



2023 SENATE BILL 875

January 5, 2024 - Introduced by Senators JAMES, AGARD, L. JOHNSON, PFAFF, ROYS, SPREITZER and LARSON, cosponsored by Representatives KITCHENS, BILLINGS, C. ANDERSON, BEHNKE, CONLEY, CONSIDINE, DITTRICH, DUCHOW, GUNDRUM, JACOBSON, MURSAU, MYERS, NEDWESKI, OHNSTAD, ORTIZ-VELEZ, PALMERI, ROZAR, SHANKLAND, SINICKI and SUBECK. Referred to Committee on Mental Health, Substance Abuse Prevention, Children and Families.

1 **AN ACT to create** 895.532 and 961.571 (1) (b) 4. of the statutes; **relating to:**
2 excepting xylazine testing materials from the definition of drug paraphernalia
3 and civil and criminal liability exemptions for distributing and administering
4 xylazine testing products.

Analysis by the Legislative Reference Bureau

Under current law, products and materials of any kind that are used for testing a controlled substance or controlled substance analog are considered drug paraphernalia, and it is a felony for any person to use or possess with intent to use drug paraphernalia. Current law excepts certain items from the definition of “drug paraphernalia,” including any materials used or intended for use in testing for the presence of fentanyl or a fentanyl analog in a substance. This bill excepts 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.” Further, this bill provides 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 and that any person who administers a xylazine testing product according to manufacturer instructions provided with the

