

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 417
Health

(Delegate Pippy, *et al.*)

Finance

Criminal Law - Schedule III Controlled Dangerous Substances - Medetomidine
and Xylazine

This bill designates medetomidine and xylazine as Schedule III controlled dangerous substances (CDS) under the Maryland Controlled Dangerous Substances Act.

Fiscal Summary

State Effect: The Judiciary can handle any increase in court cases with existing budgeted resources. Penalties are not anticipated to materially affect State revenues.

Local Effect: The bill is not anticipated to materially affect local finances. Any increase in workload for the circuit courts is not anticipated to be significant.

Small Business Effect: None.

Analysis

Current Law: The State does not currently regulate medetomidine or xylazine. Under federal law (21 CFR § 522.1335 and 21 CFR § 522.2662), medetomidine and xylazine are only for use by or on the order of a licensed veterinarian. Xylazine may also not be used on animals that produce domestic food.

Under the Maryland Controlled Dangerous Substances Act, there are five schedules for CDS depending on their potential for abuse and acceptance for medical use. Schedule III consists of each CDS added to Schedule III by the Maryland Department of Health (MDH) or designated as a Schedule III CDS by the federal government unless MDH objects. MDH may not add a substance to Schedule III unless it finds (1) a potential for abuse that is less than that for substances in Schedule I and Schedule II; (2) well documented and approved

medical use of the substance in the United States; and (3) evidence that abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

Generally, MDH may add a CDS by its own initiative or on petition from an interested party. To determine whether to add a substance, MDH must consider (1) the actual or relative potential for abuse; (2) if known, scientific evidence of the pharmacological effect; (3) the state of current scientific knowledge regarding the substance; (4) the history and current pattern of abuse of the substance; (5) the scope, duration, and significance of abuse of the substance; (6) any risk the substance poses to public health; (7) the ability of the substance to cause psychological or physiological dependence; and (8) whether the substance is an immediate precursor of a CDS.

Under federal law, examples of Schedule III CDS are products containing certain quantities of codeine, ketamine, testosterone, and anabolic steroids. Under Maryland regulations (10.19.03.20), Schedule III also includes Fioricet and certain quantities of opium.

Penalties

Subject to specified exceptions, possessing or administering a CDS other than cannabis is a misdemeanor subject to the following penalties:

- imprisonment for up to one year and/or a fine of up to \$5,000 for a first conviction;
- imprisonment for up to 18 months and/or a fine of up to \$5,000 for a second or third conviction; and
- imprisonment for up to two years and/or a fine of up to \$5,000 for a fourth or subsequent conviction.

Also, under Title 5, Subtitle 6 of the Criminal Law Article, a person may not:

- distribute, dispense, or possess with the intent to distribute a CDS;
- manufacture a CDS or manufacture, distribute, or possess a machine, equipment, or device that is adapted to produce a CDS with the intent to use it to produce, sell, or dispense a CDS;
- create, distribute, or possess with the intent to distribute a counterfeit substance;
- manufacture, distribute, or possess equipment designed to render a counterfeit substance;
- keep a common nuisance (any place resorted to for the purpose of illegally administering CDS or where such substances or controlled paraphernalia are illegally manufactured, distributed, dispensed, stored, or concealed); or
- pass, issue, make, or possess a false, counterfeit, or altered prescription for a CDS with the intent to distribute the CDS.

Exhibit 1 shows the applicable sentences for distribution of CDS and related offenses.

Exhibit 1
Penalties for Distribution of Controlled Dangerous Substances and Related Offenses

<u>Offense</u>	<u>Current Penalty^{1, 2}</u>
CDS (Other Than Schedule I or II Narcotic Drugs and Other Specified CDS)	
First-time Offender	Maximum penalty of 5 years imprisonment and/or \$15,000 fine
Repeat Offender	Maximum penalty of 5 years imprisonment and/or \$15,000 fine
CDS (Schedule I or II Narcotic Drug and Specified Drugs)³	
First-time Offender	Maximum penalty of 20 years imprisonment and/or \$15,000 fine
Second-time Offender	Maximum penalty of 20 years imprisonment and/or \$15,000 fine
Third-time Offender	Maximum penalty of 25 years imprisonment and/or a \$25,000 fine (parole eligibility at 50% of sentence)
Fourth-time Offender	Maximum penalty of 40 years imprisonment and/or a \$25,000 fine (parole eligibility at 50% of sentence)

CDS: controlled dangerous substance

¹ Repeat offenders are subject to twice the term of imprisonment and/or fines that are otherwise authorized. This authorization is made applicable only when the person has also been previously convicted of a crime of violence.

² Section 5-608.1 of the Criminal Law Article prohibits a person from knowingly distributing or possessing with the intent to distribute (1) a mixture of CDS that contains heroin and a detectable amount of fentanyl or any analogue of fentanyl or (2) fentanyl or any analogue of fentanyl. In addition to any other penalty imposed, a person is subject to imprisonment for up to 10 years. A sentence imposed for a violation of this prohibition must be served consecutively to any other sentence imposed.

³ For example, cocaine and heroin.

Source: Department of Legislative Services

Additional Comments: Medetomidine is a veterinary anesthetic drug often used on dogs and not approved for human use. Its effects are similar to those of xylazine. In August 2024, the U.S. Centers for Disease Control and Prevention reported that medetomidine is being detected as an adulterant in illicit drugs, overdoses, and drug paraphernalia. It is often detected alongside fentanyl in patients who overdosed on street drugs. While the U.S. Food and Drug Administration (FDA) has only approved medetomidine for veterinary use, another form of it called dexmedetomidine is approved for use as a sedative on humans.

Xylazine is a veterinary tranquilizer and pain reliever that has also been detected alongside fentanyl in illicit drugs. It has been FDA-approved for use in veterinary medicine, but not humans.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 435 (Senator Folden) - Finance.

Information Source(s): Maryland Association of County Health Officers; Comptroller's Office; Judiciary (Administrative Office of the Courts); Maryland Department of Health; U.S. Drug Enforcement Administration; Department of Legislative Services

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