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HEROIN DUI TESTIMONY

Chairman Kleefisch and committee members, thank you for holding a public hearing on Assembly Bill 557, which gives the state more tools to convict motorists who are driving under the influence of heroin.

It's no secret that heroin and opiate abuse has become an epidemic in Wisconsin and the entire country. According to the Centers for Disease Control, heroin claimed the lives of almost 10,575 people nationwide in 2014, an increase of more than 6,000 from 2011. The number of heroin overdose deaths in Wisconsin has nearly doubled since 2011.

Over the past two sessions, we have worked to address this problem by passing legislation that is part of the H.O.P.E. (Heroin, Opiate, Prevention, and Education) Agenda. But recently, at a Governor's Council on Highway Safety meeting, we learned of a loophole in state law that makes it harder for authorities to prove a motorist is driving under the influence of heroin.

While heroin is listed as a restricted controlled substance when driving a motor vehicle in Wisconsin, the drug immediately converts to the heroin metabolite, 6-monoacetylmorphine (6-MAM), once it enters the bloodstream. 6-MAM, which currently is not on the state's restricted controlled substance list, is unique to heroin and is only found in instances where heroin is consumed.

Because of the way the current law is written, police officers cannot rely on the fact that heroin is a restricted controlled substance when making an arrest. Law enforcement must document the impairment of the motorist, which can become extremely difficult in vehicle accidents where the driver is the only survivor and cannot take part in any field sobriety tests due to injuries sustained in the crash.

Assembly Bill 557 adds 6-MAM to the list of restricted controlled substances, essentially making driving with any detectable amount of heroin a violation of the law. By making this change, authorities would be released of some of the burden of documenting impairment and prosecutors would be allowed to more effectively adjudicate heroin OWI cases.

Thank you for giving me the opportunity to testify on Assembly Bill 557. I'd be happy to answer any questions you may have.

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