



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.C.R. NO. 194 AND H.R. NO. 174, REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO CONDUCT A STUDY TO DETERMINE IF XYLAZINE TESTING STRIPS SHOULD BE EXCLUDED FROM THE STATE'S DEFINITION OF DRUG PARAPHERNALIA.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Tuesday, April 2, 2024 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Michelle M.L. Puu, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) opposes these resolutions as written but supports amending them to request that the Department of Law Enforcement (DLE) conduct the desired study.

The resolutions, as currently written, request the Department to conduct a study to determine whether xylazine testing strips should be excluded from the State's definition of drug paraphernalia. The requested report on this study would be due to the Legislature no later than twenty days prior to the convening of the Regular Session of 2025.

To adequately address the Legislature's request, the proposed study would require extensive data gathering, surveys, research, and analysis of statistical data. The anticipated utilization of statistical data gathering and analysis goes beyond the purview of the Department. The Department also lacks the necessary resources and scientific expertise to complete such a comprehensive study on this multifaceted issue.

The DLE, however, does have the resources and expertise to conduct this study and has expressed interest in doing so. The Department fully supports the DLE in this endeavor.

Therefore, we respectfully request that all references to the Department be removed from the resolutions and replaced with references to the DLE.

Thank you for the opportunity to testify on these resolutions.



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HCR194
REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO
CONDUCT A STUDY TO DETERMINE IF XYLAZINE TESTING STRIPS SHOULD
BE EXCLUDED FROM THE STATE'S DEFINITION OF DRUG PARAPHERNALIA**

REPRESENTATIVE DAVID TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

April 02, 2024, 2:00 PM Room Number: 325

1 **Fiscal Implications:** None

2 **Department Position:** The Department supports this measure and defers to the Department of
3 the Attorney General (DAG) on implementation.

4 **Department Testimony:** The Alcohol and Drug Abuse Division (ADAD) provides the
5 following testimony on behalf of the Department.

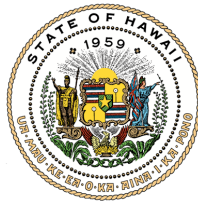
6 This measure requests the DAG to study if xylazine testing strips should be excluded from the
7 State's definition of drug paraphernalia and report to the Legislature before the 2025 Session.

8 Already in Hawaii there were four reported xylazine related deaths in 2023 that was also likely
9 mixed with fentanyl. On April 12, 2023, the White House's Office of Drug Control Policy
10 designated fentanyl mixed with xylazine an emerging threat to the United States.

11 The Substance Abuse and Mental Health Services Administration encourages the use of federal
12 funds to purchase xylazine test strips (XTS) to prevent further overdose deaths. However current
13 state law does not allow XTS purchases because they are regulated as drug paraphernalia.

14 Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



JORDAN LOWE
DIRECTOR

MICHAEL VINCENT
Deputy Director
Administration

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT

Ka 'Oihana Ho'okō Kānāwai

715 South King Street
Honolulu, Hawaii 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

TESTIMONY ON

HOUSE CONCURRENT RESOLUTION 194 AND HOUSE RESOLUTION 174
REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO CONDUCT A
STUDY TO DETERMINE IF XYLAZINE TESTING STRIPS SHOULD BE EXCLUDED
FROM THE STATE'S DEFINITION OF DRUG PARAPHERNALIA

Before the House Committee on Judiciary and Hawaiian Affairs

Tuesday, April 2, 2024; 2:00 p.m.

State Capitol Conference Room 325, Via Videoconference

Testifier: Jared Redulla

Chair Tarnas, Vice Chair Takayama, and members of the Committee:

The Department of Law Enforcement (DLE) supports House Concurrent Resolution (HCR) 194 and House Resolution (HR) 174 that requests the Department of the Attorney General to conduct a study to determine if xylazine testing strips should be excluded from the State's definition of drug paraphernalia.

Xylazine is a common sedative pharmaceutical drug used in veterinary medicine in the United States. In recent times, criminal fentanyl manufacturers have combined xylazine with illicit fentanyl creating a potent drug combination that can more easily cause a fatal drug overdose. Moreover, xylazine is already on Hawaii's streets and is believed to be a contributing cause of a fatal teenage overdose in Hawaii in 2022.

Xylazine is impossible to detect simply by looking at fentanyl on the street. A street user will never be able to tell that the drug they intend to use is made up of a sinister combination of xylazine and fentanyl that might cause a fatal overdose. Consequently, the DLE believes that if xylazine test strips were available and accessible to users, then fatal overdoses caused by fentanyl and xylazine combination drugs can be prevented. Xylazine test strips might ultimately save a life.

The DLE is requesting that the Committee consider an amendment to HCR 194 and HR 174. These resolutions currently resolve that the Department of the Attorney General (AG) conduct a study to determine whether xylazine test strips should be excluded from the state definition of drug paraphernalia and further resolves that the AG submit a report to the Legislature about its study and any proposed legislation. The DLE requests that the Committee resolve that the DLE, rather than the AG, conduct the study and provide a report to the Legislature instead. This is because the DLE's Narcotics Enforcement Division has expertise in illicit fentanyl, xylazine, and drug paraphernalia and a tradition of reporting to the Legislature on drugs and controlled substances.

Thank you for the opportunity to submit testimony on these resolutions.