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March, 4, 2010

*Subject: Clarification current legal status of plants and preparations containing DMT.*

Dear Mr. Lucas

My name is Ben De Loenen, executive director of the International Center for Ethnobotanical Education, Research and Service. I write you to get a clarification of the current legal status of plants and preparations containing *DMT*, such as *Ayahuasca*, widely used in the Amazonian basin of South America, recognized as religious sacrament or therapeutic tool in some countries, banned in most other countries.

In december of 2009 two people were arrested in Chile and charged with drug trafficking after the police raided their house while they were conducting a traditional Peruvian shamanic *Ayahuasca* ritual.

In a fax sent by Herberto Chaepe of the INCB on the 17th of January 2001 which was addressed to Mr. Lousberg (see attachment) regarding the use of *DMT* containing plants and preparations by religious groups in the Netherlands, Mr. Chaepe states the following:

*“ There are no plants (natural materials) that contain DMT at this point which are controlled under the 1971 convenience of psychotropic substances. Thus, preparations (e.g. decoctions) made with these plants, including Ayahuasca, are not under international control and not conform with the articles of the 1971 convention.”*

While the 1971 convention indicates that no plants or preparations containing *DMT* are controlled, then I would expect that import and export of these materials is not controlled, and, as the pure alkaloid *DMT* is under control of the 1971 convention, giving *Ayahuasca* to another person would be different from giving *DMT* to a person. Is that assumption correct?

I would like to ask you a clarification about the current situation regarding plants and preparations containing *DMT* as of 2009, and the position of Chile regarding the 1971 convention.

I look forward to hearing from you.

Yours Truly,



Ben De Loenen  
Executive Director ICEERS

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1 June 2010

Dear Mr. De Loenen,

I refer to your email message of 18 May and to a previous letter regarding the legal control status of "ayahuasca" or any other plant containing DMT.

I wish to inform you that no plant (natural materials) containing DMT is currently controlled under the 1971 Convention on Psychotropic Substances. Consequently, preparations (e.g. decoctions) made of these plants, including ayahuasca are not under international control and, therefore, not subject to any of the provisions of the 1971 Convention.

Some Governments may have decided, however, to apply control measures to ayahuasca, as the use of this preparation carries serious health risks. For example, some Governments may have chosen to require import and export authorizations for international trade in ayahuasca, or consider its use or trade as a criminal offence.

Concerning national controls applicable to ayahuasca in Chile, we recommend that you direct your queries to the competent authorities at the following address:

Instituto de Salud Pública – ISP  
Maratón No. 1000, Ñuñoa  
Casilla 48, Correo 3  
Santiago  
Chile

Phone: (56) 2-350 7601 or 2-350 7606  
Fax: (56) 2-350 7575 or 2-350 7578

Please accept, Mr. De Loenen, the assurances of my highest consideration.



Jonathan Lucas  
Secretary of the Board

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