



State of New Mexico

Michelle Lujan Grisham
Governor

EXECUTIVE ORDER 2024-005

RENEWING STATE OF PUBLIC HEALTH EMERGENCY DUE TO DRUG ABUSE

WHEREAS, the State of New Mexico has witnessed a growing and alarming trend of drug abuse, including the misuse of prescription opioids, fentanyl, heroin, and other illicit substances;

WHEREAS, the United States Drug Enforcement Administration reported seizing over 1.5 million fentanyl pills and nearly 165 pounds of fentanyl powder in 2023 in New Mexico and West Texas;

WHEREAS, the devastating consequences of drug abuse have resulted in a significant increase in drug-related deaths, with 1,052 fatal overdoses reported in the state in 2021—the fifth highest overdose rate in the nation according to the Centers for Disease Control and Prevention;

WHEREAS, the Department of Health reported a similar amount of drug overdose fatalities in New Mexico in 2022, and estimates that drug overdose deaths will continue to be significantly higher than rates for the United States as a whole in 2023;

WHEREAS, communities across New Mexico are grappling with the social and economic burdens of drug addiction, including the strain on healthcare resources, increased crime rates, homelessness, and disrupted family structures;

WHEREAS, the accessibility and prevalence of potent synthetic opioids, such as fentanyl, have escalated the risks associated with drug abuse, contributing to a surge in overdose incidents;

WHEREAS, the healthcare system in New Mexico is facing unprecedented challenges due to the demands placed on emergency rooms, treatment facilities, and first responders as a result of the drug abuse crisis;

WHEREAS, the Department of Health reports there were over 2,000 emergency department visits related to drug overdoses in New Mexico in 2022, the last year for which such data is available;

WHEREAS, the children and youth of New Mexico are particularly vulnerable to the negative impacts of drug abuse, as evidenced by the rising number of cases involving parental substance abuse and its subsequent effect on child welfare;

WHEREAS, recent wastewater testing conducted by the Environment Department of 24 Albuquerque high schools has revealed that 88% tested positive for cocaine or its metabolites and 29% tested positive for fentanyl or its metabolites;

WHEREAS, additional testing of 106 schools across the state revealed that 63.2% tested positive for cocaine or its metabolites, 13.2% tested positive for fentanyl or its metabolites, and many tested positive for other stimulants and opioids;

WHEREAS, the Superintendent of Insurance recently found “that social and economic burdens of substance addiction, including the accessibility and prevalence of potent synthetic opioids, create significant challenges for access to health care in a largely rural state, with a significant provider shortage”;

WHEREAS, the State’s existing efforts to combat drug abuse, including prevention, treatment, and law enforcement initiatives, require immediate reinforcement and coordination to effectively address this public health crisis;

WHEREAS, after consulting with the Secretary of the Department of Health, the Governor determined that the foregoing situation constitutes a statewide public health emergency of unknown duration, as defined by the Public Health Emergency Response Act;

WHEREAS, the Governor also determined that the foregoing situation constitutes a man-made disaster causing or threatening widespread physical or economic harm that is beyond local control and requiring the resources of the State pursuant to the All Hazard Emergency Management Act;

WHEREAS, it is essential to marshal all available resources to mitigate the harms caused by drug abuse and to provide support and treatment options for individuals and families affected by this epidemic;

WHEREAS, the Governor initially declared a state of public emergency for this situation on September 7, 2023, and subsequently renewed the declaration on October 5, 2023, November 3, 2023, December 1, 2023, December 29, 2023, and January 26, 2024; and

WHEREAS, although our Administration has taken swift action to address this public health emergency, including introducing and supporting pertinent legislation during the most recent legislative session, the Secretary of the Department of Health, Governor Lujan Grisham, and I have determined it is necessary to renew the declaration of public health emergency to protect the public health, safety, and welfare.

NOW, THEREFORE, I, Howie Morales, Lieutenant Governor of the State of New Mexico and acting Governor pursuant to Article V, Section 7 of the New Mexico Constitution, by the authority vested in me by the Constitution and laws of the State of New Mexico, do hereby **DECLARE** that a state of public emergency exists throughout the State due to drug abuse and **ORDER** and **DIRECT** as follows:

1. The Department of Public Health, Department of Homeland Security and Emergency Management, and Department of Public Safety shall continue to collaborate with the Office of the Governor to provide an effective and coordinated response to this public health emergency.

2. The Department of Finance and Administration shall make available additional emergency financial resources in an amount not to exceed seven hundred fifty thousand dollars (\$750,000.00) to the Department of Health, Department of Homeland Security and Emergency Management, Environment Department, Corrections Department and/or Department of Public Safety, in accordance with NMSA 1978, Sections 12-11-23 to -25. Funds shall be expended for the purpose of complying with this Order and shall be expended specifically to avoid and minimize economic or physical harm and to protect the public health, safety, and welfare. Funds shall be paid out upon warrants drawn by the Secretary of Finance and Administration upon vouchers approved by the Governor or an agent or agency designated by her for that purpose.

3. All mayors, sheriffs, and members of governing bodies of municipalities or counties are encouraged to request, if necessary, an emergency proclamation and implementation of temporary additional restrictions to address this public health emergency.

4. All political subdivisions of the State shall comply with and enforce all directives issued pursuant to this Order.

I FURTHER ORDER and DIRECT as follows:

1. This Order supersedes any previous orders, proclamations, or directives to the extent they are in conflict.

2. This Order shall take effect immediately and shall remain in effect until March 22, 2024.

ATTEST:

Maggie Toulouse Oliver

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 23RD DAY OF FEBRUARY 2024

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

Howie Morales

HOWIE MORALES
LIEUTENANT GOVERNOR

