

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 66

H.P. 64

House of Representatives, January 9, 2007

An Act To Ban Salvia Divinorum

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BARSTOW of Gorham.
Cosponsored by Senators: BARTLETT of Cumberland, NUTTING of Androscoggin, Senator COURTNEY of York and Representatives: FARRINGTON of Gorham, PLUMMER of Windham, SCHATZ of Blue Hill, SMITH of Monmouth, Senator: SCHNEIDER of Penobscot.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §1101, sub-§10-A** is enacted to read:

3 **10-A.** “Salvia divinorum” means the herb frequently referred to as “Ska Maria
4 Pastora” and “Diviner’s Sage,” which is a perennial herb in the mint family that
5 resembles sage.

6 **Sec. 2. 17-A MRSA §1102, sub-§4, ¶D,** as amended by PL 2005, c. 430, §2 and
7 affected by §10, is further amended to read:

8 D. Butyl nitrite or isobutyl nitrite; ~~and~~

9 **Sec. 3. 17-A MRSA §1102, sub-§4, ¶E,** as enacted by PL 2005, c. 430, §3 and
10 affected by §10, is amended to read:

11 E. A methamphetamine precursor drug; ~~and~~

12 **Sec. 4. 17-A MRSA §1102, sub-§4, ¶F** is enacted to read:

13 F. Salvia divinorum.

14 **Sec. 5. 17-A MRSA §1103, sub-§3, ¶A,** as amended by PL 1997, c. 481, §3, is
15 further amended to read:

16 A. More than one pound of marijuana ~~or salvia divinorum;~~

17 **SUMMARY**

18 This bill adds salvia divinorum to the list of Schedule Z drugs, which currently
19 includes marijuana. Under this bill, possession of salvia divinorum is a Class E crime.
20 Trafficking or furnishing of salvia divinorum is a Class D crime. Trafficking may be
21 proven by possession of more than a pound of salvia divinorum.