



Office of the Governor

MICHELLE LUJAN GRISHAM



FOR IMMEDIATE RELEASE

Contact: Nora Meyers Sackett
Press Secretary, Office of the Governor
nora.sackett@state.nm.us
(505) 690-7313

August 17, 2021

**New Mexico to re-implement indoor mask
mandate;
vaccinations required in hospitals, congregate
settings**

*Masks, vaccines will ensure economic recovery can continue;
help reduce serious risk to families, health care system*

SANTA FE – Gov. Michelle Lujan Grisham on Tuesday will announce that the state of New Mexico will temporarily re-implement a statewide requirement that facemasks be worn in all public indoor spaces, with only limited exceptions, and regardless of vaccination status, to stem the state’s rising tide of COVID-19 infections and hospitalizations.

Given the slowing of vaccination rates since a peak several months ago, the governor also announced the state will issue a requirement for all workers in certain medical close-contact congregate settings – including hospitals, nursing homes, juvenile justice facilities, rehabilitation facilities, state correctional facilities and more – to be vaccinated against COVID-19.

The state also issued a requirement that all workers at private, public and charter schools in New Mexico either be vaccinated against COVID-19 or otherwise submit to COVID-19 testing on a weekly basis. This policy aligns with the state’s requirement for all state government personnel.

The spread of COVID-19 in New Mexico has increased dramatically in recent weeks, driven by the highly infectious “Delta” variant and primarily unvaccinated populations. State modeling projects that New Mexico will reach 1,000 new daily cases of COVID-19 by the end of August, and as many as 1,000 new daily cases in southeastern New Mexico alone in the weeks after that.

Hospitalizations for COVID-19 in New Mexico have sharply risen to a 6-month high as of Monday, Aug. 16. [Hospital leaders](#), acknowledging some state facilities already reaching or exceeding 100 percent capacity, have [recently amplified their calls](#) for [unvaccinated New Mexicans to vaccinate](#) and help forestall a projected shortage of hospital resources amid the projected fall surge. New Mexico has one of the lowest numbers of per-capita hospital beds in

the U.S., and rising virus hospitalizations create a ripple effect, hospital leaders say, for [other individuals who need care for other purposes within the health care system](#).

Masks and vaccines, the governor said, are the two tools the state will use to protect scarce hospital resources and the state's ongoing economic recovery: "We all have a role to play," said **Gov. Lujan Grisham**. "No one wants to go backward. No one wants to see our recovery endangered by another – and preventable – surge of serious illness. No one wants a full hospital turning away New Mexicans who need care. So mask up indoors to stop the spread. And vaccinate if you haven't vaccinated. These two simple steps will protect our health care resources and ensure our economy can continue to rebound."

FACEMASKS INDOORS

Under a public health order issued by Acting Health Secretary David R. Scrase, M.D., the re-implemented mask requirement applies to all individuals aged 2 and older in all indoor public settings – except when eating or drinking.

Masks will be required to everyone in school buildings regardless of vaccination status, which aligns with the most recent guidance from the Centers for Disease Control and Prevention. The Public Education Department has been in the process of updating its toolkit for schools and district personnel.

The indoor mask requirement will be effective Friday, Aug. 20. It will remain in effect until at least September 15. The governor, acting upon the counsel and analysis of the state Medical Advisory Team and state health officials, may decide to extend or lift the requirement as necessary.

Businesses, houses of worship and other entities may enact stricter requirements at their discretion.

That public health order is attached to this news release.

Previously, the state had only recommended that individuals who have been vaccinated resume wearing facemasks in indoor spaces. Unvaccinated individuals have been and remain required to wear facemasks in indoor public settings.

"We all want the pandemic to be over," said **Dr. Scrase**. "But the virus has its own timeline. And the virus has mutated. At this stage, the Delta variant makes up virtually 100 percent of new COVID-19 cases in New Mexico. This variant spreads up to four times more rapidly than the virus we were dealing with last year. The good news is that vaccines work in preventing serious illness and death from a COVID-19 infection. The bad news is that the virus is still spreading and seriously harming unvaccinated people, and this means unsustainable strain in our hospital system. A mask helps stop the spread. Please do your part and help New Mexico stay on the right track: Mask up and get your shots."

While several local governments of note across the U.S. have taken this step in recent weeks, New Mexico is the second state to temporarily reinstitute a blanket mask requirement, after Louisiana. Nevada has implemented a mask mandate for counties with high or substantial COVID-19 transmission.

VACCINES REQUIRED IN HIGH-RISK SETTINGS

Under a separate public health order issued by Secretary Scrase, all workers in New Mexico hospitals and congregate care facilities are required to be fully vaccinated against COVID-19, with only limited exceptions.

This requirement follows similar mandates for health care workers issued recently by the states of California and Washington.

“Hospital workers,” as defined in the public health order, are all paid and unpaid individuals who work in any public, profit or nonprofit hospital in a setting where care is provided to patients or where patients have access. This includes workers who have the potential for direct or indirect exposure to patients and includes -- but is not limited to -- nurses, physicians, nursing assistants, technicians, therapists, phlebotomists, pharmacists, students and trainees, contractual staff and those including clerical and security personnel who may not be directly involved in patient care but who could be exposed to infectious agents that can be transmitted in the hospital.

“Congregate care facility workers,” as defined in the public health order, are all paid and unpaid individuals working in nursing homes, assisted living facilities, adult day cares, hospice facilities, rehabilitation facilities, state correctional facilities, juvenile justice facilities and residential treatment centers or community homes.

Unvaccinated individuals who do not qualify for an exemption must receive their first dose of a COVID-19 vaccine within 10 days of Tuesday, Aug. 17, and their second dose, as needed, within 40 days of receiving the first shot. Those individuals must provide documentation to their supervisor or the operator of the facility in which they contract or work.

The limited exemptions for hospital and congregate care facility workers include having a qualifying medical condition recognized by the FDA or CDC as a contra-indication to a COVID-19 vaccine; having a disability requiring separate accommodation; or having a sincerely held religious belief requiring separate accommodation. To be eligible for an exemption, an individual must provide their employer with either a statement from a physician or nurse practitioner validating the need for a medical or disability exemption or a documented request regarding the manner in which the administration of a COVID-19 vaccine conflicts with the religious observance or practice or belief of the individual.

Anyone granted an exemption by the operator of a hospital or congregate care facility must then, under the requirements of the public health order, provide documentation of COVID-19 testing on a weekly basis.

“The safety and health of New Mexico’s seniors is paramount,” said Aging and Long-Term Services Secretary **Katrina Hotrum-Lopez**. “Many of them have thankfully made the decision to proactively protect themselves and get the vaccine, which is translating into fewer hospital admissions, but COVID is still getting into our state’s long-term care facilities through staff transmission and taking its toll on those who are unvaccinated. We’re seeing hotspots and cases increase across the state, which is why we’re thankful for the leadership of the governor and Secretary Scrase and the measures they’re taking to actively protect our most vulnerable.”

The vaccination requirement also applies to employees of the Office of the Governor.

That public health order is also attached to this news release.

VACCINATE-OR-TEST FOR SCHOOL WORKERS

Under that public health order detailing the vaccination requirements for workers in hospitals and congregate settings, the state also outlined a new vaccinate-or-test policy for workers in New Mexico schools.

All school workers in public, private or charter schools who are not fully vaccinated against COVID-19 or who are unwilling to provide proof of vaccination to their respective supervisors must, effective Monday, Aug. 23, provide proof of a COVID-19 test on a weekly basis.

Gov. Lujan Grisham implemented an identical policy for state government employees through the State Personnel Office earlier this month.

“Our priority is keeping students and staff safe and learning in school buildings,” said Public Education Secretary-Designate **Kurt Steinhaus**. “We know from experience that in-person learning is the gold standard. Masks are part of that safety strategy, but vaccinations are the best tool, hands down. Because of increasing infections in schools due to the Delta variant, we need to work together to step up our game and focus on COVID safety measures that can keep our schools open for learning.”

VACCINES ARE EFFECTIVE, SAFE AND AVAILABLE

New Mexicans can learn more about the COVID-19 vaccines and schedule an appointment at **[VaccineNM.org](https://www.vaccineNM.org)**. Through the month of August, any New Mexican receiving a first or second shot of Pfizer or Moderna, or a first-and-only shot of Johnson & Johnson, will receive \$100 from the state. To qualify for the incentive, New Mexicans must register at **[VaccineNM.org](https://www.vaccineNM.org)**.

“We have several effective tools that work to prevent serious illness and death at this stage of this pandemic,” said **Gov. Lujan Grisham**. “The two most relevant at this moment are vaccines and facemasks. New Mexico continues to conduct statewide outreach to unvaccinated populations and is still among the nation’s leaders in completing vaccinations. This effort remains paramount. Get your shots. But with a more infectious and more dangerous strain of COVID-19 on the rise here and regionally and nationally, facemasks are once again necessary to ensure the efficacy of the vaccine is not diminished by a mutating virus, and to ensure our hospitals are not overwhelmed by a projected surge of new infections, as has happened and is happening in neighboring states like Texas.”

“I know many New Mexicans who are conscientious about public health and committed to protecting their families and communities have already resumed wearing their facemasks. I sincerely thank you for taking this step and for putting the health and safety of our state first. My belief is that when all of us take this step, out of an abundance of caution, we will ensure that New Mexico is not forced to again restrict any commercial activities in our state. New Mexico’s economic recovery is too important. We cannot risk another unsustainable wave of hospitalizations threatening to overwhelm our health care system.

“I will also note that getting vaccinated is important to protect those of us who cannot yet make that choice – the children under 12 among us, for instance. Our children’s health and safety is something we absolutely cannot take for granted.”

###



MICHELLE LUJAN GRISHAM
Governor

DAVID R. SCRASE, M.D.
Acting Cabinet Secretary

**PUBLIC HEALTH ORDER
NEW MEXICO DEPARTMENT OF HEALTH
ACTING SECRETARY DAVID R. SCRASE, M.D.**

August 17, 2021

Public Health Emergency Order Clarifying that Current Guidance Documents, Advisories, and Emergency Public Health Orders Remain in Effect; and Amending Prior Public Health Emergency Orders to Impose Certain Public Health Measures

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”). While vaccines are the most effective method to prevent the spread of COVID-19, masks, social distancing, and self-isolation measures continue to be necessary to protect New Mexicans who are ineligible to receive a COVID-19 vaccine or who choose not to receive a vaccine. All New Mexicans should continue to adhere to social distancing protocols when required to protect our State as a whole. In accordance with these purposes, this Order and its exceptions should be narrowly construed to encourage New Mexicans continue social distancing measures.

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. December 15, 2020 Amended Public Health Emergency Order Implementing Additional Contact Tracing Information Requirements for All Laboratories and Submitters Submitting Notifiable Condition COVID-19 Test Results to the New Mexico Epidemiology and Response Division;
 - B. January 8, 2021 Emergency Order Implementing Administration and Reporting Requirements for All COVID-19 Vaccine Providers;
 - C. April 5, 2021 Amended Public Health Emergency Order Temporarily Limiting Long-Term Care Facilities Visitation Due to COVID-19; and

OFFICE OF THE SECRETARY

1190 St. Francis Dr., Suite N4100 • P.O. Box 26110 • Santa Fe, New Mexico • 87502
(505) 827-2613 • FAX: (505) 827-2530 • www.nmhealth.org



- D. February 26, 2021 Public Health Emergency Order Implementing Administration Requirements for All COVID-19 Vaccine Providers and Requiring Accurate Information be Provided by Individuals Registering to Receive the COVID-19 Vaccine.

3. The July 30, 2021 Public Health Emergency Order Clarifying that Current Guidance Documents, Advisories, and Emergency Public Health Orders Remain in Effect; and Amending Prior Public Health Emergency Orders to Impose Certain Public Health Measures 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 September 15, 2021;

WHEREAS, confirmed cases in the United States have risen to more than 36 million and confirmed COVID-19 infections in New Mexico have risen to over 220,000;

WHEREAS, COVID-19 is a deadly virus and has taken the lives of over 600,000 Americans and over 4,450 New Mexicans;

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, vaccination, 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 -19, 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, David R. Scrase, M.D., Acting 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 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.

I HEREBY DIRECT AS FOLLOWS:

(1) Beginning Friday August 20, 2021, unless a healthcare provider instructs otherwise, all individuals age 2 years and older shall wear a mask or multilayer cloth face covering in all indoor public settings except when eating or drinking. Nothing in this Order shall be construed as prohibiting any business, house of worship, non-profit entity, or other entity from imposing more stringent requirements. The masking provision in Section (1) of the July 30, 2021 Public Health Order shall remain in effect until Friday August 20, 2021.

(2) Any business, establishment, or non-profit (other than those which are a healthcare operation, utility, or indigent care services) which members of the public regularly visit must report to the New Mexico Environment Department when there is an occurrence of a rapid response. The New Mexico Environment Department shall monitor when an entity has four (4) or more rapid responses within a fourteen (14) day period. For purposes of this directive, rapid responses will be counted on a rolling basis. Businesses, establishments, or non-profits with four or more rapid responses shall not be required to cease operations. However, the rapid responses must be reported to the Environment Department so that the public may be made aware of the positive cases.

(3) All businesses, establishments, and non-profit entities must adhere to the pertinent COVID-Safe Practices.

(4) 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 COVID-Safe Practices requirements for in-person instruction contained in the New Mexico's Public Education Department's "Reentry Guidance" and "COVID-19 Response Toolkit for New Mexico's Public Schools," available at <https://webnew.ped.state.nm.us/reentry-district-and-school-guidance/>, and may operate up to maximum capacity. Private educational institutions shall follow the reporting, testing, and closure requirements set forth by the Public Education Department in the Reentry Guidance and COVID-19 Response Toolkit for New Mexico's Public Elementary Schools.

I FURTHER DIRECT as follows:

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

(2) This 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 Public Health Act.

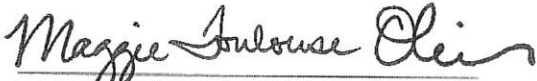
(3) Nothing in this Order is intended to restrain or preempt local authorities or state agencies from enacting more stringent restrictions than those required by the Order.

(4) This Order shall take effect immediately and remain in effect through September 15, 2021.

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

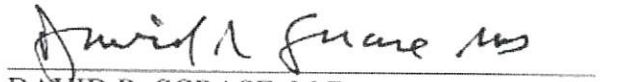
(6) Any and all State officials authorized by the Department of Health may enforce this Order by issuing a citation of violation, which may result in civil administrative penalties of up to \$5,000 for each violation under NMSA 1978, Section 12-10A-19.

ATTEST:


MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 17TH DAY OF AUGUST 2021

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


DAVID R. SCRASE, M.D.
ACTING SECRETARY OF THE
NEW MEXICO DEPARTMENT OF HEALTH





MICHELLE LUJAN GRISHAM
Governor

DAVID R. SCRASE, M.D.
Acting Cabinet Secretary

**PUBLIC HEALTH ORDER
NEW MEXICO DEPARTMENT OF HEALTH
ACTING SECRETARY DAVID R. SCRASE, M.D.**

August 17, 2021

Public Health Emergency Order Requiring All School Workers Comply with Certain Health Requirements and Requiring Congregate Care Facility Workers, Hospital Workers, and Employees of the Office of the Governor Be Fully Vaccinated

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (“COVID-19”) that had not previously circulated in humans, but has been found to have adapted to humans such that it is contagious and easily spread from one person to another and one country to another;

WHEREAS, COVID-19 has been confirmed in New Mexico since March 11, 2020, when the New Mexico Department of Health confirmed the first cases of individuals infected with COVID-19 in New Mexico and additional cases have been confirmed each day since then;

WHEREAS, on March 11, 2020, because of the spread of COVID-19, Governor Michelle Lujan Grisham issued Executive Order 2020-004 declaring 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 September 15, 2021;

WHEREAS, over 36 million people have been infected with COVID-19 in the United States, with over 615,000 related deaths, and the New Mexico Department of Health has reported 220,000 positive COVID-19 cases and 4,450 related deaths in New Mexico;

WHEREAS, the currently available COVID-19 vaccines are safe and the most effective way of preventing infection, serious illness, and death;

WHEREAS, widespread vaccination protects New Mexico’s health care system as vaccines decrease the need for emergency services and hospitalization;

WHEREAS, the refusal to receive the COVID-19 vaccine not only endangers the individual but the entire community, and further jeopardizes the progress the State has made against the pandemic by allowing the virus to transmit more freely and mutate into more transmissible or deadly variants;

OFFICE OF THE SECRETARY

1190 St. Francis Dr., Suite N4100 • P.O. Box 26110 • Santa Fe, New Mexico • 87502
(505) 827-2613 • FAX: (505) 827-2530 • www.nmhealth.org



WHEREAS, one such highly transmissible variant, B.1.617.2, commonly known as the Delta variant, now accounts for the majority of new infections in the United States;

WHEREAS, New Mexico has recorded a significant increase in new COVID-19 cases in recent weeks, with cases expected to rise even further in the Fall and Winter months;

WHEREAS, the further spread of COVID-19 in the State of New Mexico poses a threat to the health, safety, and wellbeing of children who are not yet eligible to receive a vaccine; persons who cannot be vaccinated due to medical reasons; immunocompromised individuals; and vulnerable persons including persons in hospitals, long-term care facilities, and other congregate care facilities; 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 -19, 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 maintain and enforce rules for the control of a condition of public health importance, and issue rules for immunization against conditions of public health importance.

NOW, THEREFORE, I, David R. Scrase, M.D., Acting Secretary of the New Mexico Department of Health, in accordance with 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 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 NMSA 1978, Section 24-1-2(A), and hereby ORDER and DIRECT as follows:

DEFINITIONS

For the purposes of this Order, the following terms shall have the meaning given to them, except where the context clearly requires otherwise:

(1) “Congregate care facility” means nursing homes, assisted living facilities, adult day cares, hospice facilities, rehabilitation facilities, State correctional facilities, juvenile justice facilities, residential treatment centers, the New Mexico State Veterans’ Home, and community homes.

(2) “Congregate care facility worker” means any paid or unpaid individuals working in a congregate care facility. This includes workers providing services who have the potential for direct or indirect exposure to patients or residents in a congregate care facility. A congregate care facility worker includes contractors who perform services on-site at the congregate care facility.

(3) “Fully vaccinated” means two weeks after an individual completed the entire recommended series of vaccination with a vaccine approved by the Food and Drug Administration (FDA), including on an emergency use basis, to prevent COVID-19. An individual will be fully vaccinated two weeks after the second dose of the Pfizer-BioNTech or Moderna COVID-19

vaccines. An individual will be fully vaccinated two weeks after a single-dose Johnson and Johnson's Jassen COVID-19 vaccine.

(4) "Hospital" means any public hospital, profit or nonprofit private hospital, general hospital, or special hospital.

(5) "Hospital Worker" means all paid and unpaid individuals who work on-site in a hospital in a setting where care is provided to patients or patients have access for any purpose. This includes workers who have the potential for direct or indirect exposure to patients or COVID-19 airborne aerosols. Hospital workers include, but are not limited to, nurses, physicians nursing assistants, technicians, therapists, phlebotomists, pharmacists, students and trainees, contractual staff not employed by the hospital, and persons not directly involved in patient care, but who could be exposed to infection agents that can be transmitted in the hospital (e.g. clerical, dietary, environmental services, laundry, security, and volunteer personnel).

(6) "School worker" means all paid and unpaid adults serving in a private school, public school, or charter school.

(7) "Qualifying medical condition" means a permanent or temporary medical condition recognized by the FDA or Centers for Disease Control and Prevention (CDC) as a contra-indication to COVID-19 vaccination.

DIRECTIVES

I HEREBY DIRECT AS FOLLOWS:

(1) Beginning Monday August 23, 2021, all school workers in any private school, public school, or charter school who are not fully vaccinated against COVID-19 or are unwilling to provide proof of vaccination to their respective supervisors shall:

- a. Provide adequate proof that the school worker has tested negative for COVID-19 on a weekly basis; and
- b. Wear a mask or multilayer cloth face covering at all times indoors during the course and scope of their employment except when eating or drinking. An unvaccinated school worker will only be exempt from wearing a mask indoors if adequate proof is provided that the school worker has been instructed otherwise by a licensed healthcare provider.

(2) All private schools, public schools, and charter schools shall maintain records of school worker vaccination status in accordance with applicable privacy laws and regulations. The records regarding a worker's vaccination status shall be provided to the Department of Health promptly upon request.

(3) All hospital workers, congregate care facility workers, and employees of the Office of the Governor Michelle Lujan Grisham are required to be fully vaccinated against COVID-19

unless they qualify for an exemption. If an individual does not qualify for an exemption, the individual shall:

- a. Receive the first dose of a COVID-19 vaccine within 10 days of the effective date of this Order and their second dose within 40 days of their first dose of a COVID-19 vaccine; and
- b. Provide proof of vaccination to the appropriate person or supervisor:
 - i. Hospital workers and congregate care facility workers shall provide proof of vaccination or exemption to their respective supervisors.
 - ii. Contractors who are hospital workers shall provide proof of vaccination to the operator of the hospital in which the contractor provides on-site services.
 - iii. Employees of the Office of Governor Michelle Lujan Grisham shall provide proof of vaccination to the Chief Operations Officer.

(4) The workers subject to Section (3) of this Order may be exempt from the COVID-19 vaccination requirement set forth above if they have a qualifying medical condition which immunization would endanger their health, or they are entitled under the Americans With Disabilities Act (ADA), Title VII of the Civil Rights Act of 1964 (Title VII), or any other applicable law to a disability-related reasonable accommodation or a sincerely held religious belief accommodation. Nothing in this Order precludes the entities which employ or contract with these workers from providing disability-related reasonable accommodations and religious accommodations to the requirements of this Order as required by law.

- a. To be eligible for an exemption due a qualifying medical condition, the individual must provide their employer or operator of the facility they contract with a statement from a physician, nurse practitioner, or other medical professional licensed to practice in New Mexico stating that the individual qualifies for the exemption and indicating the probable duration of the individual's inability to receive the vaccine;
- b. To be eligible for an exemption due to a disability, the individual must provide their employer or the operator of the hospital or congregate care facility they contract with accommodation documentation from a physician, nurse practitioner, or other medical professional licensed to practice in New Mexico stating that the individual has a disability that necessitates an accommodation and the probable duration of the need for the accommodation; or
- c. To be eligible for an exemption due to a sincerely held religious belief, the individual must document that the request for an accommodation has been made and provide their employer or the operator of the facility they contract with a statement regarding the manner in which the administration of a

COVID-19 vaccine conflicts with the religious observance, practice, or belief of the individual.

(5) If an operator of a hospital, operator of a congregate care facility, or the Office of Governor Michelle Lujan Grisham determines a worker to have met the requirements of an exemption pursuant to Section (4), the unvaccinated exempt worker shall:

- a. Provide adequate proof that the individual has tested negative for COVID-19 on a weekly basis; and
- b. Wear a mask or multilayer cloth face covering at all times indoors at the hospital or congregate care facility except when eating or drinking. An unvaccinated worker will only be exempt from wearing a mask indoors if adequate proof is provided that the individual has been instructed otherwise by a licensed healthcare provider.

(6) The operator of a hospital, operator of a congregate care facility, and the Office of Governor Michelle Lujan Grisham shall maintain records of all workers' vaccination or exemption status in accordance with applicable privacy laws and regulations. If a worker is exempt pursuant to Section (4), then the operator or employer also must maintain records of the worker's testing results pursuant to Section (5). The records regarding a worker's vaccination or exemption status shall be provided to the Department of Health promptly upon request.

(7) Hospital workers, congregate care facility workers, and employees of the Office of the Governor Michelle Lujan Grisham shall provide proof of vaccination or records of their exemption status to the Department of Health if requested.

(8) All persons who are eligible to receive a COVID-19 vaccine and enter the grounds of the New Mexico State Fair from September 9-19, 2021 must provide adequate proof of being fully vaccinated against COVID-19 to a State Fair official unless the individual qualifies for an exemption. A person may be exempt from the COVID-19 vaccination requirement set forth in this section if they have a qualifying medical condition which immunization would endanger their health, or they are entitled under the ADA, Title VII, or any other applicable law to a disability-related reasonable accommodation or a sincerely held religious belief accommodation. Nothing in this Order precludes the New Mexico State Fair from providing disability-related reasonable accommodations and religious accommodations to the requirements of this Order as required by law. The requirements for an exemption are as follows:

- a. To be eligible for an exemption due a qualifying medical condition, the individual must provide a State Fair official with a statement from a physician, nurse practitioner, or other medical professional licensed to practice in New Mexico stating that the individual qualifies for the exemption and indicating the probable duration of the individual's inability to receive the vaccine;
- b. To be eligible for an exemption due to a disability, the individual must provide a State Fair Official with accommodation documentation from a

physician, nurse practitioner, or other medical professional licensed to practice in New Mexico stating that the individual has a disability that necessitates an accommodation and the probable duration of the need for the accommodation; or

- c. To be eligible for an exemption due to a sincerely held religious belief, the individual must document that the request for an accommodation has been made and provide a State Fair official a statement regarding the manner in which the administration of a COVID-19 vaccine conflicts with the religious observance, practice, or belief of the individual.

(9) If a State Fair official determines an individual entering the grounds of the New Mexico State Fair has met the requirements of an exemption pursuant to Section (8), the unvaccinated individual shall provide adequate proof that they have tested negative for COVID-19 within 48 hours prior to entering the fair grounds.

(10) New Mexico State Fair officials shall maintain records of the vaccination or exemption status of all persons entering the grounds New Mexico State Fair in accordance with applicable privacy laws and regulations. The records regarding an individual's vaccination or exemption status shall be provided to the Department of Health promptly upon request. All individuals entering the grounds of the New Mexico State Fair shall provide proof of vaccination or records of their exemption status and negative test to the Department of Health, if requested.

I FURTHER DIRECT as follows:

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

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

(3) The New Mexico Department of Health, the New Mexico Department of Public Safety, the New Mexico Public Education Department, and all other State departments and agencies are authorized to take all appropriate steps to ensure compliance with this Order.

(4) Any person, hospital, or congregate care facility who willfully violates this Order may be subject to civil administrative penalties available at law.

(5) This Order shall take effect on August 17, 2021 and remain in effect for the duration of the public health emergency first declared in Executive Order 2020-004 and any subsequent renewals of that public health emergency declaration, unless otherwise rescinded.

ATTEST:

Maggie Toulouse Oliver

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE



DONE AT THE EXECUTIVE OFFICE
THIS 17TH DAY OF AUGUST 2021

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

David R. Scrase

DAVID R. SCRASE, M.D.
ACTING SECRETARY OF THE
NEW MEXICO DEPARTMENT OF HEALTH