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# Wisconsin Legislative Council

## ACT MEMO

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**2023 Wisconsin Act 217**  
[2023 Senate Bill 875]

**Xylazine Testing Product**

### BACKGROUND

Wisconsin’s controlled substances laws prohibit certain acts involving drug paraphernalia. For example, no person may use, or possess with the primary intent to use, drug paraphernalia to test or analyze a controlled substance or controlled substance analog.

The term “drug paraphernalia” under state law includes testing equipment used, designed for use or primarily intended for use in identifying, or in analyzing the strength, effectiveness or purity of, controlled substances or controlled substance analogs. The definition of drug paraphernalia specifically excludes various items, including hypodermic syringes, needles, any items that are designed for or primarily intended for use with tobacco products, and fentanyl testing materials.

### 2023 WISCONSIN ACT 217

2023 Wisconsin Act 217 excludes from the definition of drug paraphernalia any materials used or intended for use in testing for the presence of xylazine or a xylazine analog in a substance.

The act specifies that any person who distributes a xylazine testing product is immune from civil or criminal liability for the death of or injury to an individual caused by the administration of the xylazine testing product. Additionally, any person who administers a xylazine testing product according to manufacturer instructions provided with the xylazine testing product is immune from civil or criminal liability for the act, except for civil liability for negligence in the performance of the act.

**Effective date:** March 28, 2024

For a full history of the bill, visit the Legislature’s [bill history page](#).

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