

# **NEW MEXICO PUBLIC HEALTH LAW HANDBOOK**

## *Civil Proceedings Involving State Public Health Powers*

April 2020



JUDICIAL EDUCATION CENTER

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## ACKNOWLEDGMENTS

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Thank you, Cliff, for so generously sharing your expertise and your time.

New Mexico Public Health Law Handbook  
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This handbook is intended for educational and informational purposes only. It is not intended to provide legal advice. Readers are responsible for consulting the statutes, rules, and cases pertinent to their issue or proceeding. Readers should keep in mind that laws and procedures are subject to change.

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# **1. Introduction**

## **1.1 Purpose**

The purpose of this Public Health Law Handbook is to provide judges with an overview of the basic constitutional and statutory authorities and principles that govern New Mexico public health law. Since the use of public health law in a judicial setting has been infrequent, Clifford M. Rees, J.D., retired New Mexico Department of Health Attorney, in cooperation with the Judicial Education Center, designed this handbook to give judges and practicing attorneys a practical tool to quickly become familiar with basic public health legal concepts.

## **1.2 Scope**

This handbook is designed to make practical information easily available. The discussion is organized under general topics likely to be addressed in judicial proceedings in both non-emergency and emergency public health proceedings.

## **1.3 Style and Format**

A judicial handbook, as distinguished from a benchbook, is not intended as an exhaustive treatment of its subject. The discussion presented in this handbook is presented in the form of an expanded outline, in order to cover as much ground as possible within limited space. Facts and holdings of cases, as well as the substance of statutes and rules, are paraphrased. Please review their original text before citing them as legal authority.

Abbreviations are kept to a minimum and should be readily recognizable when encountered. Citations to statutes, rules, and cases use the most concise style possible while still providing adequate reference information. In general, citations in the text use the following style:

- Statutes: New Mexico statutes are cited as §\_\_-\_\_-\_\_, such as §44-1-1, without “NMSA 1978.” Federal laws are cited as \_\_ U.S.C. §\_\_, such as 42 U.S.C. §264.
- Rules and Regulations: New Mexico administrative rules are cited as \_\_.\_\_.\_\_.\_\_ NMAC, such as 7.1.3 NMAC. Federal regulations are cited as \_\_ C.F.R. § \_\_, such as 45 C.F.R. §160, without the year.
- Cases: New Mexico cases are cited using the venter neutral citation form adopted by the New Mexico Supreme Court. The citation form used in this Handbook is for the sake of brevity and formatting and is not necessarily appropriate for formal citations in briefs. Refer to the Supreme Court General Rules, specifically Rule 23-112, for the proper form of citation for pleadings and papers filed with the court.

## **1.4 Authorities**

The authorities cited include the U.S. and New Mexico Constitutions, and federal and state statutes, rules, and judicial opinions, which are legally binding in New Mexico. New Mexico Attorney General Opinions do not have the force of law. The handbook is current through April 21, 2020.

## **2. Public Health Authority**

### **2.1 Constitutional Authority**

U.S. Constitution – Article I, §8.

- Commerce Clause – Article 1, §8 – “The Congress shall have the power . . . to regulate commerce with foreign Nations, and among the several states, and with the Indian Tribes.”
- Tax and Spend Clause/General Welfare – Article 1, §8 – “The Congress shall have the power to lay and collect Taxes . . . and provide for the . . . general welfare of the United States.”

U.S. Constitution – 10<sup>th</sup> Amendment.

- “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”

### **2.2 Federal Statutes, Regulations, and Executive Orders**

- Federal Public Health Service Act, 42 U.S.C. §264.
- Presidential Executive Order 13295, as amended July 31, 2014, is the “Revised List of Quarantinable Communicable Diseases,” includes “Severe Acute Respiratory Syndrome” (e.g., COVID-19) and “Flu that can cause a pandemic.”
- 42 C.F.R. Part 70 - Interstate Commerce (effective March 21, 2017).
- 42 C.F.R. Part 71 - Foreign Quarantine (effective March 21, 2017).

### **2.3 Constitutional Case Law**

- Gibbons v. Ogden, 22 U.S. 1 (1824).

The police powers of a state “form a portion of that immense mass of legislation, which embraces everything within the territory of a state, not surrendered to the general government: all of which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description . . . are component parts of this mass.” 22 U.S. at 78.

- Holmes v. Jennison, 39 U.S. 540 (1840).

“Every state has acknowledged power to pass, and enforce quarantine, health, and inspection laws, to prevent the introduction of disease, pestilence, or unwholesome provisions; such laws interfere with no powers of Congress or treaty stipulations; they relate to internal police, and are subjects of domestic regulation within each state, over which no authority can be exercised by any power under the Constitution, save by requiring the consent of Congress to the imposition of duties on exports and imports, and their payment into the treasury of the United States.” 39 U.S. at 616 (opinion of Justice Baldwin; see 39 U.S. 540 (1840)).

- Slaughter-House Cases, 83 U.S. 36 (1872).

First U.S. Supreme Court decision interpreting the newly-enacted 14<sup>th</sup> Amendment to the U.S. Constitution's due process and equal protection clauses. Upheld an 1869 Louisiana statute granting a 25 year monopoly to a corporation to operate the only slaughterhouse in the City of New Orleans based on the State's police power to protect the health and comfort of the people. Two dissenting Justices argued that the granting of monopolies constituted a deprivation of liberty and property.

- Yick Wo v. Hopkins, 118 U.S. 356 (1886).

Equal Protection Clause of the 14th Amendment to the U.S. Constitution violated by the application of a San Francisco ordinance which required that laundries could not be operated in other than brick or stone buildings without approval of the City Board of Health. All but one of the 88 non-Chinese applicants were granted approval, but not one of the 200 Chinese applicants were granted approval. Yick Wo was refused a permit but continued to run his business until he was arrested and convicted under the ordinance. Held: The State cannot use its police powers in an invidiously discriminatory manner.

- Jew Ho v. Williamson et al., 103 F. 10 (N.D. Cal. 1900).

San Francisco Board of Health enacted an ordinance which imposed quarantine during a bubonic plague outbreak on a 12-block district that was home to more than 15,000 residents. The quarantine restrictions were enforced almost exclusively against persons of Chinese origin. Held: Application of the ordinance was discriminatory and therefore in violation of the 14<sup>th</sup> Amendment to the U.S. Constitution.

- Compagnie Francaise de Navigation a Vapeur v. Louisiana State Board of Health, 186 U.S. 380 (1902).

Louisiana law allowing the State Board of Health to quarantine any part of the State infected by contagious disease did not violate the U.S. Constitution. Healthy persons could be excluded from entering into an infected place.

“That from an early day the power of the States to enact and enforce quarantine laws for the safety and the protection of the health of their inhabitants has been recognized by Congress, is beyond question. That until Congress has exercised its powers on the subject, such state quarantine laws and state laws for the purpose of preventing, eradicating, or controlling the spread of contagious or infectious diseases, are not repugnant to the Constitution of the United States, although their operation affects interstate or foreign commerce, is not an open question.” 186 U.S. at 387.

- Jacobson v. Massachusetts, 197 U.S. 11 (1905).

Police powers of the State are not unlimited, but mandatory smallpox vaccination ordinance upheld.

“[T]he liberty secured by the Constitution of the United States to every person within its jurisdiction does not import an absolute right in each person to be, at all times and in all circumstances, wholly freed from restraint. There are manifold restraints to which every person is necessarily subject for the common good.” 197 U.S. at 26.

“[I]t might be that an acknowledged power of a local community to protect itself against an epidemic threatening the safety of all might be exercised in particular circumstances and in reference to particular persons in such an arbitrary, unreasonable manner, or might go so far beyond what was reasonably required for the safety of the public, as to authorize or compel the courts to interfere for the protection of such persons.” 197 U.S. at 28.

- Lochner v. New York, 198 U.S. 45 (1905).

The U.S. Supreme Court overturned a New York law that limited the number of hours a baker could work each week. By a 5-4 margin, the Court rejected the argument that the law was necessary to protect the health of the bakers, calling it an “unreasonable, unnecessary, and arbitrary interference with the right and liberty of the individual” to contract. 198 U.S. at 56. Substantive due process rights were recognized in Lochner until overturned in 1937 as those fundamental rights not explicitly protected by the U.S. Constitution to be implicitly protected by the Liberty Clause of the 14th Amendment that no government can legitimately remove from its citizens.

- United States ex rel. Siegal v. Shinnick, 219 F. Supp. 789 (E.D.N.Y. 1963).

Traveler from Stockholm to New York City isolated in a U.S. Public Health Hospital because she could not present on arrival a certification against smallpox. Stockholm was considered a smallpox infected area. Petition to release traveler from custody denied and the isolation for the 14-day incubation period was upheld.

- O’Connor v. Donaldson, 422 U.S. 563 (1975).

A State cannot confine a non-dangerous individual such as a mental patient without more grounds than mental illness alone. Such confinement constitutes an unconstitutional deprivation of liberty under the 14th Amendment.

- Addington v. Texas, 441 U.S. 418 (1979).

Clear and convincing evidence is the standard of proof required by the 14th Amendment to the U.S. Constitution in a civil proceeding brought under state law to commit an individual involuntarily to a state mental hospital.

- Souvannarath v. Hadden, 95 Cal. App. 4<sup>th</sup> 1115 (Cal. Ct. App. 2002).

Person with multi-drug resistant tuberculosis detained in county jail pursuant to an order of quarantine and isolation signed by county health officer. Held: Detention of noncompliant tuberculosis patient in a correctional facility violated express provisions of state law that prohibited detainees from residing in such facilities.

- Hickox v. Christie, 205 F.Supp. 3d. 579 (D.N.J. 2016).



Nurse who had just returned from caring for Ebola patients in Africa was placed into temporary quarantine. Held: Decision to quarantine nurse did not violate public health measures, as protection of public health through quarantine was exercise of state's police powers.

## **2.4 Habeas Corpus**

### **2.4.1 Federal Law**

- 28 U.S.C. §2241.

### **2.4.2 New Mexico Constitution**

- Article II, §7 – “The privilege of habeas corpus shall never be suspended, unless, in the case of rebellion or invasion, the public safety requires it.”
- Article VI, §13 - “The district courts, or any judge thereof, shall have power to issue writs of habeas corpus. . . .”

### **2.4.3 New Mexico Statutes**

- Section 44-1-1 et seq.

### **2.4.4 Other States**

- Ex parte Hardcastle, 208 S.W. 531 (Tex. Crim. App. 1919) – An individual can challenge quarantine or isolation by petitioning for a writ of habeas corpus.

## **2.5 State Non-Emergency Public Health Powers**

Public Health Act, §24-1-1 et seq. (Laws 1973, Chapter 359, as amended). Administered and enforced by the NM Department of Health.

- Section 24-1-3(C) – Authority to investigate, control, and abate causes of disease, especially epidemics, sources of mortality, and other conditions of public health.
- Section 24-1-3(D) – Authority to establish, maintain, and enforce isolation and quarantine.
- Section 24-1-3(E) – Authority to close any public place and forbid gatherings of people when necessary for the protection of public health.

The above three sections of the Public Health Act were first enacted by Laws 1919, Chapter 85, Section 10. This law also established the first state NM Department of Health during the world-wide outbreak of the 1918-1919 Spanish Influenza Pandemic.

Statutes such as the Public Health Act delegating power to enact and enforce health regulations “are to be liberally construed in order to effectuate the purpose of their enactment.” N.M. Attorney General Opinion 58-230, quoting 25 Am. Jur. 291.

### **2.5.1 Non-Emergency Isolation and Quarantine**

Public Health Act, §24-1-3.D – Authority to establish, maintain, and enforce isolation and quarantine.

Implementing Rules:

- 7.4.3 NMAC – Control of Disease and Conditions of Public Health Significance.
- 7.4.3.9(C) NMAC – The Department of Health may establish or require isolation or quarantine of any animal, person, institution, community, or region.

There is no “roadmap” as to how the NM Department of Health would enforce these provisions of law in a non-emergency situation except for management of infectious forms of tuberculosis, which has a specific statutory protocol in §24-1-15.1.

### **2.5.2 Non-Emergency Involuntary Detention**

The Involuntary Detention provisions of the NM Public Health Act, §24-1-15, as amended in 1999, 2002, and 2017 to meet modern constitutional standards, provide that:

- A person infected with a “threatening communicable disease” who has refused voluntary treatment, detention or observation, may be subject to an initial ex parte petition in state district court requested by the Department of Health, seeking a Temporary Order of Protection to detain the infected person until a full due process evidentiary hearing can be held within five days after the granting of the Temporary Order. §24-1-15(D).
  - A “threatening communicable disease” is defined in the law as “a disease that causes death or great bodily harm, passes from one person to another and for which there is no means by which the public reasonably can avoid the risk of contracting the disease.” §24-1-15(P)(6).
- At the full due process evidentiary hearing, the detained person is entitled to be represented by counsel or have counsel appointed if indigent, and the Department of Health must prove by “clear and convincing” evidence that the detained person will not voluntarily comply with appropriate treatment and contagion precautions. §24-1-15(F) and (G).
- If the State meets its burden of proof, the district court can order the person detained for a period of 30 days until a subsequent hearing is held to determine if the conditions for detention still exist, and at 30 day intervals thereafter until the person detained is certified by a public health official to pose no further risk of infecting others. §24-1-15(G).
- No forced administration of medications is allowed. §24-1-15(H).

*Special Note for Tuberculosis:*

- See the specific provisions for management of infectious forms of tuberculosis, including the possibility of “a program of directly observed therapy” and isolation. §24-1-15.1.

### **2.5.3 Inspection**

Public Health Act, §§24-1-16 through 24-1-19.

- U.S. Constitution – Article 1, §10, Cl. 2 – Permitting States to lay imposts or duties on imports or exports without the consent of Congress where “absolutely necessary for executing its inspection Laws.” “The power of public health authorities to conduct administrative searches or inspections is among the oldest state powers, being mentioned expressly in Article 1, Section 10, Clause 2 of the Constitution.” Lawrence O. Gostin, *Public Health Law and Ethics* 147 (2002).
- U.S. Constitution - 4<sup>th</sup> Amendment.
- NM Constitution - Article II, §10.
- Camara v. Municipal Court, 387 U.S. 523 (1967).

Public inspections are governed by the 4<sup>th</sup> Amendment and are presumptively unreasonable if conducted without a warrant. “[W]arrants should normally be sought only after entry is refused...” 387 U.S. at 539.

- New York v. Burger, 482 U.S. 691 (1987).

Exception to the warrant requirement for inspections of pervasively regulated industries. Warrantless searches are reasonable only if necessary, to achieve a substantial public interest. Applied to public health searches without warrants for businesses such as mining, firearms, alcoholic beverages, and licensed businesses with substantial public health significance such as nursing homes and health facilities.

## **2.6 Navajo Nation Tribal Code Non-Emergency Public Health Powers**

- Commitment – Navajo Nation Tribal Code, Navajo Nation Health Commitment Act of 2006, 13 NNC §2101 et seq.
- Confidentiality – Navajo Nation HIV/AIDS Code, 13 NNC §3202 – Subject to the provisions of the Privacy Act, 5 U.S.C. §552a, all test results, counseling, and treatment of individuals who may be infected with HIV/AIDS is confidential.

## **2.7 State Emergency Public Health Control Measures**

### **2.7.1 Public Health Emergency Response Act (PHERA), §12-10A-1 et seq.**

- Governor must declare a state of “Public Health Emergency” (PHE) by issuing an Executive Order after consultation with the Secretary of Health and in coordination with the Secretary of Public Safety and the Director of the NM Office of Homeland Security and Emergency Management. §12-10A-5.
- “Public Health Emergency” (PHE) is defined as “the occurrence or imminent threat of exposure to an extremely dangerous condition or a highly infectious or toxic agent, including a threatening communicable disease, that poses an imminent threat of substantial harm to the population of New Mexico or any portion thereof.” §12-10A-3(G).

Definitions of “Isolation” and “Quarantine” are distinguished (isolated person is infected or reasonably believed to be infected; quarantined person may have been exposed but does not show signs or symptoms), but the involuntary detention provisions in the PHERA are the same for both categories. §§12-10A-3(F) and 12-10A-3(I).

The Secretary of Health may, by public health order, temporarily hold someone who is a threat for no more than a 24-hour period before seeking an Ex Parte Order. §12-10A-9.

An Ex Parte Order may be issued for no longer than five days until a full due process court hearing is held. §12-10A-7(D).

If the district court orders an extension of the Quarantine/Isolation, it can be for no longer than 30 days from the date of the court order, when the Secretary of Health can petition for an extension for another 30 days. §12-10A-10(E)

If the conditions warranting the court order no longer exist, the Secretary of Health can notify the district court, which must then issue an Order terminating the Quarantine/Isolation. §12-10A-10(F).

### **2.7.2 Protections for a Person Isolated or Quarantined**

The PHERA provides individual civil rights for persons quarantined or isolated. Anyone acting under the authority of the Secretaries of Health, Department of Public Safety, or NM Department of Homeland Security and Emergency Management “shall ensure” the following (§12-10A-8(B)):

- Least restrictive means necessary are used;
- Isolated persons are confined separately from quarantined persons;
- Health status is monitored regularly;
- A reliable means of communication with health officials is provided to the isolated or quarantined person twenty-four hours per day;

- If a quarantined person subsequently becomes infected or is believed to be infected, the person must be isolated;
- Provision of adequate food, clothing, shelter, sanitation, and medical care and mental health services to extent of available resources;
- Methods of communications with family members, household members, legal representatives, advocates, the media, and clergy;
- The premises used for quarantine/isolation are maintained in a safe and hygienic manner; and
- To the extent feasible, forms are provided to document a person’s consent or objection to Quarantine/Isolation.

Additionally, a person can refuse medical treatment, examination, vaccination, etc., but may then be subject to continuing quarantine/isolation. §12-10A-8(C).

Quarantine/Isolation may include confinement to a private home or other private or public premises. §12-10A-8(B)(1).

Compare NM Department of Health v. Compton, 2001-NMSC-032, a case involving an involuntary commitment under the Mental Health and Developmental Disabilities Code. Held: Seven-day hearing requirement in §43-1-11(A) is subject to postponement for good cause. “Any postponement should be narrowly prescribed and should be allowed only for so long as necessity demands, again taking into account the legislative intent for a prompt judicial hearing.” ¶24. A determination of good cause should consider any objection by the client, the client's substantial interest in not being mistakenly confined against his or her will, and the legislature's intent to require a prompt hearing on a thirty-day commitment petition. The Court further held that a Petition for Habeas Corpus is the appropriate remedy, not dismissal of the Petition for Commitment. ¶32.

### **3. Confidentiality of Public Health Information**

#### **3.1 State Law**

##### **3.1.1 New Mexico Statutes**

- Public Health Emergency Response Act, §12-10A-5(C).
- Public Health Act, §24-1-20.
- Health Information, §14-6-1.
- HIV Test Act, §24-2B-6.

- Review Organization and Immunity Act, §41-9-5, as modified by the New Mexico Supreme Court decision in Southwest Cmty. Health Servs. v. Smith, 1988-NMSC-035.
- Mental Health and Developmental Disabilities Code, §43-1-19.
- Children’s Mental Health and Developmental Disabilities Act, §32A-6A-24.
- Vital Statistics Act, §24-14-27.
- Inspection of Public Records Act, §14-2-1.

See NM Attorney General’s Inspection of Public Records Act Compliance Guide, 8<sup>th</sup> ed., 2015.

### **3.1.2 Department of Health Rules**

- 7.1.3 NMAC – Health Records.
- 7.2.2 NMAC – Vital Records and Statistics.
- 7.4.3 NMAC – Control of Disease and Conditions of Public Health Significance.

## **3.2 Federal Law**

Health Insurance Portability and Accountability Act of 1996 (HIPPA), Public Law 104-191; see also 42 U.S.C. §1320d for definitions of “health information” and “individually identifiable health information.”

HIPAA Privacy Rules – Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R. Parts 160 and 164.

- 45 C.F.R. §160.103 – Definitions of “Covered Entity” and “Protected Health Information.”
- 45 C.F.R. §164.512(b)(1)(i) – Covered Entities may disclose Protected Health Information (PHI) for public health activities without individual authorization for the purpose of preventing or controlling disease, injury, or disability, including the reporting of disease, injury, vital events, and the conduct of public health surveillance, public health investigations and public health interventions.
- 45 C.F.R. §164.512(b)(1)(i) – Covered Entities may disclose PHI for certain public health activities without individual authorization “at the direction of a public health authority, to an official of a foreign government agency that is acting in collaboration with a public health authority.”
- 45 C.F.R. §164.510(b)(4) – Covered Entities may disclose PHI without individual authorization to public or private entities authorized by law or its charter to assist in disaster relief efforts.

- 45 C.F.R. §164.512(e) – Covered Entities may disclose PHI without individual authorization in response to a court or administrative order or to a subpoena or discovery request.
- 45 C.F.R. §164.512(j) – Covered Entities may disclose PHI without individual authorization to prevent or lessen a serious threat to the health or safety of a person or to the public and to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat, or as necessary for law enforcement authorities to identify or apprehend an individual.
- 45 C.F.R. §164.512(k)(2) and (3) – Covered Entities may disclose PHI without individual authorization to federal officials to assist with intelligence and other national security activities or to protect the President or foreign heads of state.

# APPENDICES

## A. Sample Orders under the Public Health Emergency Response Act

### A.1 Sample Ex Parte Order to Authorize Isolation or Quarantine During a Declared Public Health Emergency

STATE OF NEW MEXICO  
COUNTY OF----  
-----JUDICIAL DISTRICT

IN THE MATTER OF AN EX PARTE ORDER  
AUTHORIZING ISOLATION OR QUARANTINE  
OF PERSONS DURING A DECLARED PUBLIC  
HEALTH EMERGENCY

#### **EX PARTE ORDER TO AUTHORIZE ISOLATION OR QUARANTINE DURING A DECLARED PUBLIC HEALTH EMERGENCY**

This matter having come before the Court, Ex Parte, through the Secretary of the New Mexico Department of Health, and good cause having been shown, the Court finds:

1. There is clear and convincing evidence from the facts shown by the Application for an Ex Parte Order that the persons specified in the Application for an Ex Parte Order are infected/have been exposed to a threatening communicable disease as defined in the New Mexico Public Health Emergency Response Act, Sections 12-10A-1, et seq., NMSA 1978, and pose a substantial threat to public health and safety.
2. It is in the best interests of public health that these persons be (isolated or quarantined).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that based on clear and convincing evidence, and in the interest of public health and safety, the persons specified in the Application for an Ex Parte Order shall be (isolated or quarantined) from the public by the New Mexico Department of Public Safety, an appropriate law enforcement agency, or its designee, be transported to an appropriate facility to be determined by the New Mexico Department of Health (or asked to stay in their homes), that each person shall be immediately served with this Ex Parte Order, unless it is impossible to serve each individual, and that this Order be posted in a public and accessible place.

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DISTRICT COURT JUDGE

Submitted By,

---



**A.2 Sample Order to Extend Isolation or Quarantine during a Declared Public Health Emergency**

STATE OF NEW MEXICO  
COUNTY OF----  
-----JUDICIAL DISTRICT

IN THE MATTER OF AN EX PARTE ORDER  
AUTHORIZING ISOLATION OR QUARANTINE  
OF PERSONS DURING A DECLARED PUBLIC  
HEALTH EMERGENCY

**ORDER TO EXTEND ISOLATION OR QUARANTINE DURING A  
DECLARED PUBLIC HEALTH EMERGENCY**

This matter having come before the Court through the Secretary of the New Mexico Department of Health, a hearing having been held, the parties presented by counsel and good cause having been shown, the Court finds:

1. There is clear and convincing evidence that the persons specified in the Application to Extend the Order to Authorize Isolation or Quarantine continue to be infected/have been exposed to a threatening communicable disease as defined in the New Mexico Public Health Emergency Response Act, Sections 12-10A-1, et seq., and pose a substantial threat to public health and safety.
2. It is in the best interests of public health that these persons continue to be (isolated or quarantined).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that based on clear and convincing evidence, and in the interest of public health and safety, the persons specified in the Application to Extend the Order to Authorize Isolation or Quarantine shall continue to be (isolated or quarantined) from the public for at least thirty (30) days from the date of this Order and that each person shall be immediately served with this Order of Extension and that this Order be posted in a public and accessible place.

\_\_\_\_\_  
DISTRICT COURT JUDGE

Submitted By,  
  
\_\_\_\_\_

### **A.3 Sample Order to Terminate Isolation or Quarantine**

STATE OF NEW MEXICO  
COUNTY OF----  
-----JUDICIAL DISTRICT

IN THE MATTER OF AN EX PARTE ORDER  
AUTHORIZING ISOLATION OR QUARANTINE  
OF PERSONS DURING A DECLARED PUBLIC  
HEALTH EMERGENCY

#### **ORDER TO TERMINATE ISOLATION OR QUARANTINE DURING A DECLARED PUBLIC HEALTH EMERGENCY**

This matter having come before the Court through the Secretary of the New Mexico Department of Health, and good cause having been shown, the Court finds:

1. That the conditions warranting (isolation or quarantine) no longer exist under the New Mexico Public Health Emergency Response Act, Sections 12-10A.-10. F., NMSA 1978; and
2. It is in the best interests of the public that the (isolation or quarantine) be terminated.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Order of (isolation or quarantine) is hereby terminated.

---

DISTRICT COURT JUDGE

Submitted By,

---

**B. Sample Orders from the Second Judicial District Court (2020)**

**B.1 Sample Application for Ex Parte Order for Isolation/Quarantine of a Person during a Declared Public Health Emergency**

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT

NO. \_\_\_\_\_

**KATHYLEEN M. KUNKEL, Cabinet Secretary,  
State of New Mexico Department of Health,**

**Applicant,**

v.

\_\_\_\_\_ ,

**Respondent(s).**

**APPLICATION FOR EX PARTE ORDER FOR ISOLATION/QUARANTINE OF A  
PERSON DURING A DECLARED PUBLIC HEALTH EMERGENCY**

COMES NOW the Applicant, Kathyleen M. Kunkel, Cabinet Secretary of the State of New Mexico Department of Health, and applies to the Court, pursuant to the Public Health Emergency Response Act (PHERA) at NMSA 1978, § 12-10A-7, for an *ex parte* order authorizing the **isolation/quarantine** of the Respondent, and as grounds therefor states as follows:

1. On March 11, 2020, Michelle Lujan Grisham, Governor of the State of New Mexico, issued Executive Order 2020-004, declaring a state of Public Health Emergency pursuant to PHERA at NMSA 1978, § 12-10A-5(A) with regard to the spread of the novel coronavirus disease called “COVID-19” . *See* Exhibit 1 (Executive Order 2020-004).

2. On April 6, 2020, Governor Lujan Grisham renewed and extended the declared Public Health Emergency through April 30, 2020. *See* Exhibit 2 (Executive Order 2020-022).
3. COVID-19 is a threatening communicable disease that causes death or great bodily harm, that passes from one person to another, and for which there are no means by which the public can reasonably avoid the risk of contracting the disease. *See* Exhibits 1, 2; *see also* Exhibit 3 (Affidavit of [NAME OF PUBLIC HEALTH OFFICIAL]).
4. Pursuant to PHERA at NMSA 1978, § 12-10A-7(A), the Secretary of the New Mexico Department of Health is authorized to apply to the Court for a written *ex parte* order that authorizes the isolation or quarantine of an individual during a declared public health emergency.
5. The Court is authorized to grant the application for an *ex parte* order upon finding that clear and convincing evidence exists to believe that the requested isolation or quarantine is warranted to respond to the public health emergency. NMSA 1978, § 12-10A-7(A).
6. Notice of this Application has been provided to Respondent. [OR if notice has not been provided to Respondent:] Applicant has established by the following specific facts that time is of the essence and that immediate and irreparable injury, loss or damage will occur before Respondent can be heard, and therefore prior notice of the Application cannot be provided: [INSERT FACTS HERE, CITING ATTACHED AFFIDAVIT OF PUBLIC HEALTH OFFICIAL]]
7. The Applicant offers the following in support of the instant Application requesting an *ex parte* order for isolation or quarantine during a declared Public Health Emergency:

***Recite specific facts from an attached affidavit of a public health official that justify the isolation or quarantine. Identify the persons, group, or class of persons affected. Address medical examination; testing; any prior isolation or quarantine (including, as applicable, any temporary hold previously done pursuant to NMSA 12-10A-9); and the refusal to consent to isolation, quarantine, or treatment. Describe generally the conditions of confinement, to include separation of an isolated individual from quarantined persons.***

8. In accordance with PHERA at NMSA 1978, § 12-10A-7(B), the Applicant will serve the requested *ex parte* Order upon the Respondent as soon as practicable.
9. In accordance with PHERA at NMSA 1978, § 12-10A-7(C), the Applicant will coordinate with the Secretary of the NM Department of Public Safety and the Director of the New Mexico Homeland Security Department regarding execution of the *ex parte* Order.
10. In accordance with PHERA at NMSA 1978, § 12-10A-8(B), the Applicant shall ensure that:
  - a. Isolation or quarantine are by the least restrictive means necessary to protect against the spread of COVID-19;
  - b. Any isolated persons are confined separately from quarantined persons;
  - c. The health status of the Respondent is monitored regularly to determine whether the Respondent required continued isolation or quarantine; and that the Respondent is given a reliable means to communicate twenty-four hours per day with health officials to summon emergency health services;
  - d. The needs of the Respondent are addressed in a systematic and orderly manner, including provision of adequate food, clothing, shelter, sanitation, and to the

extent of available resources, appropriate medication and treatment, medical care, and mental health care;

- e. There are methods of communication available to the Respondent so that the Respondent may communicate with others; and that accommodation is made for religious worship or practice, and updates on the status of the public health emergency. The telephone number for the Respondent is ###-###-####
  - f. The premises used for isolation or quarantine are maintained in a safe and hygienic manner and are designed to minimize the likelihood of further transmission of infection or other injury; and
  - g. To the extent feasible, forms are provided to the Respondent that document the Respondent's consent or objection to the isolation or quarantine.
11. The Applicant further acknowledges that pursuant to PHERA at NMSA 1978, § 12-10A-8(C), the Respondent has the right to refuse medical treatment, testing, physical or mental examination, vaccination, specimen collections, and preventative treatment programs; provided that, if the Respondent is infected with or reasonably believed to be infected with COVID-19, the Respondent may be subject to continued isolation or quarantine in accordance with PHERA.
12. Due to the nature of the COVID-19 disease, the isolation/quarantine will need to continue beyond the five-day period described in PHERA at NMSA 1978, § 12-10A-7(D); and accordingly, the Petitioner requests that this matter be set for a hearing, to be held within five days of entry of the *ex parte* Order, to determine whether isolation or quarantine should continue.
13. In the event that a quarantined person is found to be infected with COVID-19, the quarantine will convert to isolation, in accordance with the Public Health Emergency Response Act at NMSA 1978, § 12-10A-8(B)(4).

14. Upon information and belief, the Respondent [will] [will not] require an interpreter for participation at the hearing. [IF INTERPRETER IS NEEDED:] The Respondent will require the following interpreter service: [IDENTIFY LANGUAGE OR OTHER INTERPRETATION SERVICE HERE]

WHEREFORE, the Applicant Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, respectfully requests that this Court:

1. Grant the instant Application and enter an *ex parte* Order authorizing the isolation/quarantine of the Respondent;
2. Set this matter for a hearing, pursuant to PHERA at NMSA 1978, § 12-10A-7(D), to be held within five days of entry of the *ex parte* Order, to determine whether the isolation/quarantine should continue;
3. Appoint an attorney for Respondent, if Respondent cannot afford one; and
4. Grant such additional and further relief as the Court deems proper.

Respectfully submitted,

**KATHYLEEN M. KUNKEL  
CABINET SECRETARY  
NEW MEXICO DEPARTMENT OF  
HEALTH**

By: \_\_\_\_\_

(NMDOH Attorney's Name)  
Assistant General Counsel  
New Mexico Department of Health  
Office of General Counsel  
P.O. Box 26110  
1190 St. Francis Drive, #N4095  
Santa Fe, NM 87502-6110  
Phone: (505) 827-2997  
Facsimile (505) 827-2930

**Certificate of Service**

I certify that a true and correct copy of the foregoing Petition was served upon the Respondent via **hand delivery** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

/s/ *Name of DOH Attorney & Date*

**Name of DOH Attorney**



**B.2 Sample Ex Parte Order of Quarantine/Isolation and Notice of Hearing**

**SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO**

**KATHYLEEN M. KUNKEL, Cabinet Secretary,  
State of New Mexico Department of Health,**

**Applicant,**

**v.**

**No. D-202-PH-2020-**

**Respondent.**

**EX PARTE ORDER OF QUARANTINE/ISOLATION  
AND NOTICE OF HEARING**

**THIS MATTER** having come before the Court on Applicant’s Application For Ex Parte Order of Quarantine/Isolation of \_\_\_/\_\_\_/2020; the Court being otherwise fully advised in the premises;

**FINDS: [SELECT ONE:]**

**[Notice of the Application has been provided to Respondent.]**

**[Applicant has established by the following specific facts that time is of the essence and that immediate and irreparable injury, loss or damage will occur before Respondent can be heard, and therefore prior notice of the Application cannot be provided: [INSERT FACTS HERE]]**

**FINDS:** A “public health emergency,” as defined by Section 12-10A-3(G) of the Public Health Emergency Response Act (NMSA 1978 12-10A-1 et seq.), has been declared by Executive Order on March 11, 2020.

**FURTHER FINDS:** The Executive Order has determined there exists the occurrence and/or imminent threat of exposure to a highly infectious or toxic agent, namely the presence

of a communicable disease (the virus, COVID-19), which poses a threat of substantial harm to the population of New Mexico;

**FURTHER FINDS:** Applicant has presented evidence by affidavit, a copy of which is attached to the Application, which demonstrates clear and convincing evidence that **[isolation]** **[quarantine]** of the Respondent is warranted to respond to the public health emergency, insofar as:

**[for isolation:** Respondent is reasonably believed to be infected with COVID-19, a threatening communicable disease, and must be physically separated from non-isolated persons, for possible medical care, to protect against the transmission of COVID-19.]

**[for quarantine:** Respondent has or may have been exposed to COVID-19, a threatening communicable disease, though Respondent does not currently show signs or symptoms of the disease, and must be physically separated from non-quarantined persons to protect against the transmission of COVID-19.]

**FURTHER FINDS:**

**[INSERT SPECIFIC FACTS FROM ANY AFFIDAVIT OR OTHER EVIDENCE JUSTIFYING TERMS OF QUARANTINE/ISOLATION HERE]**

**FURTHER FINDS:** The Court is mindful of the ex parte nature of this Order, and the fact that Respondent has not yet had a meaningful opportunity to be heard; therefore this Order is intended to be temporary and of a short duration.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** as follows:

1. Respondent shall be **[quarantined]** **[isolated]** as follows:

**[INSERT CONDITIONS OF QUARANTINE/ISOLATION, INCLUDING BUT NOT LIMITED TO THE LOCATION, HERE]**

2. Respondent shall be confined separately from any person under an order of **[quarantine] [isolation]**.

**USE NOTE: If Respondent is isolated, they must be kept separate from anyone being quarantined and vice versa. NMSA 1978 12-10A-8(B)(2).**

3. This Order shall expire five (5) days from the date of its issuance, unless it is extended or modified at the Hearing set forth in the Notice of Hearing and Notice of Respondent's Rights, below.
4. Applicant shall serve a copy of the Application and this Order upon Respondent as soon as practicable, but in no event shall it be served less than three (3) days prior to the Hearing.

**NOTICE OF HEARING AND NOTICE OF RESPONDENT'S RIGHTS: A COURT HEARING HAS BEEN SET FOR \_\_\_\_\_ A.M./P.M. ON \_\_\_\_\_, 2020. THE HEARING WILL BE CONDUCTED BY TELEPHONE. [RESPONDENT AND ANY COUNSEL SHALL CALL THE FOLLOWING NUMBER AT THE DESIGNATED TIME TO PARTICIPATE IN THE HEARING: \_\_\_\_\_.]**

1. AT THE HEARING, APPLICANT MAY SEEK AN EXTENSION, OR MODIFICATION AND EXTENSION, OF THE TERMS OF THIS ORDER, FOR THE GROUNDS STATED IN THE APPLICATION, FOR A PERIOD NOT TO EXCEED THIRTY (30) DAYS.
2. **RESPONDENT HAS A RIGHT TO BE REPRESENTED BY A LAWYER AT THE HEARING. THE COURT IS APPOINTING \_\_\_\_\_ TO SERVE AS APPLICANT'S LAWYER, AT NO CHARGE TO RESPONDENT. RESPONDENT SHOULD IMMEDIATELY CONTACT \_\_\_\_\_ AT THE FOLLOWING TELEPHONE NUMBER: 505/\_\_\_\_\_. IF RESPONDENT WISHES TO BE REPRESENTED BY A LAWYER OF HIS OR HER OWN CHOOSING, RESPONDENT SHOULD IMMEDIATELY CONTACT THAT LAWYER**

**AND INFORM HIM OR HER OF THE DATE AND TIME OF THE HEARING.**

3. THIS ORDER SHALL EXPIRE FIVE (5) DAYS FROM THE DATE IT WAS ISSUED UNLESS APPLICANT ESTABLISHES GROUNDS FOR ANY EXTENSION BY CLEAR AND CONVINCING EVIDENCE.
4. IF THIS ORDER PROVIDES FOR MEDICAL TREATMENT, TESTING EXAMINATION, VACCINATION OR SPECIMEN COLLECTION RESPONDENT HAS THE RIGHT TO REFUSE. SUCH REFUSAL MAY, HOWEVER, LEAD TO AN EXTENDED PERIOD OF QUARANTINE OR ISOLATION.
5. **HOUSEHOLD OR FAMILY MEMBERS OF RESPONDENT** HAVE A RIGHT TO ENTER THE AREA OF QUARANTINE OR ISOLATION; **HOWEVER, DOING SO MAY SUBJECT THE HOUSEHOLD OR FAMILY MEMBER TO CONDITIONS OF QUARANTINE OR ISOLATION.**
6. RESPONDENT'S EMPLOYER SHALL NOT DISCHARGE RESPONDENT FROM EMPLOYMENT AS A RESULT OF RESPONDENT'S QUARANTINE OR ISOLATION, PURSUANT TO SECTION 12-10A-16 OF THE PUBLIC HEALTH EMERGENCY RESPONSE ACT.
7. ATTACHED TO THIS ORDER IS A LIST OF THE OBLIGATIONS OF APPLICANT, THE SECRETARY OF THE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 12-10A-8(B) OF THE PUBLIC HEALTH EMERGENCY RESPONSE ACT.

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HONORABLE  
District Court Judge

## **ATTACHMENT TO EX PARTE ORDER OF QUARANTINE/ISOLATION**

### OBLIGATIONS OF APPLICANT, THE SECRETARY OF THE DEPARTMENT OF HEALTH, PURSUANT TO NMSA 12-10A-8:

Applicant must:

1. Monitor the status of Respondent regularly to determine whether isolation or quarantine remains necessary.
2. Provide Respondent with a reliable means of communication with health officials and emergency health services.
3. Address the needs of Respondent in a systematic and orderly manner, including the provision of adequate food, clothing, shelter, sanitation, and to the extent of available resources, appropriate medication and treatment, medical care and mental health care.
4. Ensure Respondent has reliable methods of communication with others, including family and household members, legal representatives, advocates and the media.
5. Make accommodations for Respondent's religious worship or practice.
6. Provide updates to Respondent on the status of the public health emergency, as such updates become available.
7. Provide Respondent with forms to document Respondent's consent or objection to the isolation or quarantine.
8. If Respondent is quarantined, seek immediate and appropriate isolation of Respondent if their status is reasonably believed to change such that they are believed to be infected with a potentially threatening communicable disease.
9. Ensure that isolation or quarantine of Respondent is by the least restrictive means necessary to protect against the spread of a threatening communicable disease or a potentially threatening communicable disease to others, which may include confinement to a private home or other private or public premises.

**B.3 Sample Waiver of Counsel**

**SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO**

**KATHYLEEN M. KUNKEL,  
Cabinet Secretary,  
New Mexico Department of Health,**

**Applicant,**

**v.**

**No. D-202-PH-**

**Respondent.**

**WAIVER OF COUNSEL**

I understand that I have been isolated or quarantined under a public health order or Court Order under the Public Health Emergency Response Act.

I understand that under the Public Health Emergency Response Act, I have the right to be represented by a lawyer at a court hearing to contest my isolation or quarantine, or to ask for remedies regarding treatment, or to contest the terms and condition of my isolation or quarantine. I understand that if I am unable to afford a lawyer, the Court will appoint a lawyer to represent me free of charge.

After reading and understanding all of the above, I hereby give up the following rights:

1. The right to have a lawyer represent me at a court hearing to contest my isolation or quarantine;
2. The right to have a lawyer represent me to ask for remedies regarding treatment or to contest the terms and condition of my isolation or quarantine; and
3. The right to have a lawyer furnished to me free of charge if I cannot afford one.

**DO NOT SIGN THIS FORM IF YOU WANT  
AN ATTORNEY. DO NOT SIGN THIS FORM  
UNLESS YOU HAVE READ IT AND  
UNDERSTAND IT.**

---

Respondent

I find that the Respondent knowingly, voluntarily and intelligently with the full awareness of the right to counsel at a court hearing to contest isolation or quarantine, or to ask for remedies

regarding treatment or the terms and condition of the isolation or quarantine, has waived the right to counsel.

\_\_\_\_\_  
Judge

Date: \_\_\_\_\_

**B.4 Sample Order Extending and/or Modifying Conditions of  
Quarantine/Isolation**

**SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO**

**KATHYLEEN M. KUNKEL, Cabinet Secretary,  
State of New Mexico Department of Health,**

**Applicant,**

**v.**

**No. D-202-PH-2020-**

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**Respondent.**

**ORDER EXTENDING AND/OR MODIFYING CONDITIONS OF  
QUARANTINE/ISOLATION**

**THIS MATTER** having come before the Court on

**[check one]**

\_\_\_ Respondent’s request for a hearing under Section 12-10A-10(A) of the Public Health  
Emergency Response Act (NMSA 1978 12-10A-1 et seq.) (“PHERA”);

\_\_\_ Applicant’s request, pursuant to Section 12-10A-10(B) of PHERA, to extend the  
Court’s Ex Parte Order of Quarantine/Isolation previously issued in this case on  
\_\_\_/\_\_\_/2020;

and the Court being otherwise fully advised in the premises;

**FINDS:** A “public health emergency,” as defined by Section 12-10A-3(G) of the  
Public Health Emergency Response Act (NMSA 1978 12-10A-1 et seq.), has been declared  
by Executive Order on March 11, 2020, thereby invoking the provisions of that Act with  
respect to isolation and quarantine; and

**FURTHER FINDS:** The Executive Order has determined there exists the occurrence  
and/or imminent threat of exposure to a highly infectious or toxic agent, namely, the presence



of a communicable disease known as COVID-19 which poses a threat of substantial harm to the population of New Mexico;

**FURTHER FINDS:**

The Applicant has presented clear and convincing evidence that the continued isolation/quarantine of the Respondent is warranted to respond to the public health emergency, because **[check one]**

\_\_\_\_ **[for isolation]** Respondent is reasonably believed to be infected with COVID-19, a threatening communicable disease, and must be physically separated from non-isolated persons, for possible medical care, and to protect against the transmission of COVID-19.

**OR**

\_\_\_\_ **[for quarantine]** Respondent has or may have been exposed to COVID-19, a threatening communicable disease, though Respondent does not currently show signs or symptoms of the disease, and must be physically separated from non-quarantined persons to protect against the transmission of COVID-19.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** as follows:

The terms of continued isolation/quarantine are as follows:

1. Respondent shall be confined to the premises identified in Paragraph 2 below for \_\_\_\_\_ days from the date of this order. Applicant shall ensure that the conditions of confinement meet the requirements of NMSA 1978 § 12-10A-8, as outlined in the Attachment to this Order.
2. The address of the isolation/quarantine premises shall be \_\_\_\_\_  
\_\_\_\_\_.
3. Based upon the argument and evidence presented, the Court further modifies its Ex Parte Order of Quarantine/Isolation as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

4. The parties are directed to cooperate in carrying out the terms and conditions of isolation/quarantine in accordance with this Order and the provisions of the Public Health Emergency Response Act.

6. State and local law enforcement officers are hereby directed to assist in securing Compliance with this Order if requested to do so by agents of the Department of Health. 7.

Respondent's Employer shall not discharge Respondent from employment as a result of Respondent's quarantine or isolation, pursuant to Section 12-10A-16 of the Public Health Emergency Response Act.

8. Notwithstanding anything in this Order, Respondent shall have the right to refuse medical treatment, testing, physical or mental examination, vaccinations, specimen collections and preventative treatment programs. However, such refusal may lead to Respondent's continued isolation or quarantine under the provisions of the Public Health Emergency Response Act.

9. Household or family members of Respondent have a right to enter the area of quarantine/isolation; however, doing so may subject the household or family members to conditions of quarantine or isolation.

10. Attached to this Order is a list of the obligations of the Secretary of the Department of Health, pursuant to Section 12-10A-8(B) of the Public Health Emergency Act.

11. Upon the expiration of this Order, as it may be amended, appointed counsel for the Respondent shall be released from any further obligations with respect to this proceeding.

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HONORABLE  
District Court Judge

**ATTACHMENT TO ORDER EXTENDING AND OR MODIFYING CONDITIONS  
OF QUARANTINE/ISOLATION**

OBLIGATIONS OF APPLICANT, THE SECRETARY OF THE DEPARTMENT OF HEALTH, PURSUANT TO NMSA 12-10A-8:

Applicant must:

1. Monitor the status of Respondent regularly to determine whether isolation or quarantine remains necessary.
2. Provide Respondent with a reliable means of communication with health officials and emergency health services.
3. Address the needs of Respondent in a systematic and orderly manner, including the provision of adequate food, clothing, shelter, sanitation, and to the extent of available resources, appropriate medication and treatment, medical care and mental health care.
4. Ensure Respondent has reliable methods of communication with others, including family and household members, legal representatives, advocates and the media.
5. Make accommodations for Respondent's religious worship or practice.
6. Provide updates to Respondent on the status of the public health emergency, as such updates become available.
7. Provide Respondent with forms to document Respondent's consent or objection to the isolation or quarantine.
8. If Respondent is quarantined, seek immediate and appropriate isolation of Respondent if their status is reasonably believed to change such that they are believed to be infected with a potentially threatening communicable disease.
9. Ensure that isolation or quarantine of Respondent is by the least restrictive means necessary to protect against the spread of a threatening communicable disease or a potentially threatening communicable disease to others, which may include confinement to a private home or other private or public premises.

**B.5 Sample Order Dissolving Quarantine/Isolation**

**SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO**

**KATHYLEEN M. KUNKEL, Cabinet Secretary,  
State of New Mexico Department of Health,**

**Applicant,**

**v.**

**No. D-202-PH-2020-**

---

**Respondent.**

**ORDER DISSOLVING QUARANTINE/ISOLATION**

**THIS MATTER** having come before the Court on

**[check one]**

\_\_\_ Respondent's request for a hearing under Section 12-10A-10 of the Public Health Emergency Response Act (NMSA 1978 12-10A-1 et seq.);

\_\_\_ Applicant's request to extend the Court's Ex Parte Order of Quarantine/Isolation previously issued in this case;

and the Court being otherwise fully advised in the premises;

**FINDS:** A "public health emergency," as defined by Section 12-10A-3(G) of the Public Health Emergency Response Act (NMSA 1978 12-10A-1 et seq.), has been declared by Executive Order on March 11, 2020, thereby invoking the provisions of that Act with regard to isolation and quarantine; and

**FURTHER FINDS:** The Executive Order has determined there exists the occurrence and/or imminent threat of exposure to a highly infectious or toxic agent, namely the presence of a communicable disease known as COVID-19 which poses a threat of substantial harm to the population of New Mexico; and

**FURTHER FINDS:** The Applicant has not presented clear and convincing evidence that the continued isolation or quarantine of the Respondent is warranted to respond to the public health emergency

**IT IS THEREFORE FOUND, ORDERED, ADJUDGED AND DECREED** that the Court's Ex Parte Order of Quarantine/Isolation previously issued in this case is hereby dissolved, and the Respondent released from all terms of confinement.

Appointed counsel for the Respondent is hereby released from any further obligations with respect to this proceeding.

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HONORABLE  
District Court Judge

## **C. Online Public Health Legal Resources**

### **General Public Health Law**

US Department of Health and Human Services/Centers for Disease Control and Prevention (CDC) – Public Health Law Program: <https://www.cdc.gov/phlp/index.html>

The Centers for Law and the Public's Health, a collaboration of Johns Hopkins and Georgetown Universities: <http://www.publichealthlaw.net/>

Louisiana State University Center for Public Health (Prof. Edward P. Richards):  
<http://biotech.law.lsu.edu/>

### **Federal Law**

U.S. Constitution: <http://www.law.cornell.edu/constitution/>

U.S. Supreme Court Cases: <https://www.supremecourt.gov/>, <https://caselaw.findlaw.com/>

Federal Statutes (US Code): <https://codes.findlaw.com/us/>

Federal Bills Introduced in Congress: <https://www.congress.gov/>

U.S. Senate: <http://www.senate.gov/>

U.S. House of Representatives: <http://www.house.gov/>

Code of Federal Regulations: <https://eC.F.R..gov/>

Federal Register: <https://www.federalregister.gov/>

### **New Mexico Law**

New Mexico Laws, Cases, and Court Rules: <https://nmonesource.com/>

New Mexico Supreme Court: <http://nmsupremecourt.nmcourts.gov/>

New Mexico Court of Appeals: <http://coa.nmcourts.gov/>

New Mexico Legislature: <http://www.nmlegis.gov/>

New Mexico Compilation Commission: <http://www.nmcompcomm.us/>

New Mexico Administrative Code (State Agency Rules): <http://www.srca.nm.gov/nmac-home/>

New Mexico Register: <http://www.srca.nm.gov/new-mexico-register/>

New Mexico Governor's Executive Orders: <https://www.governor.state.nm.us/about-the-governor/executive-orders/>

## **Tribal Law**

National Indian Law Library: <http://www.narf.org/nill/>

Tribal Court Clearinghouse:

[http://www.tribal-institute.org/lists/tribal\\_law.htm](http://www.tribal-institute.org/lists/tribal_law.htm)

Navajo Nation Tribal Code (Index to the 26 Titles that comprise the Code):

<http://www.navajonationcouncil.org/Code%20Page.html>