



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

House: HHS DPA/SE 6-3-0-0 | 3rd Read 31-28-1-0

Senate: HHS DPA 5-2-0-0 | 3rd Read 16-14-0-0

**HB 2469: ~~fantanyl; border; public health crisis~~
NOW: sovereign authority; border; health crisis
Sponsor: Representative Montenegro, LD 29
Senate Engrossed**

Overview

Declares that fentanyl coming across Arizona's border is a public health crisis and directs the Arizona Department of Health Services (DHS) to do everything within its power to stem the crisis.

History

[DHS](#) aims to promote, protect and improve the health and wellness of individuals and communities in Arizona. The agency strives to set the standard for personal and community health through direct care, science, public policy and leadership. DHS operates programs from the following areas: 1) disease prevention and control; 2) health promotion; 3) community public health; 4) environmental health; 5) maternal and child health; 6) emergency preparedness; and 7) regulation of healthcare intuitions and facilities.

The Center for Disease Control ([CDC](#)) describes fentanyl as a synthetic opioid that is 50 to 100 times stronger than morphine. The number of overdose deaths involving synthetic opioids in 2020 was more than 18 times the number in 2013 with more than 56,000 people dying synthetic opioid overdoses in 2020. Fentanyl is listed as a *narcotic drug* in statute ([A.R.S. § 13-3401](#)).

[Article I, Section 10](#) of the U.S. Constitution states that no state can, without the consent of Congress, lay any Duty of Tonnage, keep troops or ships of war in times of peace, enter into any agreement or compact with another state or with a foreign power or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

[Article IV, Section 4](#) of the U.S. Constitution states that the U.S. must guarantee to every state a Republican form of government and protect each of them against invasion and on application of the Legislature or of the Executive (when the Legislature cannot be convened) against domestic violence.

[Article II, Section 3](#) of Arizona's Constitution permits the state to protect the people's freedom and preserve the checks and balances of the U.S. Constitution by exercising its sovereign authority to restrict the actions of its personnel and use of its financial resources to purposes consistent with the U.S. Constitution by passing an initiative or referendum, a bill or any other available legal remedy.

Provisions

1. Declares that fentanyl coming across Arizona's border is a public health crisis and that DHS must do everything within its authority to stem the crisis. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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Senate Amendments

1. Declares it is the public policy of Arizona to protect the state from drug cartels that threaten the public safety, health or general welfare of its people.
2. Deems that the federal government's failure to secure Arizona's border to protect it from an unlawful invasion is dangerous and unprecedented.
3. Requires Arizona laws to be interpreted and construed to protect its sovereign authority against any unlawful invasion at its border with Mexico.
4. Declares the trafficking of fentanyl across Arizona's border as a public health crisis and that overdose deaths involving synthetic opioids are primarily driven by illicitly manufactured fentanyl.
5. Asserts that DHS must do everything within its authority to address the crisis, rather than stem it.
6. Defines the terms *drug cartel* and *unlawful invasion*.
7. Makes conforming changes.