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Submission to Health Canada on “Proposal regarding the addition of *Salvia divinorum* and salvinorin A to Schedule III to the Controlled Drugs and Substances Act”

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Background

Canadian Students for Sensible Drug Policy (CSSDP) formed in 2007 out of the desire of young people to have an impact on substance use policies and practices. CSSDP is a national network of youth and student run chapters working on issues facing their communities. CSSDP does not condemn or condone drug use. We recognize the realities of drug use, young people and drug policies, and strive to find more sensible solutions.

CSSDP respects the risks posed by the use of *salvia divinorum*, even one-time use. However, for the reasons listed below, we feel that Health Canada has approached this issue from the wrong angle. Instead of beginning with the approach of including *salvia divinorum* and salvinorin A under Schedule III of the Controlled Drugs and Substances Act, Health Canada should be asking what effective regulatory methods can be put in place to effectively address the current concerns surrounding this substance. A broader discussion on regulation models will provide a more appropriate and effective response to the issue of *salvia* use, particularly as it regards youth use.

Prohibition removes age barriers

The prohibition of certain substances abandons any ability to create effective age-based barriers to access. Prohibition relinquishes regulatory control to the black market. Drug dealers do not ask for identification from prospective consumers. This is a strong contributor to why Canadian youth reported marijuana was easier to access than tobacco.¹ This is also a strong contributor to why American youth reported that illegal drugs were easier to obtain than alcohol.² Prohibiting *salvia divinorum* and salvinorin A will massively expand the black market for the substance, removing age and other barriers to access for young people.

¹ Aubrey J, “Teens see marijuana as less harmful than cigarettes.” National Post. Jan 10, 2005.

² “National Survey of American Attitudes on Substance Abuse XIV: Teens and Parents.” The National Center on Addiction and Substance Abuse at Columbia University. August 2009. 13-14.



Age barriers play a role in preventing the onset of use until the person is older, or sometimes even altogether. The barrier to access created by age-limits in an effective regulatory system also helps to support cultural barriers to youth access. Delaying substance use until older ages is a key part of successful drug education and prevention strategies. Establishing age-limits for legal access promotes the idea of waiting until you reach a certain age or point of development before consuming a risky substance for the first time. Delaying use is important because substance use often affects developing minds in different ways. Combined with a strong regulatory scheme, establishing an age-limit for legal access will help achieve the stated goal of reducing youth access and use. Including salvia divinorum and salvinorin A under Schedule III of the CDSA will weaken the ability to create regulatory and societal barriers to youth access and use.

Prohibition removes product safety controls

Prohibiting salvia divinorum and salvinorin A will relinquish any ability to regulate the safety of salvia distributed or the claims made by distributors. Leaving the black market to regulate salvia means no such standards will be placed on the final product. As seen with other substances listed under the CDSA, this leaves the possibility that known or unknown contaminants may taint the salvia distributed. Effective regulation would ensure that the final salvia product meets certain health and safety standards. While salvia divinorum is a potent substance, prohibiting the substance under the CDSA has the potential unintended effect of creating an additional public-health problem through the distribution and use of contaminated salvia.

Salvia usage does not indicate high probability of addiction

The existing evidence on the use of salvia does not indicate a strong potential for physical addiction, nor do most users get into a ‘habit’ of using salvia. The popular substance information internet database Erowid gives the following as a general description: “Many people who try *S. divinorum* do not find the effects at all pleasant and choose not to repeat the experience.”³ Experiential reports indicate the potential intensity of the salvia high, but these reports do not indicate a high potential for addiction among users. The absence of any information demonstrating significant risk of physical or mental addiction indicates that prohibiting salvia divinorum and salvinorin A will likely add additional problems.

Prohibition acts as a barrier to medical help

³ “Salvia Divinorum: Basics”, Erowid, Accessed March 16, 2010, at <http://www.erowid.org/plants/salvia/salvia_basics.shtml>



Criminalizing the use and possession of salvia divinorum and salvinorin A will drive use further underground, which creates a barrier between young people and potential support systems offering positive help. The threat of being charged for drug use has prevented young people from calling for help if something goes wrong while using. Also, the threat of punishment or charges may prevent a young person from seeking help from their parents, school, or other figures of authority. As youth and students we have seen that making a substance ‘illegal’ has driven young people who use away from help when they need it most. Even friends who may want to seek health information or help for friends may not do so due to fears of being labeled a ‘user’, ‘junkie’ or ‘criminal’. The stigma created through drug prohibition has been demonstrated as a barrier for people that want help with substance use issues.⁴ Effective regulation encourages access to positive support systems for those who need assistance.

Prohibition favours higher strength extracts

Salvia is currently available in non-concentrated and concentrated forms, with the latter typically ranging in strengths from 5x to 80x. While the substance salvia is very different from cannabis or alcohol, lessons from the prohibition of those substances are useful in illustrating part of the problem with prohibiting salvia. The prohibition of cannabis has led the black market to focus on producing varieties that feature a greater unbalance of the natural cannabinoid compounds. This has led to an additional public health concern, as this unbalance potentially poses a greater risk to people with known or unknown mental health issues. Alcohol prohibition was repealed in part due to the amounts of people becoming sick or dying from unsafe alcoholic beverages, a rare issue today under a regulated system. Again, salvia is a very different substance, but experience shows that if salvia divinorum and salvinorin A were to be prohibited the black market would respond by favouring higher strength extracts of salvia, which could potentially exacerbate public health concerns regarding use of salvia, particularly among young people. Creating regulations based on evidence would be able to prevent the sale of higher strength extracts which may be demonstrated to cause greater health concerns.

Criminalizing salvia criminalizes young people

Criminalizing salvia divinorum and salvinorin A will invariably criminalize young people. Young people are the largest group of people who use salvia. Prohibiting substances such as marijuana, LSD and ecstasy has not resulted in lower rates of youth

⁴ Ahern J, Stuber J, Galea S. “Stigma, discrimination and the health of illicit drug users.” *Drug and Alcohol Dependence*, 2007 (88). 188.



drug use⁵, or youth drug charges⁶, and there is no reason to believe prohibiting salvia under the CDSA will be different. Instead prohibiting salvia divinorum and salvinorin A will likely lead to an increase in young people charged with related offences and the resulting rise in their engagement with the criminal justice system. This does not further the goal of reducing the amount of young people using salvia or providing help for young people using the substance.

Recommendation

For the reasons listed above, it is CSSDP's recommendation that Health Canada abandon the current plan to include salvia divinorum and salvinorin A under Schedule III of the Controlled Drugs and Substances Act. Instead, the focus should be on how effective regulatory measures can contribute to a reduction in use by minors, promote responsible use practices, and a general promotion of public health. A discussion focused on this will lead to a more substantial and effective result in promoting public health.

CSSDP would like to be included in future consultations, and we hope to play a role in Health Canada's efforts to address the problematic use of salvia divinorum and salvinorin A.

About CSSDP

Canadian Students for Sensible Drug Policy (CSSDP) is a grassroots network comprised of youth and students who are concerned about the negative impact our drug policies have on individuals and communities. CSSDP considers problematic drug use in society primarily a health issue rather than a criminal justice issue, and advocates for appropriate responses to reduce and prevent harm from drug use. CSSDP provides education and resources to empower chapters formed by students and youth in their work on substance use issues facing their peer groups and communities. CSSDP mobilizes its members to participate in the political process at all levels, pushing for sensible policies to achieve a safer and more just future, while combating counterproductive drug policies, particularly those that directly harm young people. For more info please see www.cssdp.org

⁵ "Substance Use by Canadian Youth - A National Survey of Canadians' Use of Alcohol and Other Drugs - Canadian Addiction Survey (CAS)". Health Canada. 2007.; Paglia-Boak A, Mann R, Adlaf E, Rehm J, "Drug Use Among Students, 1977 - 2009 OSDUHS Highlights." Ontario Student Drug Use and Health Survey. Centre for Addiction and Mental Health. 2009.

⁶ Trends in Police Reported Drug Offences. Statistics Canada. May 2009.