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Psychedelic Policy: An Overview of Drug Law in China and Japan

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SOURCES



01. Introduction

Psychedelic drugs have been found in the US to be both spiritually and therapeutically significant, but there is little to no formal research about what kinds of regulations there are for these drugs in non-Western countries. The research aimed to discover more about the historical record of psychedelic drug law in the countries of China and Japan. To this end, it examined when China and Japan prohibited psychedelics, how they were regulating them, and whether there had been any changes in recent years. It also looked into whether there was any currently occurring research into finding potential therapeutic or medicinal uses for psychedelic drugs in either country. The scope was limited to psilocybin, LSD, ayahuasca, and ketamine, as well as any native herbal plants that might be specially regulated. Ultimately, the research aimed to uncover the legal barriers to integrating Chinese and Japanese researchers into the wider body of psychedelic researchers globally.

02. Methodology

Accessed laws and regulations in their original language via the appropriate government website & applied Google Translate to them, then found one or more hand-translated versions from a trusted database or government-run website to compare verbiage for discrepancies.

Resources

- Translation Databases
 - Japanese Law Translation
 - Asian Legal Institute English
 - Google Translate
- FSU Libraries interlibrary loan
- Laptop computer

03. Therapeutic Research

JAPAN

- No recorded history of hallucinogenic use in traditional medicine
- Research on psilocybin mushrooms is allowed via materials obtained from the Ministry of Health, Labor, and Welfare. Few researchers in Japan appear to be able to obtain these materials, given the small, circulating number of researchers who conduct relevant studies.
- Research on psilocybin therapy is limited to literature review.
- There are no academic calls for laws to be regulated in the name of research, nor has the *Asahi Shinbun* published about regulatory reform in this area

CHINA

- Established history of hallucinogenic use in traditional medicine
- Research into traditional medicine as a historical exercise is permitted, but scientific testing on the properties of these drugs is not
- The exception is ketamine: while not a true psychedelic drug, it is being studied in China in treating post-partum depression (PPD)
- Government highly concerned with drug addiction; psychedelics are not seen as separate, less addictive drugs

HAN DYNASTY (206 B.C.-220 A.D.)

1. Anonymous *Shen-nung p'en-t's'ao ching* (Classical P'en-t's'ao of the Heavenly Husbandman). (Based on Chou and Ch'in, 1122-206 B.C., material reaching final form ca. 2nd cent. A.D.)
2. Chang Chung-ching *Chin-k'uei yao-lieh* (Essentials of the Golden Cabinet). ca. 150-219 A.D.

CHIN DYNASTY (265-420 A.D.)

3. Chang Hua *Po-wu chih* (Record of the Investigation of Things). 290 A.D.
4. Ko Hung *Pao-p'u tzu* (Book of the Preservation-of-Solidarity Masters). ca. 320 A.D.
5. Ko Hung *Chou-hou pai-i fang* (Remedies for Emergencies). 340 A.D.

NORTHERN AND SOUTHERN DYNASTIES (386-589 A.D.)

6. Lei Hsiao *Lei-kung p'ao-chih lun* (Master Lei's Treatise on the Decoction and Preparation of Drugs). 470 A.D.
7. T'ao Hung-ching *Ming-i pieh-lu* (Records of Famous Physicians). ca. 510 A.D.
8. Ch'ên Yên-chih *Hsiao-p'ing fang* (Minor Prescriptions).

T'ANG DYNASTY (618-906 A.D.)

9. Chen Ch'üan *P'en-t's'ao yao-hsing* (Nature of Drugs in P'en-t's'ao). ca. 620 A.D.
10. Su Ching (=Su Kung) *T'ang p'en-t's'ao* (P'en-t's'ao of the T'ang Dynasty). 659 A.D.
11. Meng Shen *Shih-liao p'en-t's'ao* (Nutritional Therapy P'en-t's'ao). ca. 670 A.D.
12. Ch'ên Ts'ang-ch'i *P'en-t's'ao shih-i* (A Supplement for the P'en-t's'ao). ca. 725 A.D.

FIVE DYNASTIES (907-960 A.D.)

13. Han Pao-shun *Shu p'en-t's'ao* (P'en-t's'ao of Szechuan). ca. 934-965 A.D.
14. T'ao Ku *Ch'ing-i lu* (Records of Unworldly and Strange Things). 950 A.D.
15. Ta Ming (Jih Hua Tzu) *Jih-hua chu-chia p'en-t's'ao* (The Sun-rays Master's P'en-t's'ao, Collected from Many Authors). ca. 972 A.D.

SUNG DYNASTY (960-1279 A.D.)

16. T'ang Shên-wei *Chêng-lei p'en-t's'ao* (Reorganized P'en-t's'ao). 1108 A.D.
17. Su Sung *et al.* *P'en-t's'ao t'u-ching* (Illustrated P'en-t's'ao). 1061 A.D.
18. Fan Ch'êng-ta *K'uei-hai yü-hêng chih* (Guide to the Southernmost Region [of China]). 1175 A.D.
19. Ch'ên Jen-yü *Chün p'u* (A Treatise on Fungi). 1245 A.D.

YUAN DYNASTY (1206-1367 A.D.)

20. Chang Ts'un-hui *Ch'ang-hsiu Chêng-ho ching-shih chêng-lei pei-yung p'en-t's'ao* (Revision of the P'en-t's'ao of the Chêng-ho reign-period). 1249 A.D.

MING DYNASTY (1368-1644 A.D.)

21. Liu Wên-tai *et al.* *P'en-t's'ao p'in-hui ching-yao* (Essentials of the P'en-t's'ao Ranked According to Nature and Efficacy) 1505 A.D.
22. Li Shih-chên *P'en-t's'ao kang-mu* (The Great P'en-t's'ao). 1596 A.D.

04. Legal Timeline

Only China has a history of using native hallucinogens for traditional medicine. Japan has no native historically significant psychedelics. Recently, native psilocybin-containing mushrooms have been discovered (see below)

- In Japan, penalties for import & sale are strict and must exceed a one-year sentence.
- In China, penalties for import & sale vary by judge, but policy is more health-oriented than Japan

Japan first regulates psychedelic drugs (under MacArthur during the US occupation)

1948

Japan's current legislation, the Narcotics and Psychotropics Control Act, is passed.

1953

China first regulates psychedelic drugs (Measures for the Control of Psychotropic Drugs)

1988

Japan closes loophole allowing import and sale of magic mushrooms, changing the illicit market (see image below)

2002

China passes their current legislation, including much lesser penalties for users as part of new focus on rehabilitation

2007

Both countries pass the latest revisions to their statutes, which are still active today

2015

NATIVE JAPANESE MUSHROOMS

Although Japan has little documented history of hallucinogen use, there are some psilocybin-containing native mushrooms such as the numbing mushrooms below. After 2002, the legal loophole that allowed sale of these native plants was closed.



When did it occur?	Summer to Autumn
Size	Small: 1-5cm diameter
Nutrition	Saprophytic fungi
Location of occurrence	On the ground in parks, gardens, roadsides and woodlands
Distribution	Japan
Food poisoning	Toxic (hallucinogenic) Contains psilocybin
Photograph	Koda Town 15.7.2

05. Discussion

Japan's legal system created a unique loophole for psilocybin mushrooms: until 2002, only the compounds contained *within* the mushrooms were illegal, rather than the mushrooms *themselves*. This created a thriving market, which the 2002 revision of the Narcotics and Psychotropics Control Act (1953) closed (see left). Limited, government-sanctioned research has continued, but there is little discussion about the potentiality of psychedelic therapy.

Although its legislation was written more than thirty years later, the Chinese legal system is even stricter, and has scheduled psychedelic drugs into the same category as narcotics such as opioids. Ketamine, while not technically a psychedelic, is permitted for limited research purposes only, where Chinese researchers have made great breakthroughs (see right). Ultimately, Japan and China's strict drug laws prevent western-typical research into the potential applications of psychedelic drug therapy.



Ketamine is the only exception to strict Chinese anti-drug law preventing most research on psychedelic therapy.

Further Research Questions

- How would a researcher in Japan initiate and complete the process of receiving a permit for psychedelic research?
- What are the criminal penalties in China for psychedelic trafficking, and how frequently are they applied?
- What traditional Chinese hallucinogenic herbals are considered illegal today? Of those that are not, are they in use by any cultural groups?

TIMELINE OF HALLUCINOGENIC PLANTS MENTIONED IN CHINESE MEDICAL TEXTS

Native hallucinogens have been used in traditional Chinese medicine for dynasties (see Fa Pen Li's 1978 timeline above). Under Mao Zhedong, China encouraged traditional medicine, creating a potential legal loophole for the use of native, traditional hallucinogens.