

1 SENATE BILL 74

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Gregory A. Baca

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10 AN ACT

11 RELATING TO PUBLIC HEALTH; ENACTING A NEW SECTION OF THE
12 EMERGENCY POWERS CODE; AMENDING THE PUBLIC HEALTH EMERGENCY
13 RESPONSE ACT; ENACTING A NEW SECTION OF THE PUBLIC HEALTH ACT;
14 PROVIDING FOR AUTOMATIC TERMINATION OF A PUBLIC HEALTH
15 EMERGENCY ORDER OR A PUBLIC HEALTH ORDER THAT CLOSES PUBLIC
16 PLACES OR LIMITS GATHERINGS; PROVIDING FOR RENEWAL OR AMENDMENT
17 OF A PUBLIC HEALTH EMERGENCY ORDER OR A PUBLIC HEALTH ORDER BY
18 THE LEGISLATURE OR BY PARTICULAR LEGISLATIVE LEADERS IN CERTAIN
19 CIRCUMSTANCES; DECLARING AN EMERGENCY.

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21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

22 SECTION 1. A new section of the Emergency Powers Code is
23 enacted to read:

24 "[NEW MATERIAL] PUBLIC HEALTH ORDER--PUBLIC PLACES AND
25 GATHERINGS--TERMINATION AND RENEWAL.--

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underscoring material = new
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1 A. Upon issuing a public health order pursuant to
2 the Emergency Powers Code that is of general applicability
3 throughout the state or a portion of the state that closes any
4 public place or forbids or limits gatherings of people, the
5 governor shall transmit copies of the order to the president
6 pro tempore and the minority floor leader of the senate and the
7 speaker and the minority floor leader of the house of
8 representatives.

9 B. A public health order subject to the
10 requirements of Subsection A of this section shall
11 automatically terminate fourteen days after being issued and
12 shall not be renewed or amended nor shall a new order be issued
13 for the same subject matter except by joint resolution of the
14 legislature or, if the legislature is not in session at the
15 time of the termination of an order, by a joint statement that
16 is transmitted to the governor and signed by three or more of
17 the following individuals: the president pro tempore of the
18 senate, the minority floor leader of the senate, the speaker of
19 the house of representatives or the minority floor leader of
20 the house of representatives."

21 SECTION 2. Section 12-10A-5 NMSA 1978 (being Laws 2003,
22 Chapter 218, Section 5) is amended to read:

23 "12-10A-5. DECLARING A STATE OF PUBLIC HEALTH
24 EMERGENCY--TERMINATING THE EMERGENCY--NOTICE TO LEGISLATURE AND
25 LEGISLATIVE APPROVAL FOR CERTAIN PUBLIC HEALTH EMERGENCIES.--

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underscored material = new
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1 A. A state of public health emergency may be
2 declared by the governor upon the occurrence of a public health
3 emergency. Prior to a declaration of a state of public health
4 emergency, the governor shall consult with the secretary of
5 health. The governor shall authorize the secretary of health,
6 the secretary of public safety and the director to coordinate a
7 response to the public health emergency.

8 B. A state of public health emergency shall be
9 declared in an executive order that specifies:

10 (1) the nature of the public health emergency;

11 (2) the political subdivisions or geographic
12 areas affected by the public health emergency;

13 (3) the conditions that caused the public
14 health emergency;

15 (4) whether the expected duration of the
16 public health emergency [if] is greater than fourteen days for
17 an emergency that is used as the basis for an executive order
18 of general applicability throughout the state or a portion of
19 the state and closes any public place or forbids or limits
20 gatherings of people;

21 (5) whether the expected duration of the
22 public health emergency is less than thirty days for public
23 health emergencies not subject to Paragraph (4) of this
24 subsection;

25 [+5] (6) the public health officials needed

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1 to assist in the coordination of a public health emergency
2 response; and

3 [~~(6)~~] (7) any other provisions necessary to
4 implement the executive order.

5 C. Upon issuing an executive order, based on a
6 declaration of a state of public health emergency that is of
7 general applicability throughout the state or a portion of the
8 state that closes any public place or forbids or limits
9 gatherings of people, the governor shall transmit copies of the
10 declaration to the president pro tempore of the senate, the
11 minority floor leader of the senate, the speaker of the house
12 of representatives and the minority floor leader of the house
13 of representatives.

14 [~~(6)~~] D. A declaration of a state of public health
15 emergency shall not abrogate any disease-reporting requirements
16 set forth in the Public Health Act.

17 [~~(D)~~] E. A declaration of a state of public health
18 emergency shall be terminated:

19 (1) by the governor, after consultation with
20 the secretary of health, upon determining that there is no
21 longer a public health emergency; or

22 (2) automatically after:

23 (a) fourteen days for an emergency that
24 is used as the basis for an order of general applicability
25 throughout the state or a portion of the state that closes any

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1 public place or forbids or limits gatherings of people;
2 provided that the public health emergency shall only be renewed
3 or amended and a new public health emergency on the same
4 subject matter shall only be declared by a joint resolution of
5 the legislature or, if the legislature is not in session at the
6 time the original declaration terminates for a period of time
7 until the legislature meets in session, by a joint statement
8 that is transmitted to the governor and signed by three or more
9 of the following individuals: the president pro tempore of the
10 senate, the minority floor leader of the senate, the speaker of
11 the house of representatives or the minority floor leader of
12 the house of representatives; or

13 (b) thirty days for a public health
14 emergency not subject to Subparagraph (a) of this paragraph,
15 unless renewed by the governor after consultation with the
16 secretary of health.

17 ~~[E.]~~ F. Upon the termination of a state of public
18 health emergency, the secretary of health shall consult with
19 the secretary of public safety and the director to ensure
20 public safety during termination procedures."

21 SECTION 3. A new section of the Public Health Act is
22 enacted to read:

23 "[NEW MATERIAL] PUBLIC HEALTH ORDER--PUBLIC PLACES AND
24 GATHERINGS--TERMINATION AND RENEWAL.--

25 A. Upon issuing a public health order that is of

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1 general applicability throughout the state or a portion of the
2 state that closes any public place or forbids or limits
3 gatherings of people, the secretary shall transmit copies of
4 the order to the president pro tempore of the senate, the
5 minority floor leader of the senate, the speaker of the house
6 of representatives and the minority floor leader of the house
7 of representatives.

8 B. A public health order that is of general
9 applicability throughout the state or a portion of the state
10 that closes any public place or forbids or limits gatherings of
11 people shall automatically terminate fourteen days after being
12 declared and shall only be renewed, amended or reissued by a
13 joint resolution of the legislature or, if the legislature is
14 not in session for a period of time until the legislature meets
15 in session, by a joint statement that is transmitted to the
16 governor and signed by three or more of the following
17 individuals: the president pro tempore of the senate, the
18 minority floor leader of the senate, the speaker of the house
19 of representatives or the minority floor leader of the house of
20 representatives."

21 SECTION 4. EMERGENCY.--It is necessary for the public
22 peace, health and safety that this act take effect immediately.