



JILL BILLINGS
STATE REPRESENTATIVE

June 17, 2021

Chairman Spiros and Committee Members

Thank you for holding a hearing on Assembly Bill 357 which brings parity to the penalties for manufacturing, distributing, or delivering fentanyl and its analogs.

Currently, fentanyl is classified as a Schedule II narcotic, meaning that crimes of possession, manufacturing, distributing, or delivering are subject to a class E felony. Regardless of the amount of fentanyl in one's possession, the current penalty is the same. In contrast, Wisconsin statute breaks out several Schedule II drugs and provides enhanced penalties, depending on the amount possessed, including heroin. This bill modifies the penalties for fentanyl and largely aligns them with heroin.

Substance abuse is a significant issue in communities across our state. Adding to this challenge is the practice by many dealers of cutting heroin and other drugs with fentanyl which is arguably a more potent and dangerous drug. Most times, the user does not realize that they are ingesting a substance which contains fentanyl. The inclusion of fentanyl with heroin and other drugs is a significant factor in the increase in overdoses and overdose deaths in our state.

According to the Department of Health Services, from January to October 2020, we saw 1,014 fatal opioid overdoses in the state, with synthetic opioids like fentanyl accounting for 85.8% of them. This is up from 2019 when there were 916 fatal opioid overdoses with fentanyl accounting for 71.01% of them.

We believe this legislation will help stem the tide of overdoses in those using heroin and other drugs, and in turn make the work environment safer for our law enforcement and first responders. Fentanyl is so potent that just touching the substance allows it to be absorbed into the body through the skin, and these public servants are required to take additional precautions while assisting those in healthcare emergency.

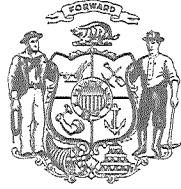
This bill was brought forward to by local law enforcement in La Crosse who are here today to share their support and first-hand experience dealing with fentanyl in our community. It also has the support of law enforcement, prosecutors, and first responders in our communities across the state.

Thank you again for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jill Billings".

Jill Billings
State Representative
95th Assembly District



Van H. Wanggaard

Wisconsin State Senator

June 17, 2021

Testimony on Assembly Bill 357

Thank you Chairman Spiros, and committee members for hearing this bill today. Assembly Bill 357 (AB 357) is an important bill that addresses an inconsistency in Wisconsin's controlled substances statutes. I appreciate Representative Billings reaching out and working with me to fix this loophole.

Right now, it is only a Class E felony to manufacture, distribute, deliver, or to possess with intent to manufacture, distribute or deliver, any amount of fentanyl or fentanyl analog. Compared to other opioids these penalties are low. For example, being caught with 3-10 grams of heroin is a Class E felony, but then 10-50 grams is a Class D felony, and anything over 50 grams of heroin is a Class C felony.

AB 357 will increase the penalties for fentanyl and fentanyl analogs and make manufacturing, distributing, delivering, or possessing to manufacture, distribute or deliver 10 grams or less a Class E felony, 10-50 grams a Class D felony, and more than 50 grams a Class C felony.

Over the last decade this legislature has done an immense amount of work to combat the heroin and opioid epidemic. And their work was successful. The number of overdose deaths involving prescription opioids, and heroin plateaued. Yet, the overall number of overdose deaths involving opioids has risen due the skyrocketing availability and use of synthetic opioids, mainly fentanyl. There is no reason that fentanyl, a drug more deadly than heroin, should have more lenient criminal penalties than heroin.

Again, thank you for your consideration of Assembly Bill 357. And, I urge your support so that we can quickly correct this discrepancy.

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State Capitol, P.O. Box 7882, Madison, WI 53707-7882 • (608) 266-1832 • Toll-free (866) 615-7510
Sen.Wanggaard@legis.wi.gov • SenatorWanggaard.com

FENTANYL[†]

SAFETY RECOMMENDATIONS FOR FIRST RESPONDERS

[†] For the purposes of this document, fentanyl, related substances, and synthetic opioids (herein after referred to as fentanyl[†]) includes fentanyl analogues (e.g., acetylfentanyl, acrylfentanyl, carfentanil, furanylfentanyl), novel synthetic opioids (e.g., U-47700), and other drugs that may be laced with these substances.

- ▶ The abuse of drugs containing fentanyl[†] is killing Americans. Misinformation and inconsistent recommendations regarding fentanyl[†] have resulted in confusion in the first responder community.
- ▶ You as a first responder (law enforcement, fire, rescue, and emergency medical services (EMS) personnel) are increasingly likely to encounter fentanyl[†] in your daily activities (e.g., responding to overdose calls, conducting traffic stops, arrests, and searches).
- ▶ This document provides scientific, evidence-based recommendations to protect yourself from exposure.

WHAT YOU NEED TO KNOW

- ▶ Fentanyl[†] can be present in a variety of forms (e.g., powder, tablets, capsules, solutions, and rocks).
- ▶ Inhalation of airborne powder is MOST LIKELY to lead to harmful effects, but is less likely to occur than skin contact.
- ▶ Incidental skin contact may occur during daily activities but is not expected to lead to harmful effects if the contaminated skin is promptly washed off with water.
- ▶ Personal Protective Equipment (PPE) is effective in protecting you from exposure.
- ▶ Slow breathing or no breathing, drowsiness or unresponsiveness, and constricted or pinpoint pupils are the specific signs consistent with fentanyl[†] intoxication.
- ▶ Naloxone is an effective medication that rapidly reverses the effects of fentanyl[†].

Actions to take . . .

To protect yourself from exposure

- ▶ Wear gloves when the presence of fentanyl[†] is suspected.
- ▶ AVOID actions that may cause powder to become airborne.
- ▶ Use a properly-fitted, NIOSH-approved respirator ("mask"), wear eye protection, and minimize skin contact when responding to a situation where small amounts of suspected fentanyl[†] are visible and may become airborne.
- ▶ Follow your department guidelines if the scene involves large amounts of suspected fentanyl[†] (e.g., distribution/storage facility, pill milling operation, clandestine lab, gross contamination, spill or release).

When exposure occurs

- ▶ Prevent further contamination and notify other first responders and dispatch.
- ▶ Do not touch your eyes, mouth, nose or any skin after touching any potentially contaminated surface.
- ▶ Wash skin thoroughly with cool water, and soap if available. Do NOT use hand sanitizers as they may enhance absorption.
- ▶ Wash your hands thoroughly after the incident and before eating, drinking, smoking, or using the restroom.
- ▶ If you suspect your clothing, shoes, and PPE may be contaminated, follow your department guidelines for decontamination.

If you or other first responders exhibit

- Slow Breathing or No Breathing
- Drowsiness or Unresponsiveness
- Constricted or Pinpoint Pupils
- ▶ Move away from the source of exposure and call EMS.
- ▶ Administer naloxone according to your department protocols. Multiple doses may be required.
- ▶ If naloxone is not available, rescue breathing can be a lifesaving measure until EMS arrives. Use standard basic life support safety precautions (e.g., pocket mask, gloves) to address the exposure risk.
- ▶ If needed, initiate CPR until EMS arrives.



Collaborative Support From:

- American College of Emergency Physicians
- American College of Medical Toxicologists
- American Industrial Hygiene Association
- Association of State and Territorial Health Officials
- Association of State Criminal Investigative Agencies
- Fraternal Order of Police

- International Association of Chiefs of Police
- International Association of Fire Chiefs
- International Association of Fire Fighters
- Major Cities Chiefs Association
- Major County Sheriffs of America
- National Alliance of State Drug Enforcement Agencies

- National Association of Counties
- National Association of County and City Health Officials
- National Association of Emergency Medical Technicians
- National Association of EMS Physicians
- National Association of State EMS Officials

- National Governor's Association
- National NIDTA Directors Association
- National Narcotic Officers' Associations' Coalition
- National Sheriffs' Association
- National Volunteer Fire Council
- Police Executive Research Forum
- Police Foundation

<https://www.whitehouse.gov/ondcp/key-issues/fentanyl>

MORPHINE

- Acetylfentanyl 15x
- Furanylfentanyl 20x
- Butyrfentanyl 25x
- Buprenorphine 40x
- Fentanyl 50x-100x
- Acrylfentanyl 50x-100x
- Remifentanil 100x-200x
- Sufentanil 500x-1,000x
- 3-Methylfentanyl 1,000x-1,500x
- Ohmefentanil 6,300x
- Carfentanil 10,000x-100,000x

