

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of: )  
 )  
AUTHORIZING RESTRICTIONS ) Administrative Order  
ON PERMITTING HAZARDOUS ) No. 2024 - 81  
EVIDENCE INSIDE A COURTHOUSE )  
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Due to the significant increase in court cases involving fentanyl and other similarly toxic and hazardous substances, The Task Force to Create Guidelines for the Handling of Fentanyl Evidence and Other Toxic Evidence in the Courthouse (“Task Force”) was established pursuant to Administrative Order No. [2022-62](#). The Task Force filed a petition with the Supreme Court ([R-23-0025](#)) proposing to amend Rule 611, Arizona Rules of Evidence to establish requirements for the handling of hazardous evidence in a courtroom. Subsequently, the Task Force reviewed the comments and filed a reply proposing to add this rule as Rule 124, Arizona Supreme Court Rules. On August 24, 2023, the Supreme Court promulgated Rule 124 Arizona Rules of the Supreme Court and added a comment referencing the new rule to Rule 611.

In order to protect the health and safety of all persons present in a courthouse, certain limitations and requirements in court practices are necessary for permitting any physical substance that a party seeks to bring into the courthouse that may create a substantial and serious risk of harm if ingested or absorbed, or if otherwise determined to create a substantial and serious risk of harm (“hazardous substances”).

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the presiding judge of each appellate, superior, justice, and municipal court shall put into place the following policies, which shall at a minimum include:

- (1) Hazardous substances are not permitted in the courthouse or in proceedings before the presiding disciplinary judge, absent a court order.
- (2) If a hazardous substance is brought into the courthouse by a law enforcement officer, law enforcement shall maintain possession. If the substance is brought into the courthouse by someone other than a law enforcement officer, either a court security officer or a law enforcement officer shall take possession of the substance.
- (3) A hazardous substance shall not be brought into the courtroom without the permission of the judge presiding over the case.

(4) Naloxone Hydrochloride or Narcan® shall be available in all courthouses where there is a court security officer assigned.

(5) All court security officers shall be trained on the administration of Naloxone Hydrochloride or Narcan®. The local policy adopted by the presiding judge of the court may call for the training of additional court staff.

Dated this 16th day of May, 2024.

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ROBERT BRUTINEL  
Chief Justice