



Boston City Council

Committee on Government Operations

Maureen Feeney, *Chair*

March 9, 2009

Dear Councillors:

The Committee on Government Operations held a hearing to discuss An ordinance prohibiting Salvia Divinorum in the City of Boston (Docket #0208). This matter was sponsored by Councillor Consalvo, referred to this Committee on Wednesday, January 29, 2009, and heard at a public hearing on Tuesday, February 10, 2009 at which public comment was taken.

The proposed ordinance would prohibit the sale and possession of the hallucinogen salvia divinorum. There is an exception for any products approved by the U.S. Federal Drug Administration. Anyone found in violation would be subject to a \$300 fine. The Boston Police Department would be called on to enforce the ordinance.

At the hearing several individuals testified, including representatives from the Boston Police Department, Boston Public Health Commission and local hospitals effort to address this issue. Three individuals testified in opposition to the ordinance saying that the drug should be banned for only those individuals under eighteen, not adults. Dr. Sharon Levy, Medical Director of the Adolescent Substance Abuse Program at Children's Hospital Boston provided testimony supporting the ordinance. She noted her concern about the impact of this psycho-active substance, particularly on adolescents. She noted the potential for abuse of this substance and although the long-term effects are relatively unknown, she strongly believed that salvia could likely result in permanent psychotic disorders. Doctor Levy also testified that approximately 25% of adolescents coming to her program report that they use Salvia. She also identified a serious concern that some of her patients reported using salvia in order to hide other drug use as Salvia is not detected on routine drug screens. She stated that the increasing use of the unregulated drug warrants preemptive action to protect our community.

By the Chair of the Committee on Government Operations, to which the following was referred:

Docket #0208 An ordinance prohibiting salvia divinorum

based on information presented at the hearing and public comment gathered by the Committee and having considered the same, respectfully recommends that this matter ought to pass.

For the Chair:



Maureen Feeney, *Chair*
Committee on Government Operations

Offered by Councilor **ROB CONSALVO**, Flaherty, LaMattina, Linehan, Murphy, Connolly, Ciommo, Feeney, Turner



CITY OF BOSTON

IN THE YEAR TWO THOUSAND NINE

AN ORDINANCE PROHIBITING SALVIA DIVINORUM

WHEREAS, The Commonwealth's Controlled Substances Act classifies several harmful drugs, such as hallucinogens like LSD, as controlled substances and imposes imprisonment and/or jail time for violating the Act. Unfortunately, these efforts to curb illegal drug use aren't keeping up with the rapid increase of new drugs not previously available to the public; and

WHEREAS, One newly emerging drug in the U.S. named Salvia Divinorum, referred to as Salvia, is increasing in use and remains unregulated by the federal and state government. Salvia is an inexpensive and easy to obtain herb that when smoked or chewed has strong hallucinogenic effects. According to a report by the U.S. Department of Health and Human Services abuse of the herb can result in feelings of detachment, distortions in time and perception, elevated body temperature and blood pressure, mood swings, psychotic-like effects, and seizures; and

WHEREAS, Youths learn of the hallucinogen via internet promotions and can easily order it online. Adolescents are even posting "how to" videos on websites like "You Tube" that teach others where to buy Salvia and how to abuse it; and

WHEREAS, The drug continues to gain popularity and is becoming an increasing threat to our communities, especially our youth that are often tempted by this legal, yet dangerous substance; and

WHEREAS, Representative Viriato Manuel deMacedo filed a bill in the last state legislative session that would have regulated Salvia. In 2008 the Boston City Council's Committee on Environment & Health held a hearing to discuss a Resolution urging the General Court to pass the bill. The Council passed the resolution, but unfortunately the state bill didn't pass. Representative deMacedo is filing the bill again in the new state session, but Boston needs to take action now; and

WHEREAS, Several states, including Louisiana, Delaware, Missouri, Tennessee, Oklahoma, Maine, North Dakota, and Illinois have laws regulating Salvia. Since the original

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filing of the resolution in 2008, Mississippi, Suffolk County New York, Virginia, California, Kansas and Florida have all regulated Salvia Divinorum. Boston has a duty to ensure the general health and protection of our citizenry by regulating this dangerous substance; *NOW, THEREFORE*

Be it ordained by the City Council of Boston, as follows:

CBC Chapter XVI is hereby amended by appending the following:

16-52 Prohibition Against Salvia Divinorum

- a. *Sale Prohibited.* No person shall sell, offer for sale or possess Salvia Divinorum or Salvinorin A within the City of Boston.
- b. *Exception.* The provisions of this section shall not apply to any drug product approved by the United States Food and Drug Administration that contains Salvia Divinorum or Salvinorin A.
- c. *Fines.* A violation of these sections shall be punished by a fine in the amount of three hundred dollars and no cents (\$300.00).
- d. *Enforcement.* The Boston Police Department shall have the authority to enforce these provisions and shall have the authority to promulgate rules and regulations necessary to implement and enforce these sections.
- e. *Effective Date.* The provisions of these sections shall be effective immediately upon passage.
- f. *Severability.* The provisions of this section shall be severable and if any section, part, or portion hereof shall be held invalid for any purpose by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining section, part or portion thereof.

100208

In City Council REFERRED TO
COMMITTEE ON

JAN 28 2009

Government Operations

CITY OF BOSTON

BY CITY COUNCIL

March 9 2009
THE COMMITTEE ON GOVERNMENT OPERATIONS

RESPECTFULLY REPORTS THAT THE
MATTER WITHIN OUGHT TO PASS

FOR THE COMMITTEE


CHAIRMAN

CITY CLERK

ACCEPTED.