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## Legislative Hearings Discuss Attempt to Ban the Use of Ayahuasca in Brazil

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In April 2010, Brazilian Congressman Paes de Lira filed draft legislation to overturn the National Council on Drug Policies' (CONAD) January 2010 Resolution No. 01.<sup>4,5</sup> This resolution is the most important document governing the use of ayahuasca in Brazil. Using military language and an air of moral panic, and citing outdated scientific literature read with a biased interpretation, Congressman de Lira seems to want to go twenty-five years back in time and disregard the debates that have occurred in Brazil and around the world on the topic of regulating ayahuasca.<sup>6</sup>

Paes de Lira is a military police officer, and a São Paulo-based member of the Christian Labor Party (PTC), formerly known as the National Reconstruction Party (PRN) founded by impeached ex-president Fernando Collor de Melo.<sup>7</sup> Congressman de Lira said his initiative was linked to the "Osasco massacre," referring to the case of the March 12, 2010 [murder of famous cartoonist and Santo Daime leader Glauco Villas Boas](#) by a former member of his church.

On the 24th and 27th of May two hearings were held in the House of Deputies (analogous to the House of Representatives in the United States) in Brasília to discuss this project. The critical points raised by Congressman de Lira, by the representative of ANVISA (National Health Monitoring Agency), by specialist researchers in the field, and by the representatives of various

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**Brazilian Congressman Paes de Lira filed draft legislation to overturn Resolution No. 01, the most important document governing the use of ayahuasca in Brazil.**

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ayahuasca religions are the same points that have permeated the public debate on ayahuasca for the last two decades in Brazil: the use of ayahuasca by children and pregnant women; interactions arising from the consumption of ayahuasca with certain antidepressant medications or other psychoactive substances; possible problems for people with certain health conditions (e.g., cardiac patients); lack of scientific evidence for the therapeutic efficacy of ayahuasca use; trade, tourism, and marketing; and finally, the expansion of the

use of ayahuasca beyond the borders of the Amazon.

The highlight of the first hearing was the presentation by Secretary General Uchôa of the Office of National Drug Policy (SENAD), who summarized the process of regulating the use of ayahuasca in Brazil and identified the main actors involved. Also deserving attention was the presentation by Flavio Mesquita, president of the Brazilian ayahuasca religion [União do Vegetal](#) (UDV), who elegantly presented the legacy of the work of Master Gabriel (José Gabriel da Costa, founder of the UDV) and the historical role of the UDV in the process of legitimizing the use of ayahuasca in the country. Reflecting on his more than 30 years as an ayahuasquero he commented, "It is easy to make accusations now, to speak of freedom, to claim debts, when before there was a real danger of being arrested. My son did not take communion with the Vegetal (ayahuasca) for 18 years [due to legal limitations for minors drinking ayahuasca in Brazil]".

At the second hearing, Luis Fernando Tófoli drew attention with his informed and thoughtful talk. Tófoli is a psychiatrist and director of the Mental Health Committee of the UDV. He presented a thorough historical overview of the scientific literature on ayahuasca, which, according to him, indicates that consumption is undertaken "with a good margin of safety". He noted also that this kind of public policy debate cannot be reduced to a biomedical discussion. Rather, he claimed, it should be about human rights and ethics.

Jair Araújo Facundes, a federal judge in Acre and a member of one of the centers of the Alto Santo "line" of the Santo Daime religion (the church's oldest branch, located in the Amazonian state of Acre, in the northwest of Brazil), stole much of the scene, both in terms of time and because of his advanced rhetoric and articulation. Combining theories of law and anthropology, he gave a lecture on the right to freedom of religious worship, the relationship between freedoms and rights, and the importance of providing special rights to certain minorities, "so that the other can be respected and treated equally".

Facundes also ridiculed ANVISA's representative, who questioned the lack of quality control of ayahuasca and its supposed "health hazard": "ANVISA does not control the quality of cachaça [Brazilian sugar cane liquor] of the macumbeiro [the one who performs macumba, an Afro-Brazilian religious practice], and does not monitor whether the person who made the Communion wafer was wearing an adequate hair net. Ayahuasca is a religious thing. It is neither medication nor a legal drug; it is outside this type of control, and must remain so", he declared. It is important to remember that the UDV in the United States succeeded, after a long battle, in winning legal permission to perform its religious activities, but the U.S. government imposed a series of limitations on record-keeping, storage, transport, distribution and preparation of ayahuasca<sup>8</sup> that would be unthinkable in a Brazilian context. The hearing was permeated by accusations between the groups, reflecting the traditional tension that occurs among ayahuasca religions and which sometimes takes the tone of moral judgment and stifles debate.

It is worth noting that the majority of presenters -- including some who did not publically present themselves as such -- drink ayahuasca in various ceremonial settings, which shows another striking feature of this field in Brazil: a strong hybridization between science, religion and activism. Also of interest is the growing association of ayahuasca consumption with the "history of the people of Acre" and the emergence of the public

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representation of Acre as the "cradle of the traditional ayahuasca religions" on the national scene. On the other hand, there is the crystallization of the political power of the Alto Santo branch, which occupied two of the six seats reserved for representatives of all of Brazil's ayahuasquero groups in the CONAD's Multidisciplinary Working Group on Ayahuasca in 2006.<sup>9</sup> Three members of Alto Santo groups (Jair Facundes Neto, Antonio Alves and Cosmo

Lima) participated in the April 2010 hearings in Brasília, which certainly contrasts with the more discreet presence of these groups in national and international debates that took place in the 1980s and 90s. This new configuration is connected to a growing cultural movement now underway in Acre through which some of the main ayahuasca groups, in alliance with local and state governments, are requesting the recognition of the use of ayahuasca as an intangible cultural heritage in Brazil.<sup>10</sup> This process is led by Congresswoman Perpétua Almeida of the Brazilian Communist Party (PCdoB), who, not coincidentally, was also appointed to prepare the report on de Lira's proposed legislation.

A peculiar event marked the two hearings, giving them a slightly provincial twist. Representatives of the Alto Santo lineage and of the UDV stated they did not recognize the representative legitimacy of a hitherto unknown neo-shamanic group from the interior of São Paulo state that had been in existence for six years, and had managed to gain a seat on the hearing committee by claiming to be a representative of a "National Federation of Ayahuasca".

Congresswoman Almeida's report, and the next steps to be followed, are still awaited. Hopefully the members of the Committee for Public Safety and Combating Organized Crime will vote against the bill. Following the two days of discussion, Congressman de Lira stated informally that the project could be abandoned. May this crude attempt to roll back rights historically won by these religious minorities and to leave the country without a specific regulation to deal with the matter be a landmark for a new era of dialogue and rapprochement between Brazil's different ayahuasca groups.

## **Notes #**

1. Originally published as: Labate, Beatriz C. Audiências em Brasília discutem tentativa de proibição do uso da ayahuasca. Página 20 Online, Rio Branco, Jun 10 2010. Available at: [http://pagina20.uol.com.br/index.php?option=com\\_content&task=view&id=14683](http://pagina20.uol.com.br/index.php?option=com_content&task=view&id=14683)
2. Anthropologist (<http://bialabate.net>), Research Associate at the Institute of Medical Psychology at Heidelberg University, and Researcher with the Nucleus for Interdisciplinary Studies of Psychoactives - NEIP ([www.neip.info](http://www.neip.info)).
3. Andreas Hernandez is Assistant Professor at Marymount Manhattan College in New York City; Brian Anderson is an MD Candidate at the Stanford University School of Medicine and Researcher with NEIP; Matthew Meyer is a PhD Candidate in Anthropology at University of Virginia and Researcher with NEIP.
4. de Lira, Paes. Projeto de Decreto Legislativo 2491/2010 [Legislative Decree Bill # 2491/2010]. Congresso Nacional, Câmara dos Deputados [National Congress, House of Representatives]. Brasília, Apr 27, 2010. Available at: <http://www.camara.gov.br/sileg/integras/756337.pdf>
5. Resolução n. 01 [Resolution no. 01]. Conselho Nacional Antidrogas (CONAD). Brasília, Jan 25, 2010. An English translation is available at: [http://www.bialabate.net/wp-content/uploads/2008/08/Resolution\\_1\\_CONAD\\_25\\_Jan\\_2010.pdf](http://www.bialabate.net/wp-content/uploads/2008/08/Resolution_1_CONAD_25_Jan_2010.pdf)
6. For a history see: MacRae, E. (2010). The development of Brazilian public policies on the religious use of ayahuasca. In B. Labate & E. MacRae (Eds.), *Ayahuasca, Ritual and Religion in Brazil*. (pp. 191-204). London, UK: Equinox.
7. de Lira was not reelected in Brazil's October 2010 election.
8. For more on the UDV-DEA agreement, see: Sandlin, S. (2010, Aug. 27). UDV reaches agreement with the U.S. government. *Albuquerque Journal*.
9. The activities of this group generated a singular report, the Relatório Final do Grupo Multidisciplinar de Trabalho - GMT Ayahuasca [Final Report of the Multidisciplinary Working Group on Ayahuasca - GMT Ayahuasca]. Conselho Nacional Antidrogas (CONAD). Brasília. Nov 23, 2006. A translation in English is available at: [http://www.bialabate.net/pdf/texts/gmt\\_conad\\_english.pdf](http://www.bialabate.net/pdf/texts/gmt_conad_english.pdf). This report served as the basis for the 2010 CONAD Resolution No. 01.
10. See Labate, B.C. & Goldstein, I. (2009). Ayahuasca - From Dangerous Drug to National Heritage: An Interview with Antonio A. Arantes. In: *International Journal of Transpersonal Studies*, 28: 53-64. Available at: <http://www.transpersonalstudies.org/ImagesRepository/ijs/Downloads/Labate.pdf> and: Meyer, Matthew (2010). Light from the Forest: Cultural Heritage and Religious Drug Use in Amazonian Brazil. *Núcleo de Estudos Interdisciplinares sobre Psicoativos - NEIP*. Available at: [http://www.neip.info/html/objects/downloadblob.php?cod\\_blob=936](http://www.neip.info/html/objects/downloadblob.php?cod_blob=936)

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