



Office of the Governor

MICHELLE LUJAN GRISHAM



FOR IMMEDIATE RELEASE:

Contact: Nora Meyers Sackett

covidpress@state.nm.us

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State enacts further restrictions to stop spread, including stay-at-home instruction

Essential functions to continue

SANTA FE – Gov. Michelle Lujan Grisham on Monday announced additional restrictions to disrupt the spread of the COVID-19 virus in New Mexico and instructed New Mexicans to remain in their homes or places of residence except for outings absolutely necessary for health, safety and welfare.

The order – to be issued by Secretary of Health Kathy Kunkel and **effective 8 a.m. Tuesday, March 24** – closes all non-essential businesses, requiring 100 percent of the state’s non-essential workforce to work from home. As in other states that have enacted similar measures, there are exceptions pertaining to essential services for the preservation of health, safety and well-being.

“The only way for us to stop the spread of this virus is for New Mexicans to stop interacting with each other,” said Gov. Lujan Grisham. “New Mexicans must be crystal-clear on this point: Right now, every time you leave your house, you are putting yourself, your family and your community at risk. Only by distancing from one another, by remaining home except for essential or emergency travel, can we limit the spread of this virus to the point that it does not overwhelm New Mexico.

“This clearly exempts people who are part of the essential functions that must continue: The individuals providing meals for kids at our schools; the individuals working at health care facilities, child care facilities, public safety entities and many more. Those individuals are helping keep us operating – in a new and limited way. They deserve our profound gratitude.

“As we wait for the federal government to get states the help we need in expanding capacity and testing materials and financial assistance, staying home is the one action all of us, individually and as a group, can control,” the governor added. “Please stay home. Help protect New Mexico.”

Intended to aggressively limit person-to-person contact in the state, the amended emergency public health order closes all non-essential businesses except for remote work.

The order advises that New Mexicans “must stay at home and undertake only those outings absolutely necessary for their health, safety or welfare” and further restricts “mass gatherings” of five or more individuals in outdoor spaces.

“Does this order mean you cannot walk your dog? No. Does it mean you can’t go for a jog? No. But you should not do those things in a group – and you should be home as soon as possible,” the governor said. “This social isolation strategy will only work if we all undertake it to the greatest extent we can. That boils down to one thing: Stay home.”

The amended public health emergency order is attached to this news release.

Businesses deemed essential that may remain open are:

- Health care operations including hospitals, walk-in-care health facilities, emergency veterinary and livestock services, 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, and medical supplies and equipment manufacturers and providers;
- Homeless shelters, food banks, and other services providing care to indigent or needy populations;
- Childcare facilities necessary to provide services to those workers employed by essential businesses and essential non-profit entities;
- Grocery stores, all food and beverage 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;
- Farms, ranches, and other food cultivation, processing, or packaging operations;
- All facilities used by law enforcement personnel, first responders, firefighters, emergency management personnel, dispatch operators, and court personnel.
- Infrastructure operations including, but not limited to, public works construction; commercial and residential facility construction and maintenance; airport operations; public transportation; airlines; taxis; private transportation providers; water, sewer, trash and recycling collection, processing and disposal; 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; solid waste collection and removal; processing and disposal; data and internet providers; data centers; and telecommunications systems;

- Manufacturing operations involved in food processing, manufacturing agents, chemicals, fertilizer, pharmaceuticals, sanitary products, household paper products, telecommunications, microelectronics/semi-conductor, primary metals manufacturers, machinery manufacturers, electrical equipment, appliance, and component manufacturers, and transportation equipment manufacturers;
- Services necessary to maintain the safety and sanitation of residences or essential businesses including security services, custodial services, plumbers, electricians, and other skilled trades;
- Media services including television, radio, and newspaper operations;
- Gas stations, automobile repair facilities, and retailers who generate the majority of their revenue from the sale of automobile repair products;
- Hardware stores;
- Laundromats and dry cleaner services;
- Utilities, including their contractors and suppliers, engaged in power generation, fuel supply and transmission, water and wastewater supply;
- Funeral homes, crematoriums and cemeteries;
- Banks, credit unions, insurance providers, payroll services, brokerage services, and investment management firms;
- Real estate services including brokers, title companies, and related services.
- Businesses providing mailing and shipping services, including post office boxes;
- Laboratories and defense and national security-related operations supporting the United States government or a contractor to the United States government;
- Restaurants, but only for delivery or carry out and local breweries or distilleries but only for carry out;
- Professional services, such as legal or accounting services, but only where necessary to assist in compliance with legally mandated activities; and
- Logistics and businesses that store, ship or deliver groceries, food, goods or services directly to residences or retailers.

The order is in effect until April 10.

ON ENFORCEMENT: The state has ramped up surveillance of businesses to ensure compliance. Violators of the public health order could lose their licenses to operate and face civil or criminal penalties. New Mexicans wishing to report a violation will soon be able to call the non-emergency COVID-19 state hotline, 1-833-551-0518.

ON HOARDING: In a previously issued public health order, the state, in an effort to limit hoarding, directed grocery stores and other retailers to limit the sale of over-the-counter medications, durable medical equipment, baby formula, diapers, sanitary care products and hygiene products to three packaged items per individual. Individual New Mexicans are further urged to limit hoarding in order to ensure community members have the supplies they need.

ON ILLNESSES AND TESTING: New Mexicans who develop symptoms of COVID-19 infection – fever, cough or shortness of breath – should call their health care provider or the NMDOH COVID-19 hotline immediately (**1-855-600-3453**).

Testing is presently prioritized for those with symptoms. New Mexicans are asked to widely distribute [this information](#) about testing and travel guidelines.

FOR MORE INFORMATION: New Mexicans who have non-health-related questions or concerns can also call **833-551-0518** or visit newmexico.gov, which is being updated as a one-stop source for information.

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

MARCH 23, 2020

**Public Health Emergency Order Closing All Businesses and Non-Profit
Entities Except for those Deemed Essential and
Providing Additional Restrictions on Mass Gatherings Due to COVID-19**

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, COVID-19 continues to spread in New Mexico and nationally. Since, Executive Order 2020-004 was issued, COVID-19 infections in the United States have increased from 1,000 confirmed cases to over 30,000 confirmed cases;

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; and

WHEREAS, social distancing is the sole way New Mexicans can minimize the spread of COVID-19 and currently constitutes the most effective means of mitigating 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 as invoked through

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



Executive Order 2020-004, 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) “Condition of public health importance” means 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.

(2) “Disease” means an illness, including those caused by infectious agents or their toxic products which may be transmitted to a susceptible host.

(3) “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, emergency veterinary and livestock services, 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, 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 necessary to provide services to those workers employed by essential businesses and essential non-profit entities;
- d. Grocery stores, all food and beverage 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. All facilities used by law enforcement personnel, first responders, firefighters, emergency management personnel, and dispatch operators;
- g. 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 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, 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;
- h. 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;
- i. Services necessary to maintain the safety and sanitation of residences or essential businesses including security services, custodial services, plumbers, electricians, and other skilled trades;
- j. Media services including television, radio, and newspaper operations;
- k. Gas stations, automobile repair facilities, and retailers who generate the majority of their revenue from the sale of automobile repair products;
- l. Hardware stores;
- m. Laundromats and dry cleaner services;
- n. Utilities, including their contractors and suppliers, engaged in power generation, fuel supply and transmission, water and wastewater supply;
- o. Funeral homes, crematoriums and cemeteries;
- p. Banks, credit unions, insurance providers, payroll services, brokerage services, and investment management firms;
- q. Real estate services including brokers, title companies, and related services.
- r. Businesses providing mailing and shipping services, including post office boxes;

- s. Laboratories and defense and national security-related operations supporting the United States government or a contractor to the United States government;
- t. Restaurants, but only for delivery or carry out and local breweries or distillers but only for carry out;
- u. Professional services, such as legal or accounting services, but only where necessary to assist in compliance with legally mandated activities; and
- v. Logistics and businesses that store, ship or deliver groceries, food, goods or services directly to residences or retailers.

(4) “Individuals” means natural persons.

(5) “Gathering” means any grouping together of individuals in a single connected location.

(6) “Mass gathering” means any public or private gathering that brings together five (5) or more individuals in a single room or connected space, confined outdoor space or an open outdoor space where individuals are within six (6) feet of each other, but does not include the presence of five (5) or more individuals where those individuals regularly reside. “Mass gathering” does not include “individuals” congregated in a church, synagogue, mosque, or other place of worship.

I HEREBY DIRECT AS FOLLOWS:

- (1) All Mass Gatherings are hereby prohibited under the powers and authority set forth in the New Mexico Public Health Act, and all regulations promulgated pursuant thereto.
- (2) All businesses, except those entities identified as “essential businesses”, are hereby directed to reduce the in-person workforce at each business or business location by 100%. “Essential businesses” may remain open provided they minimize their operations and staff to the greatest extent possible. Further, all essential businesses shall, to the greatest extent possible, adhere to social distancing protocol and maintain at least six-foot social distancing from other individuals, avoid person-to-person contact, and direct employees to wash their hands frequently. Further, all essential businesses shall ensure that all surfaces are cleaned routinely.
- (3) This Order only requires the closure of physical office spaces, retail spaces, or other public spaces of a business and does not otherwise restrict the conduct of business operations through telecommuting or otherwise working from home in which an employee only interacts with clients or customers remotely.
- (4) All casinos and horse racing facilities shall close during the pendency of this Order. This directive excludes those casinos operating on Tribal lands.
- (5) Hotels, motels, RV parks, and other places of lodging shall not operate at more than fifty percent of maximum occupancy. Health care workers who are engaged in the

provision of care to New Mexico residents or individuals utilizing lodging facilities for extended stays or as temporary housing shall not be counted for purposes of determining maximum occupancy.

- (6) All call centers situated in New Mexico are directed to reduce their in-person workforce by 100%.
- (7) 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.
- (8) All public and private employers are required to comply with this Order and any instructions provided by State departments or agencies regarding COVID-19.
- (9) 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 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 New Mexico Public Health Act.
- (3) This Order shall remain in effect for the duration of Executive Order 2020-004. This Order may be renewed consistent with any direction from the Governor.

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.

THIS ORDER amends the Public Health Emergency Order to Limit Mass Gatherings Due to COVID-19 issued on March 19, 2020, supersedes any other previous orders, proclamations, or directives in conflict.

ATTEST:

DONE AT THE EXECUTIVE OFFICE
THIS 24TH DAY OF MARCH 2020

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

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

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