

REFERENCE TITLE: sovereign authority; border; health crisis

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2904

Introduced by
Representative Montenegro

AN ACT

AMENDING TITLE 1, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 1-273; AMENDING TITLE 36, CHAPTER 1, ARTICLE 1, ARIZONA
REVISED STATUTES, BY ADDING SECTION 36-116; RELATING TO PUBLIC HEALTH AND
SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 1, chapter 2, article 4, Arizona Revised Statutes,
3 is amended by adding section 1-273, to read:

4 1-273. Sovereign authority; self-defense and invasion;
5 definitions

6 A. PURSUANT TO ARTICLE I, SECTION 10 AND ARTICLE IV, SECTION 4,
7 UNITED STATES CONSTITUTION, AND ARTICLE II, SECTION 3, CONSTITUTION OF
8 ARIZONA, THE LEGISLATURE DECLARES IT IS THE PUBLIC POLICY OF THIS STATE TO
9 PROTECT THIS STATE FROM DRUG CARTELS THAT THREATEN THE PUBLIC SAFETY,
10 HEALTH OR GENERAL WELFARE OF THE PEOPLE.

11 B. THE LEGISLATURE FURTHER DECLARES THAT THE FEDERAL GOVERNMENT'S
12 FAILURE TO SECURE THE ARIZONA BORDER TO PROTECT THIS STATE FROM AN
13 UNLAWFUL INVASION IS DANGEROUS AND UNPRECEDENTED.

14 C. THE LAWS OF THIS STATE SHALL BE INTERPRETED AND CONSTRUED TO
15 PROTECT THIS STATE'S SOVEREIGN AUTHORITY AGAINST ANY UNLAWFUL INVASION AT
16 ARIZONA'S BORDER WITH MEXICO.

17 D. FOR THE PURPOSES OF THIS SECTION:

18 1. "DRUG CARTEL" MEANS AN ONGOING FORMAL OR INFORMAL ASSOCIATION OF
19 PERSONS IN WHICH MEMBERS OR ASSOCIATES INDIVIDUALLY OR COLLECTIVELY ENGAGE
20 IN ANY OF THE FOLLOWING:

21 (a) HUMAN SMUGGLING.

22 (b) TRAFFICKING OF FENTANYL OR ANY OTHER LETHAL DRUG FOR PROFIT.

23 (c) ANY ACT OF TERRORISM AS DEFINED IN SECTION 13-2301.

24 2. "UNLAWFUL INVASION" MEANS ILLICIT ACTIVITIES OF A DRUG CARTEL.

25 Sec. 2. Title 36, chapter 1, article 1, Arizona Revised Statutes,
26 is amended by adding section 36-116, to read:

27 36-116. Fentanyl; public health crisis

28 THIS STATE DECLARES THAT THE TRAFFICKING OF FENTANYL ACROSS OUR
29 BORDER IS A PUBLIC HEALTH CRISIS. THIS STATE FURTHER DECLARES THAT
30 OVERDOSE DEATHS INVOLVING SYNTHETIC OPIOIDS ARE PRIMARILY DRIVEN BY
31 ILLICITLY MANUFACTURED FENTANYL. THE DEPARTMENT SHALL DO EVERYTHING
32 WITHIN ITS AUTHORITY TO ADDRESS THIS CRISIS.