



Van H. Wanggaard

Wisconsin State Senator

June 2, 2021

Testimony on Senate Bill 352

Thank you committee members for hearing this bill today. Senate Bill 352 (SB 352) 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.

SB 352 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 Senate Bill 352. And, I urge your support so that we can quickly correct this discrepancy.

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JILL BILLINGS
STATE REPRESENTATIVE

June 2, 2021

Chairman Wanggaard and Committee Members

Thank you for holding a hearing on Senate Bill 352 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 law enforcement in La Crosse, nearly all seized heroin has tested positive for fentanyl. 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 and 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,

Jill Billings
State Representative
95th Assembly District