



January 25<sup>th</sup>, 2024

Senator Cabral-Guevara, Chair

Members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families

**Testimony on 2023 Senate Bill 875**

***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, Chairwoman Cabral-Guevara and other members of the committee, for hearing my testimony on Senate Bill 875 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, 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,

Senator Jesse James  
23<sup>rd</sup> Senate District  
[Sen.James@legis.wisconsin.gov](mailto:Sen.James@legis.wisconsin.gov)



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# JOEL KITCHENS

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STATE REPRESENTATIVE • 1<sup>ST</sup> ASSEMBLY DISTRICT

## Public Testimony

### Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families

Senate Bill 875

January 25, 2023

Thank you, to my co-author Senator James and members of the committee for holding this public hearing on Senate Bill 875.

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.

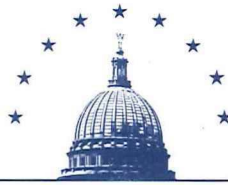
Right here in Wisconsin, police in La Crosse linked nine overdose deaths in three weeks to tranq. One of the clues for police was that they were unable to revive the victims with Narcan. Even multiple doses did not work.

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.

Senate Bill 875 simply decriminalizes the possession of these strips so that we can help to 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 Senate Bill 875.



## JILL BILLINGS

STATE REPRESENTATIVE

Chairman James and Committee Members,

Thank you for hearing this bill, SB 875 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 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 at least 51 fentanyl overdose deaths in Milwaukee County had xylazine present. 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.

This bill is a simple, common sense step to legalize tranq 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.



State of Wisconsin  
Department of Health Services

Tony Evers, Governor  
Kirsten L. Johnson, Secretary

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**TO:** Members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families

**FROM:** HJ Waukau, Legislative Director

**DATE:** January 25, 2024

**RE:** SB 875 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 Senate Bill 875 (SB 875) regarding the decriminalization of xylazine testing products. Currently, xylazine is not a controlled substance under state or federal law. SB 875 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, SB 875 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.<sup>1</sup> 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.

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<sup>1</sup> Data comes from Wisconsin’s State Unintentional Drug Overdose Reporting System.



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## MEMORANDUM

**TO:** Honorable Members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families

**FROM:** Chelsea Shanks, WCA Government Affairs Associate

**DATE:** Thursday, January 25, 2024

**SUBJECT:** Support for Senate Bill 875: 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  
January 25, 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.

Senate Bill 875 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 SB 875 and will be available should any questions arise. Thank you for your consideration.



## WCHSA Comments for Xylazine Test Strip Legislation – SB 875

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.





January 25, 2024

To Members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families,

Thank you for the opportunity to address the committee today. Thank you also to the bill authors including Senators James, Agard, L. Johnson, Pfaff, Roys, Spreitzer, Larson and others for authoring this important legislation.

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 Senate Bill 875, 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,

Kristen Grimes, MAOM, MCHES  
Director of Prevention Services  
Vivent Health  
[Kristen.grimes@viventhealth.org](mailto:Kristen.grimes@viventhealth.org)

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1-25-24

Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families

Thank you to the lawmakers who sponsored this bill and also thanks for scheduling a public hearing.

Without a public hearing, people like me remain unseen and unheard. I'm not a medical expert, but a family member of loss – two brothers and a stepdaughter. They died from opioids, some prescription, some not. But this isn't just about me.

I am also a certified grief support specialist and facilitate a local chapter of GRASP – grief recovery after substance passing. It's peer support for those of us who have lost loved ones to overdose. Every month I hear stories of tragic loss.

I know that when families get toxicology reports after a death, there is often more than one substance at fault. People who have a substance use disorder don't really know what they are using. I think that's been true for a long time, but now it is urgently true. We need to respond with urgency to prevent more deaths.

It would be great if the disorder, trauma and mental conditions did not compel people to use substances to escape their lives – but we know addiction does not work like that.

So we take baby steps to keep people alive until they can get into recovery. Legalizing xylazine test strips is one such step. Thank you for that.

I would also ask you to consider broadening the language for testing equipment and supplies. Other substances are coming: stronger opioids like nitazines and metonitazines. We don't know what other substances will show up in the future. As a state, we need broader language for testing supplies/ paraphernalia -- so that our policies are not always playing catch-up with illegal drug manufacturers.

As someone who has been deeply affected by overdose deaths and knows the pain of many other families – please support this bill and consider broadening it in the near future. Saving our loved ones lives must be the priority.

Thank your for your consideration.

Annette Czarnecki

# Xylazine

Xylazine is a medicine used in animals. It is not approved to use in humans. It is being found in fentanyl and heroin, and mixed with cocaine and meth.

The risk for overdose is much higher when drugs are mixed with xylazine.

Xylazine has no taste or smell but can be detected using a Xylazine test strip.

## Xylazine effects on the body



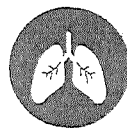
Drowsiness



Not being able to wake up



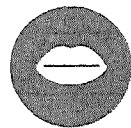
Slow heart rate



Slow breathing



Trouble swallowing



Dry mouth

Xylazine can also increase the risk of blood clots, skin sores, and muscle, nerve, or kidney damage.

## Personal experiences using xylazine

"Put me out for hours"

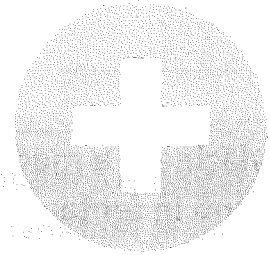
"Made me pass out and I woke up with vomit on me"

"Skin on fire, teeth felt loose"

"Very drowsy, like I was sleepwalking"

## Wounds from using xylazine

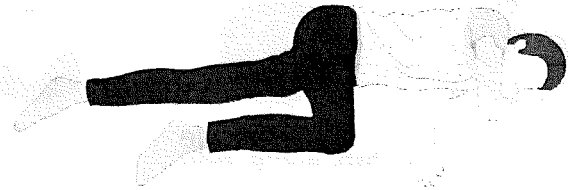
- Severe wounds are being reported with xylazine use. Repeated use can lead to wounds that do not heal without medical treatment.
- Seek medical care immediately if a wound turns black, there is extreme pain or swelling around the wound, there is a bad smell, or if you have a fever. Wounds should be kept clean and dry.



## How to respond to a xylazine overdose

- Call 911 and stay with the person until medical personnel arrive.
- Put the person in the recovery position.
  - Place the nearest arm at a right angle.
  - Put the back of the other hand next to the cheek closest to you and hold it there.
  - Bend the far knee, grasp the far leg, and roll them onto their side.
  - Open airway.
- Naloxone will **not** reverse the effects of xylazine, but should **always** be given if it is believed someone is having an overdose.

THE RECOVERY POSITION FIRST AID  
ADULT OR CHILD



**Do not use alone. Call Never Use Alone 877-696-1996 if there is no one you are comfortable with.**

## Xylazine resources

- What You Should Know About Xylazine
  - [www.cdc.gov/drugoverdose/deaths/other-drugs/xylazine/faq.html](http://www.cdc.gov/drugoverdose/deaths/other-drugs/xylazine/faq.html)
- Xylazine Wound Care: A Guide!
  - [Nextdistro.org/resources-collection/xylazine-wound-care-a-guide](http://Nextdistro.org/resources-collection/xylazine-wound-care-a-guide)



[https://captimes.com/news/government/wisconsin-has-another-deadly-drug-on-the-rise-and-now-a-policy-debate/article\\_d682ec3c-b613-11ee-801b-37a9a283ff28.html](https://captimes.com/news/government/wisconsin-has-another-deadly-drug-on-the-rise-and-now-a-policy-debate/article_d682ec3c-b613-11ee-801b-37a9a283ff28.html)

## Wisconsin has another deadly drug on the rise, and now a policy debate

By **Andrew Bahl**

Jan 21, 2024

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*After lawmakers legalized fentanyl test strips, there is a push to do the same thing for test strips to detect the animal tranquilizer xylazine in drugs.*

BEBETO MATTHEWS, ASSOCIATED PRESS

In 2022, Ryan Gorman was sitting at a table with other experts who meet regularly to examine overdose deaths in Milwaukee County when he heard something that took him aback.

Gorman, a licensed substance abuse counselor, was surprised to hear that xylazine, a tranquilizer typically used by veterinarians for large animals, had made its way into the drug supply in the area.

“Everybody was very confused as to what that even was,” Gorman said. “And there

was some initial confusion from the medical examiner about what that even was. But pretty quickly, the medical examiner's office was able to kind of get their arms around what this was and how dangerous it is.”

Public health and toxicology experts, as well as advocates for people who use drugs, are now fully aware of xylazine.

Drug enforcement officials have reported a marked rise of overdoses tied to the substance, which is being cut with other drugs, most commonly with a synthetic opioid that has already plagued Wisconsin for years — fentanyl.

Fentanyl exploded after arriving in the state amid a broader opioid crisis facing the nation. The state Department of Health Services reported over 1,400 opioid-related deaths in 2022, the most recent year where data was available.

Xylazine has not reached that level in Wisconsin, but state officials are now discussing policies to limit the drug's dangers similar to efforts used to combat fentanyl.

In 2022, state lawmakers decriminalized the possession of test strips that allow a person to detect whether there is fentanyl in the drugs they are using, allowing someone to prevent consuming a substance that can be 50 times more powerful than heroin.

But there's confusion about whether it's legal to distribute test strips for xylazine.

The Wisconsin Department of Justice has decided the strips can be distributed and some public health departments across the state hand them out, but lingering uncertainty has pushed legislators to consider making explicit that test strips to detect xylazine are allowed. That legislation could become more urgent if federal officials more stringently regulate and control xylazine.

But such clarity for xylazine alone might not go far enough, considering how quickly the drug supply in Wisconsin can change, according to those who work on substance abuse treatment and prevention. They want lawmakers to take bigger steps to ensure they can respond more quickly to whatever the next major threat might be.

“If we keep piecemealing this, the strategy of drug checking, we're missing the biggest picture,” said Jake Niesen, a public health coordinator for Public Health Madison & Dane County. “And that's the drug supply is always going to change and it always has.”

## Wisconsin xylazine deaths rise

It's difficult to determine how often Dane County overdoses are linked to xylazine, Niesen said.

That's because for toxicology purposes, xylazine is lumped in with other substances. The number of overdose deaths involving those drugs, which also include other sedative or anti-hypnotic drugs, has remained relatively stable in recent years, jumping from three in 2020 to seven in 2021 and then totaling five



in 2022.

The Department of Health Services reports there have been an increasing number of fatalities involving xylazine statewide since 2019, and that the drug now accounts for around 5% or 6% of all overdose deaths in Wisconsin.

In October, La Crosse County confirmed its first xylazine-involved overdose death. In Milwaukee, the number of overdose deaths involving xylazine doubled from 2022 to 2023, reaching at least 126, with some toxicology cases still pending, according to data provided by the county medical examiner's office.

Xylazine can prolong the effects of fentanyl or other drugs, although individuals who use drugs often don't even realize it is mixed in. Making matters more complicated is the fact that the overdose-reversal drug Narcan doesn't work on xylazine.





*Registered nurse Kathy Lalli treats a man's injuries at the Kensington Hospital wound care outreach van in Philadelphia in May. In humans, xylazine can cause breathing and heart rates to drop. It's also linked to severe skin ulcers and abscesses, which can lead to infections, rotting tissue and amputations. Experts disagree on the exact cause of the wounds, which are much deeper than those seen with other injectable drugs.*

Matt Rourke, Associated Press

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One tell-tale sign of xylazine are the often vicious wounds that can appear, even if someone doesn't inject the drug. Those wounds can still need treatment a year after they first appear, Neisen said. The wounds often start off looking like blisters but can become much more serious, even requiring amputation, though it is unclear why they form.

A slice of Niesen's work includes training medical providers on how to spot and care for wounds that stem from xylazine use. Increasingly, he's finding more health care workers are aware of the substance and are seeing its effects.

"I would say there's more attention focused on xylazine," Niesen said.

## Debate persists on test strips' legality

Much like with fentanyl, test strips can be used to detect whether a batch of drug has xylazine in it, although it does not indicate how much of the substance is present.

DHS confirmed that public health departments across the state are offering

xylazine test strips alongside other materials to keep people who use drugs safer and minimize a risk of overdose.

That includes the Madison & Dane County health department, and Niesen said the xylazine test strips are commonly distributed at syringe exchange programs.

Under state law, any product that is used to test a controlled substance is considered to be drug paraphernalia and thus is illegal.

But a July email from Assistant Attorney General Kari Hoffman to colleagues in the Wisconsin Department of Justice, which the agency provided to the Cap Times, noted that xylazine is not considered a controlled substance in either federal or state law. Congress has indicated it might make such a move in the future, at which point Hoffman noted the matter might need to be revisited.

Gorman, the substance abuse counselor who also is the client ombudsman for Community Medical Services, an addiction treatment facility in Milwaukee, said his group is hesitant to order the test strips because of continued uncertainty about their legality.

“If it is going to be considered paraphernalia at some point, you certainly can't distribute it to people” Gorman said. “So on our end, no, we're not seeing the ability to get them out.”

Sen. Jesse James, R-Altoona, who introduced a bill to clarify the strips' status,

seen other drug programs around the country use comprehensive drug checking information to inform harm reduction and other overdose prevention initiatives," Andrews said in an email.

Gorman, too, advocated for more sweeping language that would automatically allow for a wider range of test strips to be authorized, tackling substances that might not even be on the radar of public health officials.

"The drug supply is always changing," Gorman said. "It's rapidly changing, it's changing faster than legislation can catch up, as we're seeing with xylazine. Nobody saw xylazine coming at the time."

The idea intrigued James, who said he wanted to do more research before committing to a wider-ranging bill. But he said he was firmly committing to advancing the xylazine bill, and that a hearing will be held in his committee in the coming weeks.

The aim, he said, was simple.

"This is about saving lives," James said.

*Andrew Bahl joined the Cap Times in September 2023, covering Wisconsin politics and government. He is a University of Wisconsin-Madison alum and has covered state government in Pennsylvania and Kansas.*

*You can follow Andrew on X @AndrewBahl. You also can support Andrew's work by becoming a Cap Times member.*