

House Engrossed Senate Bill
narcotic drugs; sales; minor; sentencing

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

SENATE BILL 1170

AN ACT

AMENDING SECTIONS 11-594, 13-3407 AND 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 11-594, Arizona Revised Statutes, is amended to
3 read:

4 11-594. Powers and duties of county medical examiner

5 A. The county medical examiner or alternate medical examiner shall
6 direct a death investigation and, on a determination that the
7 circumstances of the death provide jurisdiction pursuant to section
8 11-593, subsection B, shall:

9 1. Take charge of the dead body.

10 2. Determine if an autopsy is required.

11 3. Certify to the cause and manner of death following completion of
12 the death investigation, reduce the findings to writing and promptly make
13 a full report on forms prescribed for that purpose.

14 4. Have subpoena authority for all documents, records and papers
15 deemed useful in the death investigation.

16 5. Execute a death certificate provided by the state registrar of
17 vital statistics indicating the cause and the manner of death for those
18 bodies for which a death investigation has been conducted and jurisdiction
19 is assumed.

20 6. Give approval for cremation or alkaline hydrolysis of a dead
21 body after a death investigation and record the approval on the death
22 certificate.

23 7. Notify the county attorney or other law enforcement authority
24 when death is found to be from nonnatural causes.

25 8. Carry out the duties specified under section 28-668.

26 9. Carry out the duties specified under title 36, chapter 7,
27 article 3.

28 10. Provide a blood sample from a deceased person for the purpose
29 of communicable disease testing pursuant to sections 13-1210 and 36-670 if
30 the blood is available and the collection or release will not interfere
31 with a medical examination, autopsy or certification of death.

32 11. Observe all policies adopted by the board of supervisors
33 regarding conflicts of interest and disclosure of noncounty employment.

34 12. CARRY OUT THE DUTIES SPECIFIED UNDER SECTION 13-3407, SUBSECTION
35 F AND SECTION 13-3408, SUBSECTION J.

36 B. The county medical examiner or alternate medical examiner may:

37 1. Assign to a medical death investigator or other qualified
38 personnel all aspects of a death investigation except performing
39 autopsies.

40 2. Authorize forensic pathologists to perform examinations and
41 autopsies. The medical examiner or alternate medical examiner may
42 authorize medical students or residents and fellows in pathology training
43 to perform autopsies under the supervision of a licensed physician who is
44 board certified in forensic pathology, pursuant to procedures adopted by
45 the county medical examiner or alternate medical examiner. Authorization

1 and the amount to be paid by the county for pathology services are subject
2 to approval of the board of supervisors.

3 3. Authorize pathologist assistants to assist with performing
4 autopsies under the direct supervision of a licensed physician who is
5 board certified in forensic pathology, pursuant to procedures adopted by
6 the county medical examiner or alternate medical examiner. A pathologist
7 assistant may not certify a cause of death or independently perform an
8 autopsy.

9 4. Delegate any power, duty or function, whether ministerial or
10 discretionary, vested by this chapter in the medical examiner or alternate
11 medical examiner to a person meeting the qualifications prescribed in this
12 chapter who is employed by or who has contracted with the county to
13 provide death investigation services. The medical examiner or alternate
14 medical examiner shall be responsible for the official acts of the person
15 designated pursuant to this section and shall act under the name and
16 authority of the medical examiner or alternate medical examiner.

17 5. Authorize the taking of organs and tissues as they prove to be
18 usable for transplants, other treatment, therapy, education or research if
19 all of the requirements of title 36, chapter 7, article 3 are met. The
20 medical examiner or alternate medical examiner shall give this
21 authorization within a time period that allows a medically viable
22 donation.

23 6. Authorize licensed physicians, surgeons or trained technicians
24 to remove parts of bodies provided they follow an established protocol
25 approved by the medical examiner or alternate medical examiner.

26 7. Limit the removal of organs or tissues for transplants or other
27 therapy or treatment if, based on a review of available medical and
28 investigative information within a time that allows a medically viable
29 donation, the medical examiner or alternate medical examiner makes an
30 initial determination that their removal would interfere with a medical
31 examination, autopsy or certification of death. Before making a final
32 decision to limit the removal of organs, the medical examiner or alternate
33 medical examiner shall consult with the organ procurement organization.
34 After the consultation and when the organ procurement organization
35 provides information that the organ procurement organization reasonably
36 believes could alter the initial decision and at the request of the organ
37 procurement organization, the medical examiner or alternate medical
38 examiner shall conduct a physical examination of the body. If the medical
39 examiner or alternate medical examiner limits the removal of organs, the
40 medical examiner or alternate medical examiner shall maintain
41 documentation of this decision and shall make the documentation available
42 to the organ procurement organization.

43 C. A county medical examiner or alternate medical examiner shall
44 not be held civilly or criminally liable for any acts performed in good

1 faith pursuant to subsection A, paragraph 10 and subsection B, paragraphs
2 5, 6 and 7 of this section.

3 D. If a dispute arises over the findings of the medical examiner's
4 report, the medical examiner, on an order of the superior court, shall
5 make available all evidence and documentation to a court-designated
6 licensed forensic pathologist for review, and the results of the review
7 shall be reported to the superior court in the county issuing the order.

8 E. For providing external examinations and autopsies pursuant to
9 this section, the medical examiner may charge a fee established by the
10 board of supervisors pursuant to section 11-251.08.

11 F. The county medical examiner or alternate medical examiner is
12 entitled to all medical records and related records of a person for whom
13 the medical examiner is required to certify cause of death.

14 Sec. 2. Section 13-3407, Arizona Revised Statutes, is amended to
15 read:

16 13-3407. Possession, use, administration, acquisition, sale,
17 manufacture or transportation of dangerous drugs;
18 classification

19 A. A person shall not knowingly:

- 20 1. Possess or use a dangerous drug.
- 21 2. Possess a dangerous drug for sale.
- 22 3. Possess equipment or chemicals, or both, for the purpose of
23 manufacturing a dangerous drug.
- 24 4. Manufacture a dangerous drug.
- 25 5. Administer a dangerous drug to another person.
- 26 6. Obtain or procure the administration of a dangerous drug by
27 fraud, deceit, misrepresentation or subterfuge.
- 28 7. Transport for sale, import into this state or offer to transport
29 for sale or import into this state, sell, transfer or offer to sell or
30 transfer a dangerous drug.

31 B. A person who violates:

- 32 1. Subsection A, paragraph 1 of this section is guilty of a class 4
33 felony. Unless the drug involved is lysergic acid diethylamide,
34 methamphetamine, amphetamine or phencyclidine or the person was previously
35 convicted of a felony offense or a violation of this section or section
36 13-3408, the court on motion of the state, considering the nature and
37 circumstances of the offense, for a person not previously convicted of any
38 felony offense or a violation of this section or section 13-3408 may enter
39 judgment of conviction for a class 1 misdemeanor and make disposition
40 accordingly or may place the defendant on probation in accordance with
41 chapter 9 of this title and refrain from designating the offense as a
42 felony or misdemeanor until the probation is successfully terminated. The
43 offense shall be treated as a felony for all purposes until the court
44 enters an order designating the offense a misdemeanor.

2. Subsection A, paragraph 2 of this section is guilty of a class 2 felony.

3. Subsection A, paragraph 3 of this section is guilty of a class 3 felony, except that if the offense involved methamphetamine, the person is guilty of a class 2 felony.

4. Subsection A, paragraph 4 of this section is guilty of a class 2 felony.

5. Subsection A, paragraph 5 of this section is guilty of a class 2 felony.

6. Subsection A, paragraph 6 of this section is guilty of a class 3 felony.

7. Subsection A, paragraph 7 of this section is guilty of a class 2 felony.

C. Except as provided in subsection E of this section, a person who is convicted of a violation of subsection A, paragraph 1, 3 or 6 and who has not previously been convicted of any felony or who has not been sentenced pursuant to section 13-703, section 13-704, section 13-706, subsection A, section 13-708, subsection D or any other law making the convicted person ineligible for probation is eligible for probation.

D. Except as provided in subsection E of this section, if the aggregate amount of dangerous drugs involved in one offense or all of the offenses that are consolidated for trial equals or exceeds the statutory threshold amount, a person who is convicted of a violation of subsection A, paragraph 2, 5 or 7 of this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

E. If ~~the~~ A person is convicted of a violation of subsection A, paragraph 2, 3, 4 or 7 of this section and the drug involved is methamphetamine, 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

A person who has previously been convicted of a violation of subsection A, paragraph 2, 3, 4 or 7 of this section involving methamphetamine or section 13-3407.01 shall be sentenced as follows:

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

F. IF A PERSON IS CONVICTED OF SELLING A DANGEROUS DRUG IN VIOLATION OF SUBSECTION A, PARAGRAPH 7 OF THIS SECTION, THE VICTIM OF THE OFFENSE WAS A MINOR AND AN INITIAL AUTOPSY FINDS THAT THE CAUSE OF THE MINOR'S DEATH RESULTED FROM COMPLICATIONS OF DRUG INTOXICATION, OVERDOSE OR THE PRESENCE OF A DANGEROUS DRUG, THE MEDICAL EXAMINER SHALL ORDER A SECOND AUTOPSY THAT IS CONDUCTED BY ANOTHER COUNTY'S MEDICAL EXAMINER OR AN INDEPENDENT MEDICAL EXAMINER WHO IS A LICENSED PHYSICIAN. IF THE

1 MEDICAL EXAMINER WHO CONDUCTS THE SECOND AUTOPSY CONCLUDES THAT THE
2 DANGEROUS DRUG THAT WAS SOLD TO THE MINOR CONTRIBUTED TO THE MINOR'S DEATH
3 AND THAT THE MINOR WOULD NOT HAVE DIED BUT FOR THE DANGEROUS DRUG SOLD,
4 THE PERSON SHALL BE SENTENCED TO THE AGGRAVATED TERM OF IMPRISONMENT,
5 EXCEPT THAT IF THE DRUG INVOLVED IS METHAMPHETAMINE, THE DEFENDANT SHALL
6 BE SENTENCED TO THE MAXIMUM SENTENCE AUTHORIZED UNDER SUBSECTION E OF THIS
7 SECTION.

8 ~~F.~~ G. A person who is convicted of a violation of subsection A,
9 paragraph 4 of this section or subsection A, paragraph 2, 3 or 7 of this
10 section involving methamphetamine is not eligible for suspension of
11 sentence, probation, pardon or release from confinement on any basis until
12 the person has served the sentence imposed by the court, the person is
13 eligible for release pursuant to section 41-1604.07 or the sentence is
14 commuted.

15 ~~G.~~ H. If a person is convicted of a violation of subsection A,
16 paragraph 5 of this section, if the drug is administered without the other
17 person's consent, if the other person is under eighteen years of age and
18 if the drug is flunitrazepam, gamma hydroxy butrate or ketamine
19 hydrochloride, the convicted person is not eligible for suspension of
20 sentence, probation, pardon or release from confinement on any basis until
21 the person has served the sentence imposed by the court, the person is
22 eligible for release pursuant to section 41-1604.07 or the sentence is
23 commuted.

24 ~~H.~~ I. In addition to any other penalty prescribed by this title,
25 the court shall order a person who is convicted of a violation of this
26 section to pay a fine of not less than ~~one thousand dollars~~ \$1,000 or
27 three times the value as determined by the court of the dangerous drugs
28 involved in or giving rise to the charge, whichever is greater, and not
29 more than the maximum authorized by chapter 8 of this title. A judge shall
30 not suspend any part or all of the imposition of any fine required by this
31 subsection.

32 ~~I.~~ J. A person who is convicted of a violation of this section for
33 which probation or release before the expiration of the sentence imposed
34 by the court is authorized is prohibited from using any marijuana,
35 dangerous drug, narcotic drug or prescription-only drug except as lawfully
36 administered by a health care practitioner and as a condition of any
37 probation or release shall be required to submit to drug testing
38 administered under the supervision of the probation department of the
39 county or the state department of corrections, as appropriate, during the
40 duration of the term of probation or before the expiration of the sentence
41 imposed.

42 ~~J.~~ K. If a person who is convicted of a violation of this section
43 is granted probation, the court shall order that as a condition of
44 probation the person perform not less than three hundred sixty hours of
45 community restitution with an agency or organization that provides

1 counseling, rehabilitation or treatment for alcohol or drug abuse, an
2 agency or organization that provides medical treatment to persons who
3 abuse controlled substances, an agency or organization that serves persons
4 who are victims of crime or any other appropriate agency or organization.

5 ~~K.~~ L. The presumptive term imposed pursuant to subsection E of
6 this section may be mitigated or aggravated pursuant to section 13-701,
7 subsections D and E.

8 Sec. 3. Section 13-3408, Arizona Revised Statutes, is amended to
9 read:

10 13-3408. Possession, use, administration, acquisition, sale,
11 manufacture or transportation of narcotic drugs;
12 classification

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

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

27 B. A person who violates:

- 28 1. Subsection A, paragraph 1 of this section is guilty of a class 4
29 felony.
- 30 2. Subsection A, paragraph 2 of this section is guilty of a class 2
31 felony.
- 32 3. Subsection A, paragraph 3 of this section is guilty of a class 3
33 felony.
- 34 4. Subsection A, paragraph 4 of this section is guilty of a class 2
35 felony.
- 36 5. Subsection A, paragraph 5 of this section is guilty of a class 2
37 felony.
- 38 6. Subsection A, paragraph 6 of this section is guilty of a class 3
39 felony.
- 40 7. Subsection A, paragraph 7 of this section is guilty of a class 2
41 felony.

42 C. A person who is convicted of a violation of subsection A,
43 paragraph 1, 3 or 6 of this section and who has not previously been
44 convicted of any felony or who has not been sentenced pursuant to section
45 13-703, section 13-704, subsection A, B, C, D or E, section 13-706,

subsection A, section 13-708, subsection D or any other provision of law making the convicted person ineligible for probation is eligible for probation.

D. If the aggregate amount of narcotic drugs involved in one offense or all of the offenses that are consolidated for trial equals or exceeds the statutory threshold amount, a person who is convicted of a violation of subsection A, paragraph 2, 5 or 7 of this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the person has served the sentence imposed by the court, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

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

F. If ~~the~~ A person is convicted of a violation of subsection A, paragraph 2 or 7 of this section and the violation involves the sale to another person of fentanyl in an amount of at least two 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

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

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

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

H. If ~~the~~ A person is convicted of a violation of subsection A, paragraphs 2 and 7 of this section and the violation involves the possession of fentanyl in a motor vehicle in an amount of at least two 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

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

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

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

4 J. IF A PERSON IS CONVICTED OF SELLING A NARCOTIC DRUG IN VIOLATION
5 OF SUBSECTION A, PARAGRAPH 7 OF THIS SECTION, THE VICTIM OF THE OFFENSE
6 WAS A MINOR AND AN INITIAL AUTOPSY FINDS THAT THE CAUSE OF THE MINOR'S
7 DEATH RESULTED FROM COMPLICATIONS OF DRUG INTOXICATION, OVERDOSE OR THE
8 PRESENCE OF A NARCOTIC DRUG, THE MEDICAL EXAMINER SHALL ORDER A SECOND
9 AUTOPSY THAT IS CONDUCTED BY ANOTHER COUNTY'S MEDICAL EXAMINER OR AN
10 INDEPENDENT MEDICAL EXAMINER WHO IS A LICENSED PHYSICIAN. IF THE MEDICAL
11 EXAMINER WHO CONDUCTS THE SECOND AUTOPSY CONCLUDES THAT THE NARCOTIC DRUG
12 THAT WAS SOLD TO THE MINOR CONTRIBUTED TO THE MINOR'S DEATH AND THAT THE
13 MINOR WOULD NOT HAVE DIED BUT FOR THE NARCOTIC DRUG SOLD, THE PERSON SHALL
14 BE SENTENCED TO THE AGGRAVATED TERM OF IMPRISONMENT, EXCEPT THAT IF THE
15 DRUG INVOLVED IS FENTANYL, THE DEFENDANT SHALL BE SENTENCED TO THE MAXIMUM
16 SENTENCE AUTHORIZED UNDER SUBSECTION F OR H OF THIS SECTION.

17 ~~J.~~ K. In addition to any other penalty prescribed by this title,
18 the court shall order a person who is convicted of a violation of this
19 section to pay a fine of not less than \$2,000 or three times the value as
20 determined by the court of the narcotic drugs involved in or giving rise
21 to the charge, whichever is greater, and not more than the maximum
22 authorized by chapter 8 of this title. A judge shall not suspend any part
23 or all of the imposition of any fine required by this subsection.

24 ~~K.~~ L. A person who is convicted of a violation of this section for
25 which probation or release before the expiration of the sentence imposed
26 by the court is authorized is prohibited from using any marijuana,
27 dangerous drug, narcotic drug or prescription-only drug except as lawfully
28 administered by a health care practitioner and as a condition of any
29 probation or release shall be required to submit to drug testing
30 administered under the supervision of the probation department of the
31 county or the state department of corrections, as appropriate, during the
32 duration of the term of probation or before the expiration of the sentence
33 imposed.

34 ~~L.~~ M. If a person who is convicted of a violation of this section
35 is granted probation, the court shall order that as a condition of
36 probation the person perform not less than three hundred sixty hours of
37 community restitution with an agency or organization that provides
38 counseling, rehabilitation or treatment for alcohol or drug abuse, an
39 agency or organization that provides medical treatment to persons who
40 abuse controlled substances, an agency or organization that serves persons
41 who are victims of crime or any other appropriate agency or organization.

42 Sec. 4. Short title

43 This act may be cited as "Noah's Law".