



Office of the Governor

MICHELLE LUJAN GRISHAM



FOR IMMEDIATE RELEASE

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July 30, 2020

State renews emergency public health order

SANTA FE – Gov. Michelle Lujan Grisham and state health officials on Thursday announced the state of New Mexico will extend its emergency public health order and keep intact existing public health restrictions and guidelines while the state continues to combat the spread of COVID-19.

The emergency public health order retains the state’s public health prohibition on mass gatherings and keeps in place temporary indoor occupancy restrictions for certain businesses, particularly indoor “close-contact” businesses such as restaurants and gyms.

Also unchanged is the statewide requirement that all individuals wear face coverings in public and that business operators require customers to wear face coverings upon entrance.

The governor will likewise renew her executive order mandating a temporary quarantine for individuals traveling into the state.

The statewide rolling 7-day case average continues to press the bounds of its highest point since the outset of the pandemic, having increased 41% since July 1; the 7-day average has been steadily increasing since mid-June. The state’s rate of spread – expressed as an r-effective, signifying the average number of subsequent infections one infection will reproduce – remains above 1, meaning cases will continue to grow. Three of the state’s five public health regions – the northwest, southwest and southeast – have r-effective numbers of 1.6, 1.2 and 1.2, according to the Medical Advisory Team. The metro and northeast regions both had r-effective numbers of 0.9 as of Tuesday.

After decreasing from May to mid-June, New Mexico’s reported COVID-19 fatalities are once again rising week-over-week – the state Department of Health reported 36 COVID-19 deaths the week ending July 25 and has reported 25 already this week, through

Wednesday. While ventilator usage has remained steady, according to the state Medical Advisory Team, COVID-19 hospitalizations have also risen in aggregate since early July.

“We’re still not where we need to be as a state, but we are seeing some hopeful signs of stabilization,” said Human Services Secretary David Scrase, M.D. “Unfortunately, stabilizing at a high level of daily case counts will result in sustained pressure on state resources, will result in too many illnesses and too much risk. We’ve got to stay the course and drive down the spread of infection in our state. We all know the steps we can take to do that: Stay home, avoid groups of people, wear a mask, keep six feet apart from others and wash your hands frequently. Every New Mexico life is important; every single one. That’s why we’re all fighting so hard.”

Rapid responses conducted by the state Environment Department and other state agencies continue to increase, with 215 rapid responses to places of employment where COVID-19 exposure occurred during the week of July 20-26. The prior week saw 185 rapid responses, and the week prior to that saw 175. Almost a quarter of the state’s rapid responses for occupational exposure – 48 the week of July 20-26 – were reported in the food industries (restaurants, grocery stores and food manufacturing facilities).

“We continue to work around the clock to respond to positive cases in the workplace,” said Environment Department Cabinet Secretary James Kenney. “We are grateful for the cooperation of the vast majority of New Mexico employers, who are taking steps to protect employees and customers. But we can do better – stay home, avoid gatherings and wear a mask when you go out. You, too, can help protect employees of New Mexico businesses.”

The extended public health order streamlines the categories of business operations. Wineries and distilleries will now be classified alongside other food and drink establishments such as restaurants, meaning they may operate under the same requirements: Outdoor and patio seating is permitted while indoor seating and service is not and outdoor tables must be separated by six feet of distance, among other [**COVID-Safe Practices required for restaurants and eateries.**](#)

“Personal behavior is the essential factor right now,” said Gov. Lujan Grisham. “Countless New Mexicans have made so many incredible sacrifices to reduce the spread of the virus in their communities – and yet too many New Mexicans are still gathering in groups, not wearing face coverings and taking undue risks. The state’s public health requirements reflect everything we know to work in reducing the opportunity for the virus to spread. In short, we have everything in place that can and will get our state back to a better and steadier place in our fight against this virus – if and only if New Mexicans make and continue to make the right individual and collective decisions. We’ve got to keep on the right track to ensure our students and educators can get back in the classroom this school year. I want to encourage New Mexicans in the strongest possible terms: We cannot let our guard down.”

The emergency public health order signed by Health Secretary Kathyleen Kunkel is effective for 30 days through Aug. 28. That order is attached to this news release. An

updated executive order pertaining to mandatory quarantine for individuals arriving in the state will be disseminated upon its execution.

New Mexicans seeking food, economic or health care help – or personal help in any number of areas – are encouraged to visit <http://www.newmexico.gov/i-need-assistance/>.

New Mexico small businesses seeking assistance applying for the various programs established by the state may call the state's information hotline, **1-833-551-0518**, and select **option #2**.

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**PUBLIC HEALTH ORDER
NEW MEXICO DEPARTMENT OF HEALTH
CABINET SECRETARY KATHYLEEN M. KUNKEL**

JULY 30, 2020

Public Health Emergency Order Clarifying that Current Guidance Documents, Advisories, and Emergency Public Health Orders Remain in Effect; and Amending the March 23, 2020, April 6, 2020, April 11, 2020, April 30, 2020, May 5, 2020, May 15, 2020, May 27, 2020, June 1, 2020, June 12, 2020, June 15, 2020, June 30, 2020, and July 13, 2020 Public Health Emergency Orders Closing All Businesses and Non-Profit Entities Except for those Deemed Essential and Providing Additional Restrictions on Mass Gatherings Due to COVID-19

PREFACE

The purpose of this amended Public Health Emergency Order is to amend restrictions on mass gatherings and business operations, which were implemented in response to the spread of the Novel Coronavirus Disease 2019 (“COVID-19”). Continued social distancing and self-isolation measures are necessary to protect public health given the potentially devastating effects that could result from a rapid increase in COVID-19 cases in New Mexico. While this Order continues some loosened restrictions on mass gatherings and business operations, the core directive underlying all prior public health initiatives remains intact; **all New Mexicans should be staying in their homes for all but the most essential activities and services.** When New Mexicans are not in their homes, they must strictly adhere to social distancing protocols and wear face coverings to minimize risks. These sacrifices are the best contribution that each of us can individually make to protect the health and wellbeing of our fellow citizens and the State as a whole. In accordance with these purposes, this Order and its exceptions should be narrowly construed to encourage New Mexicans to stay in their homes for all but the most essential activities.

It is hereby **ORDERED** that:

1. All current guidance documents and advisories issued by the Department of Health remain in effect.
2. The following Public Health Emergency Orders remain in effect through the current Public Health Emergency and any subsequent renewals of that Public Health Emergency or until they are amended or rescinded:
 - A. March 13, 2020 Public Health Emergency Order to Temporarily Limit Nursing Home Visitation Due to COVID-19;

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- B. April 30, 2020 Public Health Emergency Order Modifying Temporary Restrictions on Non-Essential Health Care Services, Procedures, and Surgeries; and
- C. March 24, 2020 Public Health Emergency Order Temporarily Regulating the Sale and Distribution of Personal Protective Equipment Due to Shortages Caused by COVID-19.

3. The July 13, 2020 Public Health Emergency Order Amending the March 23, 2020, April 6, 2020, April 11, 2020, April 30, 2020, May 5, 2020, May 15, 2020, May 27, 2020, June 1, 2020, June 12, 2020, June 15, 2020, and June 30, 2020 Public Health Emergency Orders Closing All Businesses and Non-Profit Entities Except for those Deemed Essential and Providing Additional Restrictions on Mass Gatherings Due to COVID-19 is hereby amended as follows:

ORDER

WHEREAS, on March 11, 2020, because of the spread of the novel Coronavirus Disease 2019 (“COVID-19”), Michelle Lujan Grisham, the Governor of the State of New Mexico, declared that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked her authority under the All Hazards Emergency Management Act;

WHEREAS, Governor Michelle Lujan Grisham has renewed the declaration of a Public Health Emergency through August 28, 2020;

WHEREAS, COVID-19 continues to spread in New Mexico and nationally. Since, Executive Order 2020-004 was issued, confirmed COVID-19 infections in New Mexico have risen to over 19,500 and confirmed cases in the United States have risen to more than 4.4 million, with significant recent spikes in cases in some of our neighboring states;

WHEREAS, the further spread of COVID-19 in the State of New Mexico poses a threat to the health, safety, wellbeing and property of the residents in the State due to, among other things, illness from COVID-19, illness-related absenteeism from employment (particularly among public safety and law enforcement personnel and persons engaged in activities and businesses critical to the economy and infrastructure of the State), potential displacement of persons, and closures of schools or other places of public gathering;

WHEREAS, social distancing and the consistent and proper use of face coverings in public spaces are the most effective ways New Mexicans can minimize the spread of COVID-19 and mitigate the potentially devastating impact of this pandemic in New Mexico; and

WHEREAS, the New Mexico Department of Health possesses legal authority pursuant to the Public Health Act, NMSA 1978, Sections 24-1-1 to -40, the Public Health Emergency Response Act, NMSA 1978, Sections 12-10A-1 to -10, the Department of Health Act, NMSA 1978, Sections 9-7-1 to -18, and inherent constitutional police powers of the New Mexico state government, to preserve and promote public health and safety, to adopt isolation and quarantine,

and to close public places and forbid gatherings of people when deemed necessary by the Department for the protection of public health.

NOW, THEREFORE, I, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, in accordance with the authority vested in me by the Constitution and the Laws of the State of New Mexico, and as directed by the Governor pursuant to the full scope of her emergency powers under the All Hazard Emergency Management Act, do hereby declare the current outbreak of COVID-19 a condition of public health importance as defined in the New Mexico Public Health Act, NMSA 1978, Section 24-1-2(A) as an infection, a disease, a syndrome, a symptom, an injury or other threat that is identifiable on an individual or community level and can reasonably be expected to lead to adverse health effects in the community, and that poses an imminent threat of substantial harm to the population of New Mexico.

The following definitions are adopted for the purposes of this Order:

Definitions: As used in this Public Health Order, the following terms shall have the meaning given to them, except where the context clearly requires otherwise:

(1) "Essential business" means any business or non-profit entity falling within one or more of the following categories:

a. Health care operations including hospitals, walk-in-care health facilities, pharmacies, medical wholesale and distribution, home health care workers or aides for the elderly, emergency dental facilities, nursing homes, residential health care facilities, research facilities, congregate care facilities, intermediate care facilities for those with intellectual or developmental disabilities, supportive living homes, home health care providers, drug and alcohol recovery support services, and medical supplies and equipment manufacturers and providers;

b. Homeless shelters, food banks, and other services providing care to indigent or needy populations;

c. Childcare facilities;

d. Grocery stores, supermarkets, food banks, farmers' markets and vendors who sell food, convenience stores, and other businesses that generate the majority of their revenue from the sale of canned food, dry goods, fresh fruits and vegetables, pet food, feed, and other animal supply stores, fresh meats, fish, and poultry, and any other household consumer products;

e. Farms, ranches, and other food cultivation, processing, or packaging operations;

f. Infrastructure operations including, but not limited to, public works construction, commercial and residential construction and maintenance, airport operations, public transportation, airlines, taxis, private transportation providers, transportation network companies, water, gas, electrical, oil drilling, oil refining, natural resources extraction or mining operations, nuclear material research and enrichment, those attendant to the repair and construction of roads and highways, gas stations, solid waste collection and removal, trash and recycling collection,

processing and disposal, sewer, data and internet providers, data centers, technology support operations, and telecommunications systems;

g. Manufacturing operations involved in food processing, manufacturing agents, chemicals, fertilizer, pharmaceuticals, sanitary products, household paper products, microelectronics/semi-conductor, primary metals manufacturers, electrical equipment, appliance, and component manufacturers, and transportation equipment manufacturers;

h. Services necessary to maintain the safety and sanitation of residences or essential businesses including security services, towing services, custodial services, plumbers, electricians, and other skilled trades;

i. Veterinary and livestock services, animal shelters and facilities providing pet adoption, grooming, daycare, or boarding services;

j. Media services;

k. Automobile repair facilities, bike repair facilities, and retailers who generate the majority of their revenue from the sale of automobile or bike repair products;

l. Utilities, including their contractors, suppliers, and supportive operations, engaged in power generation, fuel supply and transmission, water and wastewater supply;

m. Hardware stores;

n. Laundromats and dry cleaner services;

o. Funeral homes, crematoriums and cemeteries;

p. Banks, credit unions, insurance providers, payroll services, brokerage services, and investment management firms;

q. Businesses providing mailing and shipping services;

r. Laboratories and defense and national security-related operations supporting the United States government, a contractor to the United States government, or any federal entity;

s. Professional services, such as legal or accounting services, but only where necessary to assist in compliance with legally mandated activities; and

t. Logistics, and also businesses that store, transport, or deliver groceries, food, materials, goods or services directly to residences, retailers, government institutions, or essential businesses.

(2) “Close-contact business” includes barbershops, hair salons, gyms, group fitness classes, tattoo parlors, nail salons, spas, massage parlors, esthetician clinics, tanning salons, guided raft tours, guided balloon tours, gyms, and personal training services.

(3) “Food and drink establishments” include restaurants, breweries, wineries, distillers, cafes, coffee shops, or other similar establishments that offer food or drink. For purposes of this section, “breweries” are those businesses licensed pursuant to NMSA 1978, § 60-6A-26.1 (2019); “distillers” are those businesses licensed pursuant to NMSA 1978, § 60-6A-1 (2019); and “wineries” are those businesses licensed pursuant to NMSA 1978, § 60-A-11 (2019).

(3) “Houses of worship” means any church, synagogue, mosque, or other gathering space where persons congregate to exercise their religious beliefs

(4) “Close-contact recreational facilities” include indoor movie theaters, museums, bowling alleys, miniature golf, arcades, amusement parks, aquariums, casinos, concert venues, sports venues, event venues, bars, dance clubs, performance venues, go-kart courses, automobile racetracks, adult entertainment venues, and other places of recreation or entertainment. For purposes of this section, a “bar” is defined as any business that generated more than half of its revenue from the sale of alcohol during the preceding fiscal year.

(5) “Outdoor recreational facilities” include outdoor golf courses, public swimming pools, outdoor tennis courts, summer youth programs, youth livestock shows, horseracing tracks, botanical gardens, outdoor zoos, and New Mexico state parks.

(6) “Places of lodging” means all hotels, motels, RV parks, and short-term vacation rentals.

(7) “Retail space” means any business that sells goods or services directly to consumers or end-users and includes the following “essential businesses” identified in the categories above: 1(d), (1)k, (1)m, and (1)n.

(8) “Mass gathering” means any public gathering, private gathering, organized event, ceremony, parade, organized amateur contact sport, or other grouping that brings together more than five (5) individuals in a single room or connected space, confined outdoor space or an open outdoor space. “Mass gathering” does not include the presence more than five (5) individuals where those individuals regularly reside. “Mass gathering” does not include individuals who are public officials or public employees in the course and scope of their employment.

(9) “COVID-Safe Practices” (“CSPs”) are those directives, guidelines, and recommendations for businesses and other public operations that are set out and memorialized in the document titled “All Together New Mexico: COVID-Safe Practices for Individuals and Employers”. That document may be obtained at the following link <https://cv.nmhealth.org/covid-safe-practices/>.

I HEREBY DIRECT AS FOLLOWS:

(1) Except as provided elsewhere in this Order, all “mass gatherings” are hereby prohibited under the powers and authority set forth in the Public Health Act. An indoor or outdoor parade of any sort is a mass gathering; parades are therefore prohibited under this Order.

(2) “Essential businesses” may open but must comply with the pertinent “COVID-Safe Practices (CSPs)” section(s) of the “All Together New Mexico: COVID-Safe Practices for Individuals and Employers” and any identified occupancy restrictions. “Essential businesses” identified as a “retail space” may not exceed 25% of the maximum occupancy of any enclosed

space on the business's premises, as determined by the relevant fire marshal or fire department. Further, an "essential business" identified as a "retail space" may not allow a person who is without a mask or multilayer cloth face covering to enter the premises except where that person is in possession of a written exemption from a healthcare provider.

(3) "Close contact businesses" may operate at up to 25% of the maximum occupancy of any enclosed space on the business's premises, as determined by the relevant fire marshal or fire department.

(4) "Close-contact recreational facilities" must remain closed.

(5) "Food and drink establishments" may not provide dine-in service in indoor seating areas. "Food and drink establishments" may provide dine-in service only in outdoor seating areas and must space tables at least six feet apart. No more than six patrons may be seated at any single table. Patrons must be seated in order to be served food or drink unless ordering food for carryout. No bar or counter seating is permitted. "Food and drink establishments" may provide carryout service, or delivery service if otherwise permitted by law.

(6) "Houses of worship" may hold services and other functions, indoors or outdoors, or provide services through audiovisual means. "Houses of worship" may not exceed 25% of the maximum occupancy of any enclosed building, as determined by the relevant fire marshal or fire department.

(7) "Outdoor recreational facilities" may operate provided they comply with the pertinent "All Together New Mexico: COVID-Safe Practices for Individuals and Businesses." Further, state parks shall only be open to New Mexico residents and may open for day use only. Camping areas, visitor centers, and any other large enclosed indoor spaces at state parks shall remain closed. As a condition of entering a state park, all visitors must demonstrate proof of residency through one of the following means: a New Mexico license plate on their vehicle; a New Mexico driver's license or ID card; a valid New Mexico vehicle registration; a federal document attesting to residency; or a military identification. In addition, public swimming pools are limited to lane-swimming and lessons only. Play and splash areas shall be closed. Horseracing tracks may not allow spectators.

(8) "Places of lodging" shall not operate at more than 50% of maximum occupancy. Healthcare providers who are engaged in the provision of care to New Mexico residents or individuals utilizing "places of lodging" for extended stays, as temporary housing, or for purposes of quarantining shall not be counted for purposes of determining maximum occupancy.

(9) Any business that is not identified as an "essential business", "close contact business", "food and drink establishment", "house of worship", "indoor recreational facility", "outdoor recreational facility", or "place of lodging" may open provided that the total number of persons situated within the business does not exceed 25% of the maximum occupancy of any enclosed space on the business's premises, as determined by the relevant fire marshal or fire department.

(10) Any entity, including businesses and houses of worship, operating pursuant to this public health order must comply with the pertinent “COVID-Safe Practices (CSPs)” section(s) of the “All Together New Mexico: COVID-Safe Practices for Individuals and Employers” and also any identified occupancy restrictions.

(11) Private educational institutions serving children and young adults from pre-Kindergarten through 12th Grade, including homeschools serving children who are not household members, shall adhere to the face covering and other requirements for in-person instruction described in the document “Reentry Guidance” published by New Mexico’s Public Education Department on June 20, 2020 and as updated from time to time thereafter, and shall operate with a maximum occupancy of 25% of any enclosed indoor space, with the occupancy restriction herein to govern in the event of any discrepancy with the “Reentry Guidance.”

(12) Unless a healthcare provider instructs otherwise, all individuals shall wear a mask or multilayer cloth face covering in public settings except when eating or drinking.

(13) The New Mexico Department of Health, the New Mexico Department of Public Safety, the New Mexico Department of Homeland Security and Emergency Management, the Department of the Environment, and all other State departments and agencies are authorized to take all appropriate steps to ensure compliance with this Order.

(14) In order to minimize the shortage of health care supplies and other necessary goods, grocery stores and other retailers are hereby directed to limit the sale of medications, durable medical equipment, baby formula, diapers, sanitary care products, and hygiene products to three items per individual. NMSA 1978, § 12-10A-6 (2012).

I FURTHER DIRECT as follows:

(1) This Public Health Order shall be broadly disseminated in English, Spanish and other appropriate languages to the citizens of the State of New Mexico.

(2) This Public Health Order declaring restrictions based upon the existence of a condition of public health importance shall not abrogate any disease-reporting requirements set forth in the New Mexico Public Health Act.

(3) Nothing in this Public Health Order is intended to restrain or preempt local authorities from enacting more stringent restrictions than those required by the Order.

(4) This Public Health Order shall take effect on July 30, 2020 and remain in effect through August 28, 2020.

I FURTHER ADVISE the public to take the following preventive precautions:

- **New Mexico citizens should stay at home and undertake only those outings absolutely necessary for their health, safety, or welfare.**
- Retailers should take appropriate action consistent with this order to reduce hoarding and ensure that all New Mexicans can purchase necessary goods.
- Avoid crowds.
- Avoid all non-essential travel including plane trips and cruise ships.

ATTEST:

Maggie Toulouse Oliver

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 30TH DAY OF JULY 2020

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

Kathleen M. Kunkel

KATHYLEEN M. KUNKEL
SECRETARY OF THE STATE OF
NEW MEXICO DEPARTMENT OF HEALTH

