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4 **A RESOLUTION**

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6 Calling upon the State of Wisconsin to amend Chapter 961 of the Wisconsin Statutes
7 relating to drug paraphernalia, to allow individuals to possess test kits which may test
8 for the presence of fentanyl, to prevent accidental overdoses and mitigate deaths and
9 the opioid crisis; and assist and protect frontline law enforcement officers and
10 emergency medical technicians (EMTs)

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13 WHEREAS, according to a June 2020 Brookings Institution report titled, “The role
14 of despair in the opioid crisis: Lessons from the science of well-being”, “Deaths of
15 despair – suicides, drug overdose, and alcohol-related deaths – claimed the lives of
16 over 1 million Americans between 2006-2015. Some cohorts, particularly less than
17 college educated whites, have lost faith in the American Dream, have little hope for the
18 future, and low levels of resilience and coping skills. This is the population that is most
19 vulnerable to opioid overdose and other deaths of despair, while minorities, who still
20 face objective disadvantages and discrimination, are much more hopeful and resilient.”;
21 and

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23 WHEREAS, according to the United States Drug Enforcement Administration,
24 fentanyl is “a synthetic opioid that is 80-100 times stronger than morphine.
25 Pharmaceutical fentanyl was developed for pain management treatment of cancer
26 patients, applied in a patch on the skin. Because of its powerful opioid properties,
27 Fentanyl is also diverted for abuse. Fentanyl is added to heroin to increase its potency,
28 or be disguised as highly potent heroin. Many users believe that they are purchasing
29 heroin and actually don’t know that they are purchasing fentanyl – which often results in
30 overdose deaths. . .”; and

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32 WHEREAS, according to the Wisconsin Department of Health Services (DHS),
33 between 2014 and 2019, Milwaukee County had the highest per capita opioid death
34 rates in Wisconsin:

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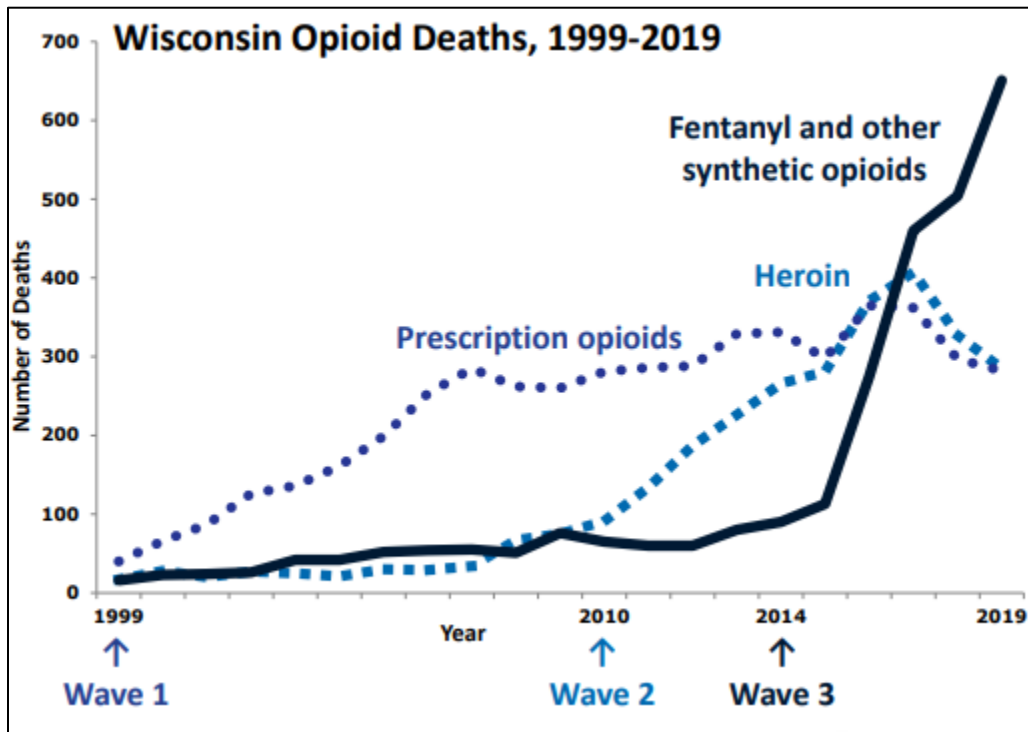
Milwaukee County vs. Wisconsin Opioid Deaths (per 100,000), 2014-2019 Average		
<i>Drug</i>	<i>Milwaukee County</i>	<i>Wisconsin</i>
All Opioids	30.3	13.8

Synthetic Opioids (including Fentanyl)	13.0	6.1
Prescription Opioids	10.8	5.7
Heroin	13.2	5.7
Cocaine	10.3	3.1
Methamphetamines	1.2	1.4

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WHEREAS, according to DHS data as of June 7, 2021, in 2019 Milwaukee County had an opioid emergency room visitation rate of 83.9 per 100,000 versus 43.9 in Wisconsin; and DHS data suggest opioid hospitalizations and deaths are trending upward in both Milwaukee County and Wisconsin, being particularly high in May 2020, suggesting a correlation with the increased social stresses of social inequality and the unemployment, isolation, and other social stresses of the COVID-19 Pandemic:



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P-02550 (Feb. 2021), WI DHS

; and

50 WHEREAS a May 17, 2021 CBS 58 news segment, “Drug overdose deaths
51 continue to climb in Milwaukee County,” quoted Medical College of Wisconsin Professor
52 Constance Kostelac, MD, who stated, “Three out of four overdose deaths involve
53 fentanyl alone or in combination with other substances.”; and

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55 WHEREAS, in these years, the Office of the Medical Examiner has determined
56 these opioid deaths to have been accidental:

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- 58 • 2017: 330 of 337
- 59 • 2018: 291 of 304
- 60 • 2019: 340 of 343
- 61 • 2020: 513 of 545

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65 WHEREAS, law enforcement officers and emergency medical technicians
66 (EMTs) are often among the first to encounter cases of suspected overdose, and their
67 ability to ascertain if someone has overdosed from fentanyl would both aid their ability to
68 assist and inform hospital staff of a patient’s ailment and so the officer or EMT can know
69 what substance he or she may have accidentally touched; and

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71 WHEREAS, Wis. Stat. § 961.571(1)(a) defines “drug paraphernalia” as including
72 “Testing equipment used, designed for use or primarily intended for use in identifying, or
73 in analyzing the strength, effectiveness or purity of, controlled substances or controlled
74 substance analogs”, and Wis. Stat. § 961.573 declares, “No person may use, or
75 possess with the primary intent to use, drug paraphernalia to...test, analyze...a
76 controlled substance or controlled substance analog in violation of this chapter.”,
77 preventing individuals from being able to verify the drugs they possess are safer for
78 consumption, therefore increasing the likelihood of a potentially fatal overdose; and

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80 WHEREAS, the Milwaukee Neighborhood News Service reported on June 18,
81 2020 in an article titled, “Milwaukee County on pace to surpass overdose record again
82 in 2020,” that the COVID-19 Pandemic has exacerbated the opioid crisis; and

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84 WHEREAS, State of Wisconsin draft legislation LRB-1827/P2 would, according
85 to the Wisconsin Legislative Reference Bureau, “[Decriminalize] the use of fentanyl
86 testing strips to test a substance for the presence of fentanyl and directs the
87 Department of Health Services to establish a program to distribute fentanyl testing strips
88 to drug dependent individuals.”; and

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90 WHEREAS, in lieu of being able to address the deep societal problems which
91 compel people to consume opioids, being able to test for the presence of fentanyl,
92 would allow individuals to determine the level of safety of their drugs prior to
93 consumption, allowing for the prevention of accidental overdoses and lessening the
94 impact of the opioid crisis; and

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96 WHEREAS, the Committee on Intergovernmental Relations, at its meeting of
97 July 15, 2021, recommended adoption of File No. 21-557 (vote 4-0); now, therefore,

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99 BE IT RESOLVED, Milwaukee County hereby calls upon the Wisconsin
100 Legislature to pass and the Governor to sign legislation, like State of Wisconsin draft
101 legislation LRB-1827/P2, decriminalizing the use of fentanyl testing strips to allow for
102 individuals, law enforcement officers, and emergency medical technicians (EMTs) to
103 test for the presence of fentanyl in the drugs they consume and therefore mitigate the
104 opioid crisis by preventing accidental overdoses which often lead to fatalities, and to
105 protect the law enforcement officers and EMTs who are on the frontline response to the
106 opioid epidemic; and

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108 BE IT FURTHER RESOLVED, the Office of Government Affairs staff is
109 authorized and requested to communicate the contents of this resolution to State
110 policymakers and support legislation that achieves the criteria outlined in this resolution.

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113 07/15/21

114 s:\committees\2021\jul\igr\resolutions\21-557 fentanyl test kits.docx