

NEW MEXICO – COVID-19 – Back to Business Public Health Orders [Updated 12/30/20]

Public Health Orders and Executive Orders:
<https://cv.nmhealth.org/public-health-orders-and-executive-orders/>

Red to Green Framework:
<https://cv.nmhealth.org/public-health-orders-and-executive-orders/red-to-green/>

All Together New Mexico: COVID-Safe Practices for Individuals and Employers (“Safe Practices Document”):
<https://cv.nmhealth.org/covid-safe-practices/>

GENERAL TOPIC	SUMMARY	PAGE #
General	<p>The state went through a reopening process starting in April 2020, which did not have pre-set “phases.” The reopening process was implemented by a series of public health orders, which reopened businesses, required face coverings for individuals, set limits on maximum occupancy for businesses, and required business to operate in accordance with the Safe Practices Document. In July 2020, certain rollback provisions were added, including for restaurants.</p> <p>In November, 2020 there was a two week “pause” on reopenings.</p> <p>Effective 12/2/20, New Mexico transitioned to a three-tiered, county-by-county Red to Green Framework, that allows localities to decrease restrictions when they have driven down positivity rates. County data is updated every Wednesday. See PHO 11/30/20, as amended by 12/30/20 PHO and subsequent orders.</p> <p>See Public Health and Exec Orders for historical orders and updates</p>	
Stay at Home	<p>New Mexico citizens “should “stay at home and undertake only those outings absolutely necessary for their health, safety, or welfare. Advised to avoid all non-essential travel.</p> <p>See 12/30/20 PHO and subsequent orders. See Public Health and Exec Orders for updates</p>	

Disclaimer: The information provided in this handout is general information and not designed to be and should not be relied on as your sole source of information when analyzing and resolving a specific legal issue. Each fact situation is different; the laws are constantly changing. If you have specific questions regarding a particular fact situation, we urge you to consult with legal counsel.

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Businesses	<p>Businesses may remain open provided they operate in accordance with the Safe Practices Document and any identified occupancy restrictions. Capacity limits for businesses and services vary between counties depending on their risk designation under the Red to Green Framework. Close contact recreational facilities remain closed for all levels.</p> <p>See Red to Green Framework, 12/30/20 PHO and subsequent orders. See Public Health and Exec Orders for updates</p>	
Restaurants, Bars	<p>Restaurants have been permitted to operate, subject to the Restaurant Section of the Safe Practices Document.</p> <p>Restrictions differ depending on the county. For example, under red-level restrictions, indoor dining is closed and any establishment serving alcohol must close by 9 p.m. For yellow level, may operate at 25% of maximum capacity for indoor dining; 75% of maximum capacity for outdoors dining; and any establishment serving alcohol must close by 10 p.m. each night. See Red to Green Framework, 12/30/20 PHO and subsequent orders.</p> <p>See Public Health and Exec Orders for updates</p>	
Gatherings	<p>Gathering size limits vary by county according to their risk designation under the Red to Green Framework. As of 12/30/20, mass gatherings are limited to 5 people and 10 vehicles in red counties, 10 people and 25 vehicles in yellow counties, and 20 people and 100 vehicles in green counties.</p> <p>See Red to Green Framework, 12/30/20 PHO and subsequent orders.</p>	
Face Coverings	<p>A statewide mask mandate has been in effect since May, 2020, and requires individuals to wear face coverings in public, including while exercising, except for when drinking, eating or under medical instruction. All individuals should comply with the individuals section of the Safe Practices Document.</p> <p>For updates, see Red to Green Framework, 12/30/20 PHO and subsequent orders. See Public Health and Exec Orders.</p>	
Travel Restrictions	<p>Persons who have arrived in New Mexico from states with a 5% positivity rate or greater over a 7-day rolling average, or a positive test rate greater than 80 per 1 million residents, must physically separate from others in a residence or place of lodging for at least 14 days from the date of their entry into New Mexico or for the duration of their</p>	

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	presence in the state, whichever is shorter. See 12/30/20 PHO and subsequent orders. See Public Health and Exec Orders	
Other	Nothing in the PHO is intended to restrain or preempt local authorities from enacting more stringent restrictions than those required by the Order.	

DISCLAIMER: *This information is provided for convenience only, and should not be relied upon in making decisions for your business. As this is a rapidly changing area, reference should always be made to the official order and related interpretative guidance. If you have specific questions about how any particular jurisdiction’s Order affects your business, or other COVID-19 topics, please contact a member of the Holland & Knight’s COVID-19 Response Team – State and Local Orders and Regulations.*

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