

# JUSTIA

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## 2021 New Mexico Statutes

### Chapter 12 - Miscellaneous Public Affairs Matters

#### Article 10A - Public Health Emergency Response

#### Section 12-10A-10 - Court hearing to contest isolation or quarantine.

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

A. A person who is isolated or quarantined under a temporary hold, ex parte order or court order may petition the court to contest the temporary hold, ex parte order or court order at any time prior to the expiration of the temporary hold, ex parte order or court order. If a petition is filed, the court shall hold a hearing within three business days after the date of the filing. The filing of a petition for a hearing does not stay an order of isolation or quarantine. At the hearing, the secretary of health shall offer clear and convincing evidence that the isolation or quarantine is warranted to respond to a public health emergency.

B. If the secretary of health wishes to extend an order for isolation or quarantine past the period of time stated in the temporary hold, ex parte order or court order, the secretary of health shall petition the court for an extension. Notice of the hearing shall be served to every person who is isolated or quarantined at least three days prior to the hearing. If it is not feasible to provide individual notice to every person isolated or quarantined, a copy of

the notice shall be posted in a public and accessible place, using the best means available to ensure that every person subject to the order is informed of the order and their rights.

C. The hearing notice shall contain:

- (1) the date, time and place of the hearing;
- (2) the grounds upon which continued isolation or quarantine is sought;
- (3) the person's right to appear at the hearing; and
- (4) the person's right to counsel, including the right, if indigent, to be represented by counsel designated by the court.

D. The court may order an extension of the isolation or quarantine if it finds, by clear and convincing evidence, that there is an imminent health threat to others if the isolation or quarantine is terminated.

E. In no case shall the isolation or quarantine continue longer than thirty days from the date of a court order, unless the secretary of health petitions the court for an extension pursuant to the standards and procedures set forth in this section.

F. Upon notice to a court by the secretary of health that the conditions warranting isolation or quarantine no longer exist, the court shall issue an order terminating the isolation or quarantine.

**History:** Laws 2003, ch. 218, § 10.

#### 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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