

Harrowed by fentanyl crisis, California lawmakers seek to stop ‘tranq’ in its tracks

By Eric He

08/06/2024 08:00 AM EDT

This Pro Bill Analysis covers three bills: [SB 1502](#), [AB 3029](#) and [AB 1859](#).

With the fentanyl crisis continuing to spiral across California and the nation, Gov. [Gavin Newsom](#) and state lawmakers want to stop another potent drug before it reaches a similar trajectory.

Xylazine — also known as “tranq” — is an animal tranquilizer that is not approved for human consumption, but is increasingly used in combination with fentanyl. Xylazine can slow a person’s heart rate, breathing and blood pressure to dangerously low levels. Deaths attributed to the drug [more than tripled](#) between 2020 and 2021.

California lawmakers are [attempting to address fentanyl](#), but there is also bipartisan interest in regulating xylazine with two proposals from Democrats [that would make the tranquilizer a Schedule III controlled substance](#) and a third from a Republican [to require testing](#) for the drug in autopsies of people who have died from an overdose.

Assemblymember [Jasmeet Bains](#) (D-Bakersfield), who is also a practicing physician specializing in addiction care, is authoring one of the bills to schedule the drug, though the measure would be contingent on the federal government doing so first. She said that within six months, xylazine reached the same levels of addiction that it took fentanyl six years to achieve.

“This is impacting everyone on both sides of the aisle — Democrats, Republicans,” Bains told POLITICO. “Fentanyl and tranq: It doesn’t ask you for your party registration when it consumes your body.”

WHAT’S IN THE BILL?

This Pro Bill Analysis is based on the [text of SB 1502](#) as amended on June 6.

The bill states in its declarations that xylazine is not FDA-approved for human use and has been linked to an increasing number of overdose deaths. Also known as “tranq” or the “zombie drug,” xylazine is been mixed with drugs like fentanyl which increases its effects and addictiveness. The measure declares that xylazine use for veterinary purposes should be legal (Sec. 1).

It would add any substance that contains xylazine to the list of Schedule III controlled substances, which also includes drugs such as anabolic steroids and hallucinogens. Xylazine used as part of an animal drug under the Food and Drug Administration’s industry guidance would be allowed, and it would not be characterized as “unprofessional conduct” that would allow for revocation of a license under the [Business and Professions Code](#).

The measure would exempt equipment that tests for the presence of xylazine from the definition of “drug paraphernalia” under the [state’s Health and Safety Code](#) (Sec. 2, 4).

This Pro Bill Analysis is based on the [text of AB 3029](#) as amended on July 3.

The bill would add xylazine, along with related salts, isomers and salts of isomers, to the list of Schedule III controlled substances, but only after it is placed on Schedule III of the federal Controlled Substances Act (Sec. 2).

Once xylazine is re-classified, there would be exceptions for:

— Drugs for animal use approved by the Secretary of Health and Human Services, or the manufacturing of xylazine as an ingredient for an animal drug

— The manufacturing, distributing or use of xylazine as a bulk chemical for pharmaceutical compounding by pharmacists or veterinarians if the drug is not available as an active pharmaceutical ingredient

— Any other use that is approved under the [Federal Food, Drug and Cosmetic Act](#)

The measure would exempt equipment that tests for the presence of xylazine or other emerging substances as determined by the State Department of Public Health from the definition of “drug paraphernalia” under the [state’s Health and Safety Code](#) (Sec. 1). Unlike Ashby’s bill, Bains’ proposal would exempt the testing of substances other than xylazine.

This Pro Bill Analysis is based on the [text of AB 1859](#) as introduced on Jan. 18.

The measure would require a coroner to test for xylazine during an autopsy if the person’s death was suspected to be from an overdose of an opioid, or if the person was unresponsive to an overdose prevention drug before dying. Opioid overdose reversal drugs such as naloxone do not work against xylazine (Sec. 1).

If coroners find xylazine in bodily fluids, they would have to report the results to the State Department of Public Health and the [Overdose Detection Mapping Application Program](#). The number of positive results would have to be posted on the [California Overdose Surveillance Dashboard](#).

WHO ARE THE POWER PLAYERS?

Gov. **Gavin Newsom** [pushed for legislation](#) to address xylazine in November 2023, noting that he wanted California to “stay ahead and curb dealers and traffickers” while acknowledging that the state is not seeing xylazine at the same rates as other parts of the country. Reports of seizures caused by xylazine are [highest on the East Coast](#).

“Tranq poses a unique and devastating challenge in our fight against the overdose epidemic,” Newsom said.

His proposal was put into print [via a bill](#) by state Sen. **Angelique Ashby** (D-Sacramento), which adds xylazine as a Schedule III drug and provides an exception for use in animals. Another bill, by Assemblymember **Jasmeet Bains** (D-Bakersfield), is similar but would only take effect if the federal government first schedules the drug. Bains’ bill would also allow the state’s Department of Public Health to test for “other emerging substances.”

“Everybody’s zeroing in on xylazine and fentanyl,” Bains said. “I’m literally looking at this from a bigger window, that there’s new and emerging drugs that are hitting our streets day in, day out. It’s not just about fentanyl. It’s not just about xylazine. There’ll be a new drug that we will be talking about six months from now.”

And [a bill by](#) Assemblymember **Juan Alanis** (R-Modesto) would only lead to testing for xylazine in autopsies. Alanis said on the Assembly floor on May 23 that there have been three deaths in his district linked to xylazine.

“If we don’t act now, we will see history repeat, like we saw with fentanyl,” Alanis said. “So we want to get ahead of that.”

Ashby’s bill, in addition to the governor’s backing, has Senate president Pro Tempore **Mike McGuire** (D-Healdsburg) as a co-author. Assemblymember **Marc Berman** (D-Menlo Park) is the principal co-author. The **California Veterinary Medical Association** — which praised the exemption for veterinary use — and law enforcement groups are backing both of the bills that would schedule the drug.

But Newsom’s proposal may not get his wish without the blessing of Assembly Public Safety Chair **Kevin McCarty** (D-Sacramento), who held Ashby bill’s in his committee in July. McCarty wanted Ashby to accept an amendment that would require the federal government to schedule xylazine before California could regulate it so that the state is in line with the federal guidelines, similar to Bains’ bill. Ashby declined, noting that California should lead and not “wait for the feds.”

The **ACLU** and **Drug Policy Alliance** are opposing both of the scheduling bills. **Jeannette Zanipatin**, the Drug Policy Alliance’s California state director, said at an April 9 Public Safety Committee hearing in the Senate for SB 1502 that it would be a mistake for California to get ahead of federal regulations for xylazine and inadvertently place research restrictions on the drug’s effect in humans.

Zanipatin also added that fentanyl users are unaware that xylazine is also in the product, and that fentanyl possession is already illegal. She said that criminalizing xylazine would disproportionately impact people struggling with substance use.

“Criminalization at this moment is egregious and redundant, because individuals are actually consuming it accidentally,” Zaniipatin said.

WHAT’S HAPPENED SO FAR?

Ashby’s SB 1502 passed the Senate with no dissenting votes but was held by McCarty in the Assembly Public Safety committee. Bains’ measure, AB 3029, passed the Assembly with no opposition and cleared the Senate Public Safety committee — but she accepted an amendment in McCarty’s committee to wait for the federal government to schedule the drug.

Newsom, at a news briefing on July 9, called out McCarty without naming him for holding the measure, describing the xylazine proposal as “targeted and specific.”

“I felt it was a huge mistake that a member of the Legislature killed the tranq bill,” Newsom said.

There [were more than](#) 7,300 opioid-related deaths in California in 2022, and lawmakers fear that without adequate testing, the extent of xylazine’s impact is unknown. Narcan, which is used to reverse fentanyl overdoses, does not work against xylazine because the drug is not an opioid — but medical experts stress that Narcan should still be used in any case of a suspected overdose.

A [federal, bipartisan bill](#) that [would similarly make](#) xylazine a Schedule III controlled substance was held in committee in January. The Biden administration had [released a response plan](#) to xylazine in July 2023 [after designating it](#) as an “emerging drug” last year. States that have so far passed xylazine-related legislation have [mostly been on the East Coast](#), where it has been most prevalent.

WHAT’S NEXT?

Ashby’s bill could be revived in August, if McCarty chooses to hear it in committee. Given Newsom’s interest, expect negotiations between his office and McCarty to continue.

Ashby told POLITICO that if her measure stalls, she would expect herself or Bains to run the same bill next year, when McCarty — who is running for mayor of Sacramento — will no longer be in the Legislature.

Bains, whose bill awaits a hearing in the Senate Appropriations Committee, said she doesn’t care who gets the credit.

“There’s no other addiction doc in the Legislature,” Bains said. “I’m the one. So I don’t care about ownership. I care about making sure that there is something that’s being worked on to address new and emerging drug threats in our communities.”

WHAT ARE SOME STORIES ON THE BILL?

Read POLITICO news on [SB 1502](#), [AB 3029](#) and [AB 1859](#).