SENATE BILL 3

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SPECIAL SESSION, 2020

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC HEALTH; ENACTING A NEW SECTION OF THE

EMERGENCY POWERS CODE; AMENDING THE PUBLIC HEALTH EMERGENCY

RESPONSE ACT; ENACTING A NEW SECTION OF THE PUBLIC HEALTH ACT;

PROVIDING FOR AUTOMATIC TERMINATION OF A PUBLIC HEALTH

EMERGENCY ORDER OR A PUBLIC HEALTH ORDER THAT CLOSES PUBLIC

PLACES OR LIMITS GATHERINGS; PROVIDING FOR RENEWAL OR AMENDMENT

OF A PUBLIC HEALTH EMERGENCY ORDER OR A PUBLIC HEALTH ORDER BY

THE LEGISLATURE OR BY PARTICULAR LEGISLATIVE LEADERS IN CERTAIN

CIRCUMSTANCES; DECLARING AN EMERGENCY.

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

SECTION 1. A new section of the Emergency Powers Code is

enacted to read:

"[NEW MATERIAL] PUBLIC HEALTH ORDER--PUBLIC PLACES AND

GATHERINGS--TERMINATION AND RENEWAL.--

.218569.1

A. Upon issuing a public health order pursuant to the Emergency Powers Code that is of general applicability throughout the state or a portion of the state that closes any public place or forbids or limits gatherings of people, the governor shall transmit a copy of the order to the president pro tempore and the minority floor leader of the senate and the speaker and the minority floor leader of the house of representatives.

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

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

"12-10A-5. DECLARING A STATE OF PUBLIC HEALTH EMERGENCY--TERMINATING THE EMERGENCY--<u>NOTICE TO LEGISLATURE AND LEGISLATIVE APPROVAL FOR CERTAIN PUBLIC HEALTH EMERGENCIES</u>.--

.218569.1

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)   <u>whether</u> the expected duration of the

16 public health emergency [if] <u>is greater than fourteen days for</u>

17 <u>an emergency that is used as the basis for an executive order</u>

18 <u>of general applicability throughout the state or a portion of</u>

19 <u>the state and closes any public place or forbids or limits</u>

20 <u>gatherings of people;</u>

21   <u>(5)   whether the expected duration of the</u>

22 <u>public health emergency is</u> less than thirty days <u>for public</u>

23 <u>health emergencies not subject to Paragraph (4) of this</u>

24 <u>subsection;</u>

25   [(5)] <u>(6)</u>   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 a copy 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   [C.] 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 a copy 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.

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