
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

SB 6 (Ashby) - Controlled substances: xylazine

Version: December 2, 2024

Urgency: No

Hearing Date: April 7, 2025

Policy Vote: PUB. S. 6 - 0

Mandate: Yes

Consultant: Liah Burnley

Bill Summary: SB 6 criminalizes xylazine and any substance containing xylazine by classifying it as a Schedule III controlled substance under California's Uniform Controlled Substances Act (UCSA).

Fiscal Impact:

- **Trial Courts:** Unknown, potentially significant cost to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate criminal penalties created by this bill. Defendants are constitutionally guaranteed certain rights during criminal proceedings, including the right to a jury trial and the right to counsel (at public expense if the defendants are unable to afford the costs of representation). Creating new crimes, with increased penalties, could lead to lengthier and more complex court proceedings with attendant workload and resource costs to the court. The fiscal impact of this bill to the courts will depend on many unknown factors, including the numbers of people charged with an offense and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. In 2023–24, over 4.8 million cases were filed statewide in the superior courts, including 179,821 felony cases and 451,647 misdemeanor cases. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations. The Governor's 2025-26 budget proposes a \$40 million ongoing increase in discretionary funding from the General Fund to help pay for increased trial court operation costs beginning in 2025-26.
- **Incarceration:** Costs (local funds, General Fund) to the counties and the Department of Corrections and Rehabilitation of an unknown but significant amount to incarcerate people for xylazine-related crimes. The Legislative Analyst's Office (LAO) estimates the average annual cost to incarcerate one person in state prison is \$133,000. The average annual cost to incarcerate one person in county jail is approximately \$77,252 per year. Actual incarceration costs will depend on the number of convictions and the length of each sentence. Although county incarceration costs are generally not considered reimbursable state mandates pursuant to Proposition 30 (2012), overcrowding in county jails creates cost pressure on the General Fund because the state has historically granted new funding to counties to offset overcrowding resulting from 2011 public safety realignment.

- **Local Supervision:** Costs (local funds, General Fund) to county probation departments of an unknown, but potentially significant amount, if individuals convicted of the new crimes created by this bill are supervised locally in the community in lieu of or in addition to incarceration. In each criminal case, probation departments have a number of responsibilities such as providing pretrial risk assessments to the courts, conducting investigations to provide presentencing reports to the courts, and supervising people to ensure they comply with the terms of their probation. Costs could range from the hundreds of thousands to the millions of dollars annually in the aggregate. Actual costs would depend on the cost of supervision by each county probation department and how many individuals are granted probation for a xylazine-related offense. According to the LAO, the state has typically provided counties with additional funding when state policy changes temporarily increase the post-release community supervision and probation populations. Local costs to comply with this measure would be subject to reimbursement by the state to the extent that the Commission on State Mandates determines that this bill imposes a state-mandated local program

Background: Through independent statutory schemes, both the federal government and California restrict the use of certain substances by classifying them into five “schedules” based on abuse potential and medical use. Schedule I substances pose the greatest risk and are most highly regulated; substances in each subsequent tier pose a lesser risk in comparison. For example, heroin, cocaine, and LSD are Schedule I drugs, while codeine and buprenorphine are Schedule V drugs. California is not required to but typically aligns its regulation of controlled substances with the federal schedules. The federal government has classified xylazine as controlled substances. This bill classifies xylazine as Schedule III of the UCSA, which criminalizes a host of activities related to the substance.¹

Proposed Law:

- Classifies xylazine, and its salts, isomers, and salts of its isomers as a Schedule III substance.
- Classifies any substance that contains xylazine as a Schedule III substance.

¹ For example, among other offenses and enhancements, this bill would make possession of xylazine a misdemeanor subject to imprisonment in county jail for up to one year (Health & Saf., § 11377, subd. (a)); expand a sentence enhancement for administering controlled substance to a consecutive term of imprisonment in the state prison for five years to include xylazine in some specified cases (Pen. Code sec. 12022.75); make possession for sale a felony subject to imprisonment in county jail for 16 months, 2 years or 3 years (Health & Saf., § 11378); make trafficking xylazine a felony subject to imprisonment in county jail for 2, 3, or 4 years (Health & Saf., § 11379); makes manufacturing, producing, or preparing xylazine a felony punishable by imprisonment in county jail for 3, 5, or 7 years and a fine of up to \$50,000 (Health & Saf., § 11379.6, subd. (a)); make offering to manufacturing, producing, or preparing a xylazine a felony punishable by imprisonment in county jail for 3, 4, or 5 years (Health & Saf., § 11379.6, subd. (e)).

- Allows xylazine, its salts, isomers, and salts of its isomers, and any substance containing xylazine to be used to compound an animal drug pursuant to the federal Food and Drug Administration's industry guidance, as specified.
- Exempts compounding xylazine for animal drugs from unprofessional conduct provisions of the Business and Professions Code.
- Adds xylazine to the existing exemptions for drug paraphernalia.

Related Legislation:

- SB 1502 (Ashby) would have classified xylazine or any substance containing xylazine as a Schedule III controlled substance. SB 1502 failed passage in Assembly Public Safety Committee.
- AB 3029 (Bains) would have classified xylazine or any substance containing xylazine as a Schedule III controlled substance. AB 3029 was held under submission in this Committee.

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