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[Go to previous versions of this Section](#)



2021 New Mexico Statutes

Chapter 12 - Miscellaneous Public Affairs Matters

Article 10A - Public Health Emergency Response

Section 12-10A-9 - Temporary hold upon secretary's order.

Universal Citation: NM Stat § 12-10A-9 (2021)

A. If the secretary of health makes a finding that a delay in isolating or quarantining a person will significantly jeopardize the secretary's ability to prevent or limit the transmission of a threatening communicable disease, then the secretary of health may, by public health order, isolate or quarantine a person without first obtaining a written, ex parte order from a court.

B. Following the imposition of isolation or quarantine pursuant to Subsection A of this section, the secretary of health, within twenty-four hours of the imposition, shall apply for an ex parte order that authorizes the isolation or quarantine and shall follow the procedures and meet the standards set forth in Sections 7, 8 and 10 [12-10A-7, 12-10A-8, 12-10A-10 NMSA 1978] of the Public Health Emergency Response Act.

C. In a subsequent application to a court, the secretary of health shall present facts in support of the need to issue a temporary hold before obtaining the ex parte order from the court that authorizes the isolation or quarantine.

History: Laws 2003, ch. 218, § 9.

ANNOTATIONS

Emergency clauses. — Laws 2003, ch. 218, § 21 contained an emergency clause and was approved April 6, 2003.

Compiler's notes. — This section was enacted by the legislature as part of Chapter 12, Article 10 NMSA 1978, but it was assigned to Article 10A by the compiler to separate it from the State Civil Emergency Preparedness Act.

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