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HOUSE BILL 535

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

INTRODUCED BY

Stefani Lord and John Block

AN ACT

RELATING TO EMERGENCY POWERS; PROVIDING THAT A DECLARATION OF A STATE OF EMERGENCY PURSUANT TO THE ALL HAZARD EMERGENCY MANAGEMENT ACT OR THE PUBLIC HEALTH EMERGENCY RESPONSE ACT TERMINATES AFTER NINETY DAYS UNLESS THE GOVERNOR CALLS THE LEGISLATURE INTO SPECIAL SESSION TO ADDRESS THE CIRCUMSTANCES OF THE EMERGENCY; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

SECTION 1. A new section of the All Hazard Emergency Management Act is enacted to read:

"[NEW MATERIAL] LEGISLATIVE OVERSIGHT--EMERGENCY DECLARATIONS.--

A. A declaration of a state of emergency issued pursuant to the All Hazard Emergency Management Act shall cease .229841.1

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1 to be in effect after ninety days unless the governor calls the
2 legislature into special session to address the circumstances
3 of the state of emergency.

4 B. The special session called pursuant to
5 Subsection A of this section shall convene no later than the
6 ninetieth day after the initial declaration of the state of
7 emergency.

8 C. The legislature may restrict, suspend or
9 terminate a declaration of a state of emergency by joint
10 resolution. During a special session called by the governor
11 pursuant to Subsection A of this section, if the legislature
12 does not act to restrict, suspend or terminate a declaration of
13 a state of emergency, then the declaration may be extended by
14 the governor for a period not to exceed sixty days from the
15 date of adjournment of the special session.

16 D. A declaration of a state of emergency shall be
17 extended for no more than sixty days. The governor shall call
18 the legislature into special session before the expiration of
19 an extension to consider an additional extension, and this
20 procedure shall be repeated until the declaration of the state
21 of emergency is terminated by the governor or the legislature
22 or automatically upon expiration of the extension if the
23 governor fails to call the legislature into special session
24 pursuant to the provisions of this section.

25 E. The governor may only declare one state of

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1 emergency for an event, and any effort to declare another state
2 of emergency for the same event requires prior consent of the
3 legislature for the declaration to be effective."

4 SECTION 2. A new section of the Public Health Emergency
5 Response Act is enacted to read:

6 "[NEW MATERIAL] LEGISLATIVE OVERSIGHT--PUBLIC HEALTH
7 EMERGENCY DECLARATION.--

8 A. A declaration of a state of public health
9 emergency issued pursuant to the Public Health Emergency
10 Response Act shall cease to be in effect after ninety days
11 unless the governor calls the legislature into special session
12 to address the circumstances of the public health emergency.

13 B. The special session called pursuant to
14 Subsection A of this section shall convene no later than the
15 ninetieth day after the initial declaration of the state of the
16 public health emergency.

17 C. The legislature may restrict, suspend or
18 terminate a declaration of a state of public health emergency
19 by joint resolution. During a special session called by the
20 governor pursuant to Subsection A of this section, if the
21 legislature does not act to restrict, suspend or terminate a
22 declaration of a state of public health emergency, then the
23 declaration may be extended by the governor for a period not to
24 exceed sixty days from the date of adjournment of the special
25 session.

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1 D. A declaration of a state of public health
2 emergency shall be extended for no more than sixty days. The
3 governor shall call the legislature into special session before
4 the expiration of an extension to consider an additional
5 extension, and this procedure shall be repeated until the
6 declaration of the state of public health emergency is
7 terminated by the governor or the legislature or automatically
8 upon expiration of the extension if the governor fails to call
9 the legislature into special session pursuant to the provisions
10 of this section.

11 E. The governor may only declare one state of
12 public health emergency for an event, and any effort to declare
13 another state of public health emergency for the same event
14 requires prior consent of the legislature for the declaration
15 to be effective."

16 SECTION 3. Section 12-10A-5 NMSA 1978 (being Laws 2003,
17 Chapter 218, Section 5) is amended to read:

18 "12-10A-5. DECLARING A STATE OF PUBLIC HEALTH EMERGENCY--
19 TERMINATING THE EMERGENCY.--

20 A. A state of public health emergency may be
21 declared by the governor upon the occurrence of a public health
22 emergency. Prior to a declaration of a state of public health
23 emergency, the governor shall consult with the secretary of
24 health. The governor shall authorize the secretary of health,
25 the secretary of public safety and the director to coordinate a

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1 response to the public health emergency.

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

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

5 (2) the political subdivisions or geographic
6 areas affected by the public health emergency;

7 (3) the conditions that caused the public
8 health emergency;

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

11 (5) the public health officials needed to
12 assist in the coordination of a public health emergency
13 response; and

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

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

19 D. A declaration of a state of public health
20 emergency shall be terminated:

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

24 (2) automatically after thirty days, unless
25 renewed by the governor after consultation with the secretary

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1 of health; provided that pursuant to Section 2 of this 2025
2 act, a declaration of a state of public health emergency shall
3 cease to be in effect after ninety days unless the governor
4 calls the legislature into special session to address the
5 circumstances of the public health emergency.

6 E. Upon the termination of a state of public health
7 emergency, the secretary of health shall consult with the
8 secretary of public safety and the director to ensure public
9 safety during termination procedures."

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