

Senate Engrossed

fentanyl; sale amount; nine grams

State of Arizona  
Senate  
Fifty-seventh Legislature  
Second Regular Session  
2026

# SENATE BILL 1061

AN ACT

AMENDING SECTION 13-3408, ARIZONA REVISED STATUTES; RELATING TO DRUG  
OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3408, Arizona Revised Statutes, is amended to  
3 read:

4 13-3408. Possession, use, administration, acquisition, sale,  
5 manufacture or transportation of narcotic drugs;  
6 classification

7 A. Except as provided in section 36-2850, paragraph 19, subdivision  
8 (b), section 36-2852 and section 36-2853, subsection C, a person shall not  
9 knowingly:

- 10 1. Possess or use a narcotic drug.
- 11 2. Possess a narcotic drug for sale.
- 12 3. Possess equipment or chemicals, or both, for the purpose of  
13 manufacturing a narcotic drug.
- 14 4. Manufacture a narcotic drug.
- 15 5. Administer a narcotic drug to another person.
- 16 6. Obtain or procure the administration of a narcotic drug by  
17 fraud, deceit, misrepresentation or subterfuge.
- 18 7. Transport for sale, import into this state, offer to transport  
19 for sale or import into this state, sell, transfer or offer to sell or  
20 transfer a narcotic drug.

21 B. A person who violates:

- 22 1. Subsection A, paragraph 1 of this section is guilty of a class 4  
23 felony.
- 24 2. Subsection A, paragraph 2 of this section is guilty of a class 2  
25 felony.
- 26 3. Subsection A, paragraph 3 of this section is guilty of a class 3  
27 felony.
- 28 4. Subsection A, paragraph 4 of this section is guilty of a class 2  
29 felony.
- 30 5. Subsection A, paragraph 5 of this section is guilty of a class 2  
31 felony.
- 32 6. Subsection A, paragraph 6 of this section is guilty of a class 3  
33 felony.
- 34 7. Subsection A, paragraph 7 of this section is guilty of a class 2  
35 felony.

36 C. A person who is convicted of a violation of subsection A,  
37 paragraph 1, 3 or 6 of this section and who has not previously been  
38 convicted of any felony or who has not been sentenced pursuant to section  
39 13-703, section 13-704, subsection A, B, C, D or E, section 13-706,  
40 subsection A, section 13-708, subsection D or any other provision of law  
41 making the convicted person ineligible for probation is eligible for  
42 probation.

43 D. If the aggregate amount of narcotic drugs involved in one  
44 offense or all of the offenses that are consolidated for trial equals or  
45 exceeds the statutory threshold amount, a person who is convicted of a

1 violation of subsection A, paragraph 2, 5 or 7 of this section is not  
2 eligible for suspension of sentence, probation, pardon or release from  
3 confinement on any basis until the person has served the sentence imposed  
4 by the court, the person is eligible for release pursuant to section  
5 41-1604.07 or the sentence is commuted.

6 E. A person who is convicted of a violation of subsection A,  
7 paragraph 4 of this section is not eligible for suspension of sentence,  
8 probation, pardon or release from confinement on any basis until the  
9 person has served the sentence imposed by the court, the person is  
10 eligible for release pursuant to section 41-1604.07 or the sentence is  
11 commuted.

12 F. If ~~the~~ A person is convicted of a violation of subsection A,  
13 paragraph 2 or 7 of this section and the violation involves the sale to  
14 another person of fentanyl in an amount of at least ~~two hundred~~ NINE  
15 grams, the person shall be sentenced as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
5 calendar years	10 calendar years	15 calendar years

18 A person who has previously been convicted of a violation of  
19 subsection A, paragraph 2 or 7 of this section involving the sale to  
20 another person of fentanyl in an amount of at least ~~two hundred~~ NINE grams  
21 shall be sentenced as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
10 calendar years	15 calendar years	20 calendar years

24 G. The presumptive term imposed pursuant to subsection F of this  
25 section may be mitigated or aggravated pursuant to section 13-701,  
26 subsections D and E.

27 H. If ~~the~~ A person is convicted of a violation of subsection A,  
28 paragraphs 2 and 7 of this section and the violation involves the  
29 possession of fentanyl in a motor vehicle in an amount of at least two  
30 hundred grams, the person shall be sentenced as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
5 calendar years	10 calendar years	15 calendar years

33 A person who has previously been convicted of a violation of  
34 subsection A, paragraphs 2 and 7 of this section involving the possession  
35 of fentanyl in a motor vehicle in an amount of at least two hundred grams  
36 shall be sentenced as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
10 calendar years	15 calendar years	20 calendar years

39 I. The presumptive term imposed pursuant to subsection H of this  
40 section may be mitigated or aggravated pursuant to section 13-701,  
41 subsections D and E.

42 J. In addition to any other penalty prescribed by this title, the  
43 court shall order a person who is convicted of a violation of this section  
44 to pay a fine of not less than \$2,000 or three times the value as  
45 determined by the court of the narcotic drugs involved in or giving rise

1 to the charge, whichever is greater, and not more than the maximum  
2 authorized by chapter 8 of this title. A judge shall not suspend any part  
3 or all of the imposition of any fine required by this subsection.

4 K. A person who is convicted of a violation of this section for  
5 which probation or release before the expiration of the sentence imposed  
6 by the court is authorized is prohibited from using any marijuana,  
7 dangerous drug, narcotic drug or prescription-only drug except as lawfully  
8 administered by a health care practitioner and as a condition of any  
9 probation or release shall be required to submit to drug testing  
10 administered under the supervision of the probation department of the  
11 county or the state department of corrections, as appropriate, during the  
12 duration of the term of probation or before the expiration of the sentence  
13 imposed.

14 L. If a person who is convicted of a violation of this section is  
15 granted probation, the court shall order that as a condition of probation  
16 the person perform not less than three hundred sixty hours of community  
17 restitution with an agency or organization that provides counseling,  
18 rehabilitation or treatment for alcohol or drug abuse, an agency or  
19 organization that provides medical treatment to persons who abuse  
20 controlled substances, an agency or organization that serves persons who  
21 are victims of crime or any other appropriate agency or organization.