



JOEL KITCHENS

STATE REPRESENTATIVE • 1ST ASSEMBLY DISTRICT

Assembly Committee on Criminal Justice and Public Safety

Assembly Bill 950

February 1, 2024

Thank you, to Chairman Spiros and members of the committee for holding this public hearing on Assembly Bill 950.

This spring, new reports found that heroin and fentanyl are increasingly being cut with xylazine, also known as tranq, which is a powerful sedative approved for veterinary use, where it goes by the trade name Rompun.

Xylazine is not only very powerful, it is also very cheap and widespread. During my career as a veterinarian, I administered tens of thousands of doses. Only a couple of tenths of a cc of xylazine can tranquilize a 1,500-pound cow.

Xylazine is being mixed with other drugs – including fentanyl – to prolong the user’s high. As you can imagine from the potency, there is a small margin of error and xylazine is very toxic.

States across the country, are now seeing a surge of overdoses due to tranq. In Minnesota, there were at least 70 reported xylazine-related deaths from 2019-2022 and the numbers are climbing. Toxicology testing shows that fentanyl was also present in 100% of xylazine-related deaths.

Tranq has been associated with severe wounds, which spread and worsen very quickly. These wounds are seen regardless of how people use: smoking, snorting, or injecting. It’s tough for these wounds to heal on their own.

Right here in Wisconsin, police in La Crosse linked nine overdose deaths in three weeks to tranq. One of the clues for police was that they were unable to revive the victims with Narcan. Even multiple doses did not work.

While Narcan can revive some fentanyl overdoses, it does not affect tranq. The only protection is preventing someone from taking tranq-laced drugs in the first place. Testing strips could help.

Last session, the Legislature unanimously passed 2021 Wisconsin Act 180, which decriminalized fentanyl testing strips. Unfortunately, similar strips that can detect xylazine are still illegal in our state.

AB 950 simply decriminalizes the possession of these strips so that we can help reduce irreversible overdoses caused by the surge of xylazine in our state.

I want to thank my co-authors Senator James and Representative Billings. Thank you members for your time and I hope you consider supporting Assembly Bill 950.



JILL BILLINGS
STATE REPRESENTATIVE

Chairman Spiros and Committee Members,

Thank you for hearing this bill, AB 950 today, which explicitly allows xylazine testing strips in Wisconsin.

Xylazine, commonly known as tranq is a veterinary tranquilizer used in anesthesia for large animals and not currently approved for human use. However, tranq is now being mixed with the potent and deadly drug fentanyl. The Legislature legalized test strips to detect fentanyl last session. This bill would follow that model for xyazine. Though deadly, a fentanyl overdose is reversible with narcan or naloxone, but unfortunately xylazine overdoses are not reversible making it even more deadly.

In 2022 there were 56 fentanyl overdose deaths in Milwaukee County where xylazine, was present, in 2023 there were at least 130 overdose deaths with xylazine present, with 90 probable overdose deaths still pending, xyalzine is present in more than 10% of fentanyl overdose deaths in Milwaukee County. Since then, fentanyl laced with xylazine has been found in other communities, including in La Crosse, where we witnessed the first fatal overdose involving tranq in October 2023. In the weeks before this overdose, the US Drug Enforcement Administration and US Department of Homeland Security issued a warning about the threat of illicit xylazine and its presence in illegal drugs. The Wisconsin Department of Health Services now reports that xylazine is being found in 5-6% of all overdose deaths in Wisconsin.

This bill is a simple, common-sense step to legalize xylazine testing strips in our state and to help make sure that those providing the strips aren't held liable if something negative happens.

Thank you for your time and your support of this important bill, the next step in addressing the overdose epidemic in our state.



February 1st, 2024

Representative Spiros, Chair

Members of the Assembly Committee on Criminal Justice and Public Safety

Testimony on 2023 Assembly Bill 950

Relating to: excepting xylazine testing materials from the definition of drug paraphernalia and civil and criminal liability exemptions for distributing and administering xylazine testing products.

Thank you, Chairman Spiros and other members of the committee, for hearing my testimony on Assembly Bill 950 today. It seems as though that every time we think we are moving in the right direction to tackle the drug crisis, something new pops up that has us playing catch up.

This time last year, I was sitting here testifying on why we should decriminalize fentanyl testing strips, and here I am again requesting that we do the same for xylazine. Xylazine, or tranq as it is commonly referred, is a veterinary tranquilizer; it is NOT an opioid. If it's a drug used for veterinary purposes, why is it causing problems on our streets? Tranq is being used to extend the euphoric effects of an opioid high, including fentanyl. When depressants are mixed with opioids, it can increase the risk of life-threatening overdoses.

One of the scariest realities about tranq is this: naloxone does not reverse its effects. The Centers for Disease Control and Prevention still suggests the administration of naloxone since tranq is usually combined with illicit opioids, but there is no known reversal agent that is safe for human use. This is why access to testing strips is so important. There is evidence with fentanyl testing strips encouraging safer drug use, so it is safe to assume that utilizing xylazine test strips would do the same if they were decriminalized, especially considering tranq has no known reversal agent. We should be providing potential life-saving tools for those using these substances.

I want to address a misconception I hear a lot about these testing strips; to some, it might seem like we are encouraging bad behaviors or minimizing consequences for illegal actions. This is a matter of life or death here. Our focus should be on keeping people alive first and helping them find proper treatment after that. Thank you, and I will take any questions at this time.

Respectfully,

A handwritten signature in black ink, appearing to read "Jesse James".

Senator Jesse James
23rd Senate District
Sen.James@legis.wisconsin.gov

TO: Assembly Committee on Criminal Justice and Public Safety
Representative Spiros, Chair
FROM: Maggie M. Williams, MPAS, PA-C, CPAAPA
Member, Wisconsin Society of Addiction Medicine
DATE: February 1, 2024
RE: Testimony in Support of 2023 AB950

Good morning, Mr. Chairman Spiros and members of the Committee on Criminal Justice and Public Safety. My name is Maggie Williams, and I am honored to be here today as a representative of the Wisconsin Society of Addiction Medicine. I am speaking from the perspective of an Addiction Medicine Physician Assistant, a community member, and an affected family member. I stand before you today to provide testimony **in strong support** of Assembly Bill 950, which seeks to address the urgent need for exceptions in the use, possession, distribution, and administration of xylazine testing products.

In my capacity as an Addiction Medicine Physician Assistant, I have directly observed the impactful consequences of substance use concerns on individuals, families, and communities. Today, I want to emphasize the importance of this bill as an opportunity to mitigate the harms associated with substance use and to significantly improve public health outcomes.

Xylazine is an alpha-2 adrenergic agonist; it is a non-opioid sedative medication commonly used in veterinary medicine and has unfortunately become a concerning substance of increasing prevalence in the unregulated drug supply across the country. Xylazine can be found as an adulterant in a number of substances, however, is most commonly found in the unregulated supply of fentanyl. Exposure to xylazine can cause decreased blood pressure, slowed heart rate, reduced breathing, and complex skin wounds, even in individuals who do not inject. Overall, the increasing incidence of xylazine has led to a notable increase in overdose deaths and adverse health consequences, making it imperative for us to take proactive measures to address this emerging public health concern.

In April 2023, Fentanyl adulterated with xylazine was declared an emerging drug threat by the White House Office of National Drug Control Policy (ONDCP).¹ In July 2023, the ONDCP

additionally released a related national response plan, which included an action step of deploying testing in community settings, specifically noting harm reduction services.²

Assembly Bill 950 seeks to exempt xylazine testing materials from the definition of drug paraphernalia. This exemption is essential as it will empower healthcare professionals, law enforcement agencies, and harm reduction organizations to distribute and administer xylazine testing products without fear of civil or criminal liability. This, in turn, will enable these vital stakeholders to effectively respond to the growing prevalence of xylazine and prevent overdose deaths.

As an addiction medicine healthcare provider, I strongly believe in the significance of early detection and intervention in addressing substance use concerns. By exempting xylazine testing materials from the definition of drug paraphernalia, this bill will facilitate access to testing resources, empowering people who use drugs to be aware if xylazine is present in their supply, as they oftentimes are otherwise unaware of its presence. Because initial findings on research conducted on xylazine test strips have indicated their validity and utility, they have been deemed acceptable for drug checking purposes.³

Moreover, by providing liability exemptions for distributing and administering xylazine testing products, Assembly Bill 950 will encourage healthcare professionals and community organizations to actively engage in harm reduction efforts. These exemptions will remove potential legal barriers, ensuring that we can play a proactive role in providing education regarding xylazine use and preventing associated harms. It is crucial that we support and protect those on the frontlines of harm reduction efforts, who are tirelessly working to save lives.

I urge the members of the Assembly Committee on Criminal Justice and Public Safety to support Assembly Bill 950. This bill represents a critical step towards addressing the escalating crisis of xylazine and its devastating consequences. By exempting xylazine testing materials from the definition of drug paraphernalia and providing liability exemptions, we can effectively respond to this emerging public health threat and safeguard the well-being of our communities.

Additionally, I would like to express my belief that while Assembly Bill 950 is a crucial and timely response to the current challenges posed by xylazine, it is important for us to consider the dynamic nature of the drug markets. The rapid evolution of substances and their formulations requires a legislative approach that is adaptable and forward-thinking.

Looking ahead, I suggest consideration of adopting a broader and more flexible framework in our legislation related to substance testing. By doing so, we can create a regulatory environment that is better equipped to keep pace with the ever-changing landscape of the drug supply. The agility of the legislative response is particularly critical in this, where shifts in trends and formulations occur more quickly than laws can be enacted or amended. This adaptability is essential in ensuring that our laws remain effective and relevant in the face of emerging substances and novel adulterants. This approach will better position us to effectively safeguard public health and address emerging threats in a timely manner.

Thank you for your time, consideration, and attention to this critical matter.

Sincerely,

Maggie M. Williams, MPAS, PA-C, CPAAPA

References:

¹<https://www.whitehouse.gov/ondcp/briefing-room/2023/04/12/biden-harris-administration-designates-fentanyl-combined-with-xylazine-as-an-emerging-threat-to-the-united-states/>

²<https://www.whitehouse.gov/wp-content/uploads/2023/07/FENTANYL-ADULTERATED-OR-ASSOCIATED-WITH-XYLAZINE-EMERGING-THREAT-RESPONSE-PLAN-Report-July-2023.pdf>

³<https://www.cfsre.org/nps-discovery/drug-checking/evaluation-of-xylazine-test-strips-btnx-for-drug-checking-purposes>



February 1, 2024

To Members of the Assembly Committee on Criminal Justice and Public Safety,

Thank you for the opportunity to address the committee today and thank you to the sponsors for bringing this important bill forward.

Vivent Health is at the forefront of HIV prevention, care and treatment and is dedicated to providing quality medical, dental, mental health and social services for people with HIV. Vivent Health is a leading provider of innovative and comprehensive prevention services. The people we serve are our friends, our family, our coworkers. They are not "those people" over there. They are the people who contribute to society, they are our neighbors.

Vivent Health asks for your support of Assembly Bill 950, in order to decriminalize xylazine test strips. Vivent Health has implemented our Lifepoint Program for more than 25 years, providing harm reduction services, including overdose prevention, naloxone (Narcan) distribution, and fentanyl test strip distribution, as well as education, linkage to services (e.g., treatment, health care, housing) and testing for HIV, hepatitis C and other sexually transmitted infections (STIs).

Xylazine test strips provide the same benefits as fentanyl test strips, allowing people to test their drug for xylazine. If a strip indicates that xylazine is present in the drug, people are able to implement strategies to reduce their risk of overdose by using less of the drug or not using it at all, using slowly, using with others, and sharing their test results with others. It also is important to have naloxone (Narcan) available as xylazine is often added to fentanyl.

The people we serve do not want to die and I do not want to attend any more funerals of those I love. At least 25 states, including Ohio and Arkansas, have taken proactive steps to save lives by decriminalizing any device used to test for drug adulterants. We urge you to follow their lead so we are not continuously chasing the latest drug to hit the market.

Vivent Health will continue to provide services and be here when people are ready for treatment. In the meantime, we will keep them as safe as possible with the tools we have.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Kristen Grimes".

Kristen Grimes, MAOM, MCHES
Director of Prevention Services
Vivent Health
Kristen.grimes@viventhealth.org

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State of Wisconsin
Department of Health Services

Tony Evers, Governor
Kirsten L. Johnson, Secretary

TO: Members of the Assembly Committee on Criminal Justice and Public Safety

FROM: HJ Waukau, Legislative Director

DATE: February 1, 2024

RE: AB 950 relating to: excepting xylazine testing materials from the definition of drug paraphernalia and civil and criminal liability exemptions for distributing and administering xylazine testing products.

The Wisconsin Department of Health Services (DHS) would like to submit written testimony for information only on Assembly Bill 950 (AB 950) regarding the decriminalization of xylazine testing products. Currently, xylazine is not a controlled substance under state or federal law. AB 950 exempts any materials used or intended for use in testing for the presence of xylazine or a xylazine analog in a substance from the definition of “drug paraphernalia.” Additionally, AB 950 provides for immunity provisions for any person who distributes a xylazine testing product or administers a xylazine testing product in accordance with manufacturer instructions, except for civil liability for negligence in the performance of the act.

In 2022, there were 109 overdose deaths involving xylazine in Wisconsin, accounting for six percent of all drug overdose deaths.¹ However, all xylazine death cases were polysubstance related as they also involved fentanyl. More than half of these deaths also involved cocaine. As xylazine is not a controlled substance as defined by Wis. Stat. 961.01(4), xylazine test materials do not meet the definition of “drug paraphernalia” under Wis. Stat. 961.571(1)(a) and are not illegal under Wis. Stat. s 961.573. However, the “Combating Illicit Xylazine Act,” (H.R. 1839/S. 993) at the federal level would add xylazine to the list of controlled substances if enacted. As of the date of this written testimony this bill has yet to be adopted by Congress. Additionally, it is worth evaluating comprehensive legislation to address a broader spectrum of harm reduction tools and platforms, in addition to substance-specific initiatives.

Information on where to acquire xylazine test strips can be found through Public Health Madison & Dane County (<https://publichealthmdc.com/>), or by connecting with local health departments. Additional information on xylazine test strip products can be found at BTNX Inc. (<https://btnx.com/Index>). Further, DHS encourages people who either have, or may know someone who has a substance use disorder, to visit the Wisconsin Addiction Recovery Helpline website (<https://211wisconsin.communityos.org/addiction-helpline>), or call 211 for information on substance use treatment and recovery services.

DHS is happy to offer itself as a resource for the Committee.

¹ Data comes from Wisconsin’s State Unintentional Drug Overdose Reporting System.



WCHSA Comments for Xylazine Test Strip Legislation – AB 950

Xylazine is increasingly being mixed with other drugs to make the drugs more potent or provide a longer lasting effect. Xylazine may be mixed with opioid drugs including heroin and fentanyl and with other drugs like cocaine and methamphetamine. The drug user may not know that xylazine is present in the drug.

Xylazine has effects similar to fentanyl in suppressing breathing and heart function putting persons who overdose at risk of dying. Since xylazine is not an opioid, however, while Narcan should be administered to persons who overdose to reverse the effect of opioids, Narcan will not reverse the effect of xylazine.

Xylazine can leave serious wounds at injection sites, putting persons who inject drugs including xylazine at risk of developing infections and other health problems from the injection wounds.

County human service and public health departments want to distribute xylazine test strips similar to how the departments currently distribute fentanyl test strips. The legislation will create an exemption from the list of drug paraphernalia items for xylazine test strips comparable to the existing exemption for fentanyl test strips. Once xylazine test strips can be made available, the test strips can be added to harm reduction vending machines and distributed by substance use disorder treatment providers.

Passage of the legislation will help county human services and health departments with their harm reduction efforts to combat a new scourge affecting Wisconsin.

MEMORANDUM

TO: Honorable Members of the Assembly Committee on Criminal Justice and Public Safety

FROM: Chelsea Shanks, WCA Government Affairs Associate

DATE: Thursday, February 1, 2024

SUBJECT: Support for Assembly Bill 950: Xylazine Test Strips

According to Wisconsin State Statute 961.571(1)(a), “drug paraphernalia” is defined to include materials that can be used for testing and analyzing a controlled substance. The definition itself is very broad, which allows it to encompass many different materials used alongside controlled substances. However, this definition creates a problem when it comes to test strips used to recognize specific controlled substances.

Xylazine, a non-opioid veterinary tranquilizer not approved for human use, has been linked to an increasing number of overdose deaths nationwide in the evolving drug addiction and overdose crisis. Also known as “tranq” and “the zombie drug,” Xylazine can be particularly dangerous when mixed with opioids like fentanyl. Unfortunately, similar to Fentanyl, Xylazine is beginning to be mixed into other substances to increase their potency.

This is becoming a growing issue across the United States and right here in Wisconsin. Between 2021 and 2022, Xylazine was detected in 80% of drug samples that contained opioids tested from 8 syringe service providers in Maryland. In 2019 Xylazine was indicated in 31% of overdose deaths in Philadelphia, PA. The Milwaukee County Medical Examiner noted a single Xylazine/Fentanyl related death in 2019. By 2022 there were 55, indicating that the trends seen on the East Coast over the past few years have made their way to Wisconsin. Furthermore, the DEA has found Xylazine and Fentanyl mixtures in 48 of 50 states.

Concerningly, overdoses from Xylazine are just as deadly as Fentanyl and harder to treat. Xylazine dampens heart and respiratory function, like Fentanyl, resulting in overdose. Xylazine and fentanyl drug mixtures place users at a higher risk of suffering fatal drug poisoning. Because Xylazine is not an opioid, naloxone (Narcan) does not reverse its effects. People who inject drug mixtures containing Xylazine also can develop severe wounds, including necrosis—the rotting of human tissue—that may lead to amputation.

Xylazine Test Strips
Page 2
February 1, 2024

Test strips for Xylazine have been developed for public use; however, given current state law they are considered drug paraphernalia and therefore not legal for distribution. This leaves people without a critical safeguard against accidental exposure to Xylazine and puts them at greater health risk.

Assembly Bill 950 exempts materials used in testing for the presence of Xylazine in a substance from the definition of “drug paraphernalia” and provides immunity from civil or criminal liability for distributors of Xylazine testing products. In the midst of a drug epidemic this bill will allow county human service departments to distribute Xylazine test strips to the public to prevent overdoses, similarly to fentanyl test strips as allowed under statute.

The Wisconsin Counties Association respectfully requests your support of Assembly Bill 950 and will be available should any questions arise. Thank you for your consideration.