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SENATE BILL 194

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

Gregory A. Baca and Greg Nibert

AN ACT

RELATING TO PUBLIC HEALTH; AMENDING THE EMERGENCY POWERS CODE,  
THE PUBLIC HEALTH EMERGENCY RESPONSE ACT AND 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  
UPON AUTHORIZATION OF 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.--

underscored material = new  
~~[bracketed material]~~ = delete

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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 of the senate, the minority floor leader of the  
7 senate, the speaker of the house of representatives and the  
8 minority floor leader of the house of representatives.

9           B. A public health order subject to the  
10 requirements of Subsection A of this section shall  
11 automatically terminate thirty days after being issued and  
12 shall not be renewed or amended, nor shall a new order be  
13 issued for the same subject matter except upon authorization  
14 by joint resolution of the legislature or, if the legislature  
15 is not in session at the time of the termination of an order,  
16 by a joint statement that is transmitted to the governor and  
17 signed by three or more of the following individuals: the  
18 president pro tempore of the senate, the minority floor leader  
19 of the senate, the speaker of the house of representatives or  
20 the minority floor leader of 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 EMERGENCY--  
24 TERMINATING THE EMERGENCY--NOTICE TO LEGISLATURE AND  
25 LEGISLATIVE APPROVAL FOR CERTAIN PUBLIC HEALTH EMERGENCIES.--

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

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

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

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underscored material = new  
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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 declaring a  
6 public health emergency that is of general applicability  
7 throughout the state or a portion of the state that closes any  
8 public place or forbids or limits gatherings of people, the  
9 governor shall transmit copies of the order to the president  
10 pro tempore of the senate, the minority floor leader of the  
11 senate, the speaker of the house of representatives and the  
12 minority floor leader of the house of representatives.

13 ~~[C. A declaration of]~~ D. An executive order  
14 declaring a state of public health emergency shall not abrogate  
15 any disease-reporting requirements set forth in the Public  
16 Health Act.

17 ~~[D. A declaration of]~~ E. An executive order  
18 declaring a state of public health emergency shall be  
19 terminated:

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

23 (2) automatically after:

24 (a) thirty days for an executive order  
25 that is of general applicability throughout the state or a

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underscoring material = new  
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1 portion of the state that closes any public place or forbids or  
2 limits gatherings of people; provided that the executive order  
3 shall only be renewed or amended and a new executive order  
4 declaring a public health emergency on the same subject matter  
5 shall only be issued upon authorization by a joint resolution  
6 of the legislature or, if the legislature is not in session at  
7 the time the original declaration terminates, by a joint  
8 statement that is transmitted to the governor and signed by  
9 three or more of the following individuals: the president pro  
10 tempore of the senate, the minority floor leader of the senate,  
11 the speaker of the house of representatives or the minority  
12 floor leader of 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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underscoring material = new  
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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 thirty days after being  
12 issued and shall only be renewed, amended or reissued upon  
13 authorization by a joint resolution of the legislature or, if  
14 the legislature is not in session, by a joint statement that is  
15 transmitted to the governor and signed by three or more of the  
16 following individuals: the president pro tempore of the  
17 senate, the minority floor leader of the senate, the speaker of  
18 the house of representatives or the minority floor leader of  
19 the house of representatives."

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

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