

1 SENATE BILL 340

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Jay C. Block

5
6
7
8
9
10 AN ACT

11 RELATING TO PUBLIC EMERGENCIES; TERMINATING DECLARATIONS OF
12 EMERGENCY AND ORDERS OR RULES RESTRICTING COMMERCE, PUBLIC
13 ASSEMBLY AND PERSONAL CONDUCT AFTER THIRTY DAYS; AUTHORIZING
14 LIMITED GUBERNATORIAL EXTENSIONS OF DECLARATIONS, ORDERS OR
15 RULES; PROVIDING FOR LEGISLATIVE EXTENSIONS OF DECLARATIONS,
16 ORDERS OR RULES; AMENDING SECTIONS OF CHAPTER 12 NMSA 1978.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. Section 12-10-4 NMSA 1978 (being Laws 1959,
20 Chapter 190, Section 5, as amended) is amended to read:

21 "12-10-4. ALL HAZARD EMERGENCY MANAGEMENT--POWERS OF THE
22 GOVERNOR.--

23 A. Except as limited by Subsection C of this
24 section, the governor shall have general direction and control
25 of the activities of the homeland security and emergency

.230015.1

underscored material = new
[bracketed material] = delete

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

1 management department and shall be responsible for carrying out
2 the provisions of the All Hazard Emergency Management Act and,
3 in the event of any man-made or natural disaster causing or
4 threatening widespread physical or economic harm that is beyond
5 local control and requiring the resources of the state, shall
6 exercise direction and control over any and all state forces
7 and resources engaged in emergency operations or related all
8 hazard emergency management functions within the state.

9 B. In carrying out the provisions of the All Hazard
10 Emergency Management Act, the governor is authorized to:

11 (1) cooperate with the federal government and
12 agree to carry out all hazard emergency management
13 responsibilities delegated in accordance with existing federal
14 laws and policies and cooperate with other states and with
15 private agencies in all matters relating to the all hazard
16 emergency management of the state and nation;

17 (2) issue, amend or rescind the necessary
18 orders, rules and procedures to carry out the provisions of the
19 All Hazard Emergency Management Act;

20 (3) provide those resources and services
21 necessary to avoid or minimize economic or physical harm until
22 a situation becomes stabilized and again under local self-
23 support and control, including the provision, on a temporary,
24 emergency basis, of lodging, sheltering, health care, food,
25 transportation or shipping necessary to protect lives or public

.230015.1

underscored material = new
[bracketed material] = delete

1 property; or for any other action necessary to protect the
2 public health, safety and welfare;

3 (4) prepare a comprehensive emergency
4 operations plan and program and to integrate the state
5 emergency operations plan and program with the emergency
6 operations plans and programs of the federal government and
7 other states and to coordinate the preparation of emergency
8 operations plans and programs by the political subdivisions of
9 this state;

10 (5) procure supplies and equipment, to
11 institute training programs and public information programs and
12 to take all necessary preparatory actions, including the
13 partial or full mobilization of state and local government
14 forces and resources in advance of actual disaster, to ensure
15 the furnishing of adequately trained and equipped emergency
16 forces of government and auxiliary personnel to cope with
17 disasters resulting from enemy attack or other causes; and

18 (6) enter into mutual aid agreements with
19 other states and to coordinate mutual aid agreements between
20 political subdivisions of the state.

21 C. An order or a rule that restricts commerce,
22 public assembly or a person's apparel, conduct or transport of
23 personal items pursuant to the All Hazard Emergency Management
24 Act shall terminate at the end of thirty days unless prior to
25 the termination of the order or rule:

.230015.1

underscored material = new
[bracketed material] = delete

1 (1) the legislature extends the order or rule
2 through legislation; or

3 (2) the governor extends the order or rule
4 upon a determination in writing that the order or rule needs to
5 be extended to address the underlying emergency; provided that
6 the governor may only extend an order or rule two times for a
7 period of up to thirty days for each extension."

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

10 "12-10A-5. DECLARING A STATE OF PUBLIC HEALTH
11 EMERGENCY--TERMINATING THE EMERGENCY.--

12 A. A state of public health emergency may be
13 declared by the governor upon the occurrence of a public health
14 emergency. Prior to a declaration of a state of public health
15 emergency, the governor shall consult with the secretary of
16 health. The governor shall authorize the secretary of health,
17 the secretary of public safety and the director to coordinate a
18 response to the public health emergency.

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

- 21 (1) the nature of the public health emergency;
22 (2) the political subdivisions or geographic
23 areas affected by the public health emergency;
24 (3) the conditions that caused the public
25 health emergency;

.230015.1

underscored material = new
[bracketed material] = delete

1 (4) the expected duration of the public health
2 emergency, if less than thirty days;

3 (5) the public health officials needed to
4 assist in the coordination of a public health emergency
5 response; and

6 (6) any other provisions necessary to
7 implement the executive order.

8 C. A declaration of a state of public health
9 emergency shall not abrogate any disease-reporting requirements
10 set forth in the Public Health Act.

11 D. A declaration of a state of public health
12 emergency shall be terminated:

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

16 (2) automatically after thirty days, unless
17 ~~[renewed by]~~ prior to the termination date the declaration is
18 extended by:

19 (a) the legislature through legislation;
20 or

21 (b) the governor after consultation with
22 the secretary of health; provided that the governor may only
23 extend a declaration of a state of public health emergency two
24 times, for up to thirty days for each extension.

25 E. Upon the termination of a state of public health

.230015.1

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

1 emergency, the secretary of health shall consult with the
2 secretary of public safety and the director to ensure public
3 safety during termination procedures."

4 - 6 -

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25