

STATES OF JERSEY

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DRAFT ACT ANNULING THE MEDICINES (KAVA-KAVA) (PROHIBITION) (JERSEY) ORDER 2003

**Lodged au Greffe on 20th May 2003
by Deputy G.W.J. de Faye of St. Helier**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to adopt an Act annulling the Medicines (Kava-kava) (Prohibition) (Jersey) Order 2003.

DEPUTY G.W.J. DE FAYE OF ST. HELIER



Jersey

DRAFT ACT ANNULLING THE MEDICINES (KAVA-KAVA) (PROHIBITION) (JERSEY) ORDER 2003

Report

Kava originates from the South Pacific Islands and has been used by the indigenous people for centuries for both medicinal and ceremonial purposes. Bearing the botanical name of *Piper Methysticum* and deriving from the same family as black pepper, Kava is a large-leaved, swamp-loving plant that grows, on average, to a height of 6 feet. The Polynesian people use all of the plant, but its active constituents— used to treat stress, anxiety and several more specific medical ailments – are most heavily concentrated in the root.

Kava is mildly narcotic and produces mild euphoric changes characterised by an elevated mood, fluent and lively speech and an increased sense of sound. It features as part of everyday life in the South Pacific region, in much the same way as coffee and tea-drinking are a feature of Western society, and is thought to have contributed towards the people of Polynesia being known as the happiest and friendliest people in the world.

The active ingredients in the Kava plant are called kavalactones, which are compounds that are partially soluble in water and easily destroyed by heat. Consequently, the traditional way to prepare Kava is to pound the macerated root in a wooden bowl filled with cold water. The resulting slightly milky liquid, which has a mild peppery taste, is then drunk. However, Polynesians have moved with the times and, thanks to modern technology in the form of the electric blender, Kava is often served now as a flavoured milk shake or fruit juice “smoothie”. Indeed, to underline the all-pervading nature of Kava within Polynesian culture, it is regularly offered to tourists as a gesture of welcome and hospitality. In addition, there are numerous articles relating to Kava on the internet and a number of enterprising South Pacific businesses offer to sell powdered Kava on-line.

The following is an extract from the website of fijkava-kava.com, which works with a dwindling population of some 80 village inhabitants in a remote mountain region of Viti Levu, Fiji –

“We have been working closely with the villagers to cultivate and export quality Kava. We do not use any pesticides or any other chemicals... Our Kava is harvested by hand, sun dried and milled to a fine powder. The fresh ground Kava is shipped the same day by air.”

As may be apparent, Kava is well on the way to establishing itself as a global premium product, with an advantage of featuring a number of well-documented beneficial aspects. When applied externally, it is an effective local anaesthetic and pain reliever. Kava is also a diuretic and an anti-inflammatory and has shown itself to be useful in the treatment of gout, rheumatism, bronchial congestion, cystitis and prostatitis.

So why is the Health and Social Services Committee determined that the people of Jersey be prohibited from using this health-restoring natural product?

The focus of concern may lie with Kava’s perceived similarity to illegal “soft” drugs, drawn from descriptions like “mildly narcotic” and “euphoric”. It also acts as both a stimulant and a sedative, with tests on both animals and humans over the last 100 years producing variable results. However, what do these descriptions really indicate? To place the prohibition of Kava in Jersey in an appropriate context, it is the equivalent of the government of Fiji deciding to outlaw Jersey cider, except that Jersey cider is potentially far more dangerous than Kava.

It is accepted that since 1988 there has been some concern expressed over the potential liver toxicity of herbal Kava extract, after 31 cases of possible liver disease linked to Kava consumption were reported to Germar authorities. An issue that has since been comprehensively assessed by Dr. Joji Malani of the Fiji School of Medicine in a paper published in March 2002. But, Dr. Malani concludes that there is no convincing evidence indicating direct Kava toxicity to the liver, when consumed using traditional methods. There is, however,

circumstantial evidence of health problems associated with very heavy Kava consumption, including poor nutrition and a rise in liver enzymes, although this may be attributed to the high prevalence of hepatitis B in the region.

Once again, Kava is, as previously indicated, less dangerous than Jersey cider, as very heavy consumption of any alcohol is known to cause liver failure. In fact, one Kava supplier claims that a large number of its customers, who had been heavily alcohol-dependant, have changed over to Kava, after finding it more relaxing, non-addictive and generally beneficial to their health. Furthermore, the latest view of German health experts is a positive one. The 1997 Commission E on Phytotherapy and Herbal Substances of the German Federal Institute for Drugs **recommends** Kava-kava rhizome (root) for “Conditions of nervous anxiety, stress and restlessness.” A confirmation of the claims of Kava’s efficacy in relieving premenstrual syndrome, menopausal symptoms, mild depression, insomnia and even fear of flying.

It, therefore, cannot be right to deny the people of the Island the potential medical benefits of this inexpensive natural product, which currently retails at around £12 per pound weight. The fact is that very few people in Jersey have ever heard of it and there is no evidence whatsoever of any problems being associated with the local importation and ingestion of the plant.

To introduce a prohibition is unquestionably an overzealous application of the so-called “precautionary principle”, based on minimal evidence. Given that Jersey does not have a “Kava problem”, the most likely outcome of such a prohibition is a mass arrest of members of a visiting Fijian or Samoan touring rugby team, who would face confiscation and destruction of their hospitality gift packs of native Kava and subsequent prosecution: a potential prospect that rather serves to underline the ethnic and cultural insensitivity of the current prohibitive Order. An Order that will only serve to further muddy the waters for the Island’s youth, as it attempts to come to terms with the existing illegal drug sub-culture. As the authorities try to combat the growing problems associated with heroin abuse and “crack” cocaine, what a disastrous mixed message it is – to ban a substance that, by all accounts, is actually beneficial.

The huge weight of all the current evidence clearly indicates that moderate consumption of Kava is completely harmless, with no known side-effects and a number of medicinally beneficial features. Prohibition simply delivers this excellent product into the hands of criminals, who will exploit it for financial gain, with no controls on quality or advice on consumption. It also places a further burden on the law enforcement services, distracting their effort from the interception of drugs that are dangerous and which pose a serious threat to Islanders.

For all the reasons outlined, the conclusion must be that the recent prohibition of Kava is annulled.

There are no financial or manpower implications for the States arising from this annulment.



Jersey

DRAFT ACT ANNULLING THE MEDICINES (KAVA-KAVA) (PROHIBITION) (JERSEY) ORDER 2003

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of the Subordinate Legislation (Jersey) Law 1960,^[1] as having effect by virtue of Article 111(5) of the Medicines (Jersey) Law 1995,^[2] annulled the Medicines (Kava-kava) (Prohibition) (Jersey) Order 2003.^[3]

[1] *Recueil des Lois, Tome VIII, page 849, Volume 2001, page 3 and Volume 2003, page 159.*

[2] *Recueil des Lois, Volume 1994-1995, page 570.*

[3] *No. 39/2003.*