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May 18, 2023

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RE: Support Passage of S. 993/ H.R. 1839- the Combating Illicit Xylazine Act

Dear Speaker, Majority Leader, Minority Leaders, Chairs, and Ranking Members:

We, the undersigned Attorneys General, write you to request that you pass S. 993/ H.R. 1839, the Combating Illicit Xylazine Act, without delay. This bipartisan legislation seeks to curb the proliferation of illicit xylazine by classifying its use as a controlled substance to stop the death that this drug is causing across the United States.

Xylazine is a drug that the Administrator for the Drug Enforcement Administration (the "DEA") recently warned was "making the deadliest drug threat our country has ever

faced, fentanyl, even deadlier."¹ Known on the street as "tranq"² or "zombie drug," the DEA believes that xylazine is so dangerous that it recently issued a "Public Safety Alert." For context, the only other "Public Safety Alerts" issued by the DEA in the last three years concerned fentanyl and its rise in use and death. The DEA did so because last year, "approximately 23% of fentanyl powder and 7% of fentanyl pills seized by the DEA contained xylazine."³ As stated in the alert, xylazine alone or mixed with other drugs, like fentanyl, is dangerous because it is a sedative known to depress breathing, blood pressure, heart rate, and body temperature, as well as cause unconsciousness, necrosis, and death.

Indeed, according to the Centers for Disease Control and Prevention ("CDC"), "because xylazine is not an opioid, it does not respond to opioid reversal agents such as naloxone; therefore, if illicit opioid products containing xylazine are used, naloxone might be less effective in fully reversing an overdose."⁴ That report, which looked at 2019 data from the State Unintentional Drug Overdose Reporting System in 38 states and the District of Columbia, found Xylazine in 2% of overdose deaths.⁵ However, according to the National Institute on Drug Abuse ("NIDA"), the number of fatalities involving xylazine is increasing exponentially.⁶ One study cited by NIDA found xylazine increasingly present, finding it in 25.8% of the overdose deaths in the City of Philadelphia, 19.3% of the overdose deaths in the State of Maryland, and 10.2% of overdose deaths in the State of Connecticut.⁷ According to another report by the American Psychiatric Association, xylazine's prevalence in overdose deaths rose from .36% in 2015 to 6.7% in 2020, almost a nineteen-fold increase.⁸

Xylazine is a non-opioid veterinary tranquilizer for large animals, like horses and deer.⁹ It is not approved for human use, and there is no accepted medical use in humans, nor is it currently a controlled substance under the federal Controlled Substances Act (CSA), 21 U.S.C. §813. Some states, such as Florida, have scheduled xylazine as a Schedule 1 controlled substance.¹⁰ Research has shown xylazine is often added to illicit opioids, including most frequently fentanyl, and users report using xylazine-containing Fentanyl to lengthen its euphoric effects.¹¹ The White House, pursuant to the SUPPORT Act of 2018, recently declared fentanyl-adulterated or fentanyl-associated xylazine (FAAX) an "emerging threat."¹²

¹ *DEA Reports Widespread Threat of Fentanyl Mixed with Xylazine*, DEA, (last visited Apr. 27, 2023) [hereinafter DEA Public Safety Alert], www.dea.gov/alert/dea-reports-widespread-threat-fentanyl-mixed-xylazine.

² Jewell Johnson et al., *Increasing Presence of Xylazine in Heroin and/or Fentanyl Deaths*, Philadelphia, Pennsylvania, 2010-2019, 27 *INJ. PREVENTION* 395, 395–98 (2021).

³ DEA Public Safety Alert, *supra* note 1.

⁴ Mbabazi Kariisa et al., *Xylazine Detection and Involvement in Drug Overdose Deaths – United States, 2019*,

⁵ *Id.*

⁶ *Xylazine*, Nat'l Inst. on Drug Abuse, Nat'l Insts. of Health (last visited Apr. 27, 2023), <https://nida.nih.gov/research-topics/xylazine>.

⁷ Joseph Friedman et al., *Xylazine Spreads Across the US: A Growing Component of the Increasingly Synthetic and Polysubstance Overdose Crisis*, *DRUG & ALCOHOL DEPENDENCE*, Apr. 2022.

⁸ Terri D'Arrigo, *Xylazine Increasingly Found in Overdose Deaths*, *PSYCHIATRIC NEWS* (June 27, 2022), <https://psychnews.psychiatryonline.org/doi/10.1176/appi.pn.2022.07.6.5>.

⁹ Press Release, FDA, *FDA Takes Action to Restrict Unlawful Import of Xylazine* (Feb. 28, 2023) [hereinafter FDA Press Release], <https://www.fda.gov/news-events/press-announcements/fda-takes-action-restrict-unlawful-import-xylazine>.

¹⁰ Fla. Stat. § 893.03.

¹¹ Shobha Thangada et al., *Xylazine, a Veterinary Tranquilizer, Identified as an Emerging Novel Substance in Drug Overdose Deaths – Connecticut, 2019–2020*, 70 *MORBIDITY & MORTALITY WEEKLY REP.* 1303, 1303–04 (2021).

¹² Press Release, White House, *Biden-Harris Administration Designates Fentanyl Combined with Xylazine as an Emerging Threat to the United States* (Apr. 12, 2023), <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/>.

Though, as noted by the DEA, there is limited scientific research on the effects of xylazine on the human body, there are anecdotal reports that xylazine users experience effects like opioids.¹³ There is also some evidence that some people seek out xylazine on its own or combined with heroin because of its effects.¹⁴ The DEA has also noted that xylazine users may develop "a physical dependence to xylazine itself, with some users reporting the withdrawal symptoms from xylazine as, or more, severe than from heroin or methadone; symptoms include sharp chest pains and seizures."¹⁵ The full extent and nature of psychological or physical dependence that xylazine causes appear to be unknown because of a lack of research and how commonly it is used with other controlled substances.

The Food & Drug Administration (the "FDA") approved xylazine for veterinary use, and thus it is currently readily available for purchase over the Internet sites, often with no association to the veterinary profession nor requirements to prove legitimate need. In a recent intelligence report, the DEA noted, "[a] kilogram of xylazine powder can be purchased online from Chinese suppliers with common prices ranging from \$6-\$20 U.S. dollars per kilogram."¹⁶ Given the low price, the DEA has warned that xylazine's use as an adulterant for other illicit drugs is growing to allow traffickers to increase their profits.¹⁷ The increase in deaths caused the FDA to attempt to restrict the unlawful importation of xylazine and restrict importation and distribution to legitimate veterinary use in the United States.¹⁸ But, federal authorities are still encountering a rise in xylazine in connection with fentanyl being trafficked from Mexico by the Sinaloa and Jalisco Cartels using chemicals sourced from China.¹⁹

There is limited information regarding the prevalence of xylazine as many States have not tested for its presence in seizures or overdose deaths until recently. The DEA reports that its prevalence is increasing, and 48 out of 50 States have encountered xylazine.²⁰ However, the national statistics on the presence of xylazine in overdose deaths are "widely underestimated" because of limited testing and the variance in testing procedures.²¹ Despite the limited data, the DEA reported significant increases in xylazine-positive deaths.²²

Region	2020	2021	Percent Increase
Northeast	631	1281	103%
South	116	1423	1127%
Midwest	57	351	516%
West	4	34	750%

Many of our States have scheduled xylazine, though some minor disagreement exists over which Schedule to place xylazine. Nevertheless, we agree that Congress must act quickly to classify the illicit use of xylazine under Schedule III of the CSA. The Combating Illicit Xylazine Act provides critical tools that will enable the DEA to track its manufacturing, prevent diversion, and mandate analysis and reporting on the illicit use of xylazine.

The undersigned Attorneys General have a longstanding commitment to helping our communities recover from the opioid epidemic. For years, we have stood on the front line in the fight to end the opioid epidemic. We

¹³ DEA, U.S. DEP'T OF JUSTICE, THE GROWING THREAT OF XYLAZINE AND ITS MIXTURE WITH ILICIT DRUGS 4 (2022), <https://www.dea.gov/sites/default/files/2022-12/The%20Growing%20Threat%20of%20Xylazine%20and%20its%20Mixture%20with%20Illicit%20Drugs.pdf>.

¹⁴ *Id.* at 1.

¹⁵ *Id.* at 2.

¹⁶ *Id.* at 1.

¹⁷ *Id.*

¹⁸ FDA Press Release, *supra* note 9.

¹⁹ DEA Public Safety Alert, *supra* note 1.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

continue to seek accountability from opioid manufacturers, distributors, dispensers, and others in the opioid supply chain for their role in unleashing this epidemic. In addition to the critical injunctive relief imposed upon these companies, billions of dollars are beginning to flow to communities across the country to abate the epidemic.

Xylazine is a growing danger to communities across our nation. With a record number of overdose deaths, we must confront this new threat. Therefore, as Attorneys General of our respective States, we urge you to pass the Combating Illicit Xylazine Act without delay.

The four co-sponsors of this letter – Connecticut, Florida, New York, and Tennessee – are joined by the undersigned attorneys general across the U.S. states and its territories.

Sincerely,



William Tong
Connecticut Attorney General



Ashley Moody
Florida Attorney General



Letitia James
New York Attorney General



Jonathan Skrmetti
Tennessee Attorney General



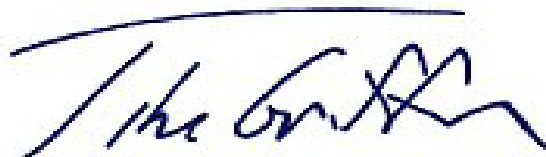
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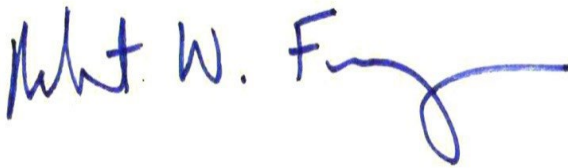
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