverse physical effects may include incoordination, dizziness and slurred speech; and

WHEREAS, salvia is grown domestically and imported from Mexico and Central and South America; the Internet is an important venue for the promotion and distribution of salvia; it is sold as seeds, fresh or dried leaves, plant cuttings, whole plants, and extracts purported to contain salvinorin A; and

WHEREAS, salvia and salvinorin A are not currently controlled under the CSA; and

WHEREAS, a number of states have placed controls on salvia and salvinorin A such as Louisiana, Delaware and Missouri; and

WHEREAS, as of January 2007, legislative bills proposing regulatory controls on salvia or salvinorin A are pending in Alaska, Illinois, Maine, New Jersey, New York, North Dakota and Virginia; and

WHEREAS, salvia and salvinorin A are listed as “Drugs and Chemicals of Concern” by the U.S.D.E.A.; and

WHEREAS, there are regulatory controls on salvia and salvinorin A in Australia, Belgium, Denmark, Estonia, Finland, Italy, Spain and Sweden; and

WHEREAS, Schedule I under Section 893.03, Florida Statutes, is for substances such as salvia and salvinorin A which have a high potential for abuse and have no currently accepted medical use in treatment in the United States and its use under medical supervision does not meet accepted safety standards; and

WHEREAS, the Florida Attorney General, pursuant to Section 893.035, Florida Statutes, has been delegated the authority to add any substance not currently controlled under Section 893.03, Florida Statutes, to a Schedule established by Section 893.03, Florida Statutes; and

WHEREAS, salvia and salvinorin A clearly qualify for addition to Schedule I of Section 893.03, Florida Statutes,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby urgently requests the Attorney General of the State of Florida and the Legislature of the State of Florida to, immediately and without delay, add Salvia divinorum and salvinorin A to Schedule I of Section 893.03, Florida Statutes.

The foregoing resolution was sponsored by Commissioner Jose "Pepe" Diaz and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of March, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

PST

Peter S. Tell