



STATE OF FLORIDA

**ASHLEY MOODY
ATTORNEY GENERAL**

March 29, 2023

The Honorable Anne Milgram
Administrator
United States Drug Enforcement Administration
United States Department of Justice
8701 Morrissette Drive
Springfield, VA 22152

RE: Scheduling Xylazine

Dear Administrator Milgram,

Just over five years ago, after receiving information from law enforcement about a relatively new drug Xylazine and the harm that it was beginning to cause in Florida, Florida scheduled Xylazine as a Schedule I controlled substance under our state's Controlled Substances Act.¹ Five years later, the United States Drug Enforcement Administration (the "DEA") still has not taken any scheduling action against Xylazine despite Xylazine's abuse potential and the exponentially increasing harm that it is causing across the United States. Indeed, last week, the DEA itself released a "Public Safety Alert" about Xylazine. Tellingly, the two immediately preceding "Public Safety Alerts" by DEA both concerned the increasing dangers of Fentanyl. In last week's release, you are quoted saying that "Xylazine is making the deadliest drug threat our country has ever faced, fentanyl, even deadlier."² While I applaud DEA's tardy warning about Xylazine, more must be quickly done to stop the growth of Xylazine as an illicit drug. A good first step by DEA would be to immediately schedule Xylazine, like Florida has already done.

According to the "Public Safety Alert" sent by your administration last week, last year "approximately 23% of fentanyl powder and 7% of fentanyl pills seized by the DEA contained xylazine."³ As stated in your alert and as you well know, Xylazine alone or mixed with other

¹ Laws of Florida, Ch. 2018-13

² www.dea.gov/alert/dea-reports-widespread-threat-fentanyl-mixed-xylazine.

³ www.dea.gov/alert/dea-reports-widespread-threat-fentanyl-mixed-xylazine.

drugs, like Fentanyl, is dangerous because it is a sedative that results in respiratory depression and increases the risk for fatal overdose. Indeed, according to a United States Centers Disease Control and Prevention (“CDC”) notes from the field report published almost two years ago, “because xylazine is not an opioid, it does not respond to opioid reversal agents such as naloxone; therefore, if illicit opioid products containing xylazine are used, naloxone might be less effective in fully reversing an overdose.”⁴ That report, which looked at 2019 data from State Unintentional Drug Overdose Reporting System in 38 states and the District of Columbia, it found Xylazine present in 2% of overdose deaths.⁵ According to the National Institute on Drug Abuse (“NIDA”), the number of deaths is increasing exponentially.⁶ One study cited by NIDA found Xylazine increasingly present, finding it in 25.8% of the overdose deaths in the City of Philadelphia, 19.3% of the overdose deaths in the State of Maryland, and 10.2% of overdose deaths in the State of Connecticut.⁷ According to another report by the American Psychiatric Association, Xylazine’s prevalence in overdose deaths rose from .36% in 2015 to 6.7% in 2020, almost a nineteen-fold increase.⁸ According to news reports, despite Florida scheduling the drug five years ago, Xylazine has killed more than 230 people in Florida.⁹

The increasing presence of Xylazine in overdose deaths is mirrored by findings in DEA’s laboratory system in 2020 and 2021,¹⁰ which I have reproduced in the table below. I expect that those numbers will again increase when data for 2022 becomes available.

Region	2020	2021	Percent Increase
Northeast	346	556	61%
South	198	580	193%
Midwest	110	118	7%
West	77	163	112%

I appreciate the difficulties and potential limitations on your authority in scheduling drugs when, as with Xylazine, the United States Food and Drug Administration (the “FDA”) continues to approve the use of Xylazine for horses and other large animals. But, FDA approval should be a matter of what schedule Xylazine is on, not whether Xylazine is scheduled. I am aware that the FDA recently acted trying to restrict the supply of Xylazine.¹¹ But, according to the DEA’s Joint Intelligence Report released in October 2022, this FDA action is too little, too late as Xylazine is “readily available for purchase on other Internet sites in liquid and powder form, often with no association to the veterinary profession nor requirements to prove legitimate need.” And, “a kilogram of xylazine powder can be purchased online from Chinese suppliers with common

⁴ <https://www.cdc.gov/mmwr/volumes/70/wr/mm7037a4.htm>.

⁵ *Id.*

⁶ <https://nida.nih.gov/research-topics/xylazine>.

⁷ Friedman, Joseph J., et al., *Xylazine spreads across the US: A growing component of the increasingly synthetic and polysubstance overdose crisis*, 233 *Drug and Alcohol Dependence* (April 2022).

⁸ D’Arrigo, Terri, *Xylazine increasingly found in overdose deaths*, *Psychiatric News* (June 27, 2022) (<https://psychnews.psychiatryonline.org/doi/10.1176/appi.pn.2022.07.6.5>).

⁹ www.wtsp.com/article/news/investigations/10-investigates/overdosed/animal-tranquilizer-xylazine-fentanyl-florida-deaths/67-f936c55f-4aa2-4e41-b327-f0c255ac0467

¹⁰ [https://www.dea.gov/sites/default/files/2022-](https://www.dea.gov/sites/default/files/2022-12/The%20Growing%20Threat%20of%20Xylazine%20and%20its%20Mixture%20with%20Illicit%20Drugs.pdf)

[12/The%20Growing%20Threat%20of%20Xylazine%20and%20its%20Mixture%20with%20Illicit%20Drugs.pdf](https://www.dea.gov/sites/default/files/2022-12/The%20Growing%20Threat%20of%20Xylazine%20and%20its%20Mixture%20with%20Illicit%20Drugs.pdf).

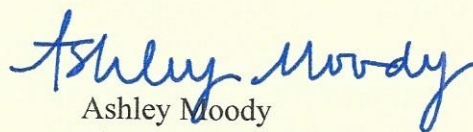
¹¹ <https://www.fda.gov/news-events/press-announcements/fda-takes-action-restrict-unlawful-import-xylazine>.

prices ranging from \$6-\$20 U.S. dollars per kilogram.”¹² Given the low price that Xylazine has and its ubiquitous availability, it is hard to believe that FDA’s belated action is going to stem the growing carnage that Xylazine is inflicting. Swift action is needed by the DEA to prevent this growing problem from continuing to snowball. The DEA should act whether that action is pursuant to 21 U.S.C. §811(h), which admittedly may be problematic because of the FDA’s prior approval, 21 U.S.C. §811(j), or under its authority under 21 U.S.C. §811(a).

As you have frequently noted, our nation is in the grips of a drug overdose crisis—with record numbers of deaths and no end in sight. The skyrocketing death toll can currently be largely attributed to the illicit Fentanyl flooding into our nation through the porous Southwest Border. As deadly as Fentanyl is proving to be, its lethal effects are now being enhanced by Xylazine, which is currently available for purchase legally in the U.S. The Biden Administration needs to act with greater alacrity as the opioid epidemic continues to evolve. While Florida’s scheduling of Xylazine may have slowed its growth here, the reality of illicit drugs and how they are trafficked is that unless a consistent policy is applied, illicit drugs will proliferate. I would request that you utilize the authority delegated to you by the Attorney General under 21 U.S.C §811 and schedule Xylazine.

Thank you in advance for your consideration for this important matter. Florida stands ready to be a fierce partner in our common issues to end the crushing drug epidemic in this country and save lives.

Sincerely,

A handwritten signature in blue ink that reads "Ashley Moody". The signature is fluid and cursive, with the first name being more prominent.

Ashley Moody
Florida Attorney General

¹² <https://www.dea.gov/sites/default/files/2022-12/The%20Growing%20Threat%20of%20Xylazine%20and%20its%20Mixture%20with%20Illicit%20Drugs.pdf>.