

HOUSE BILL 279

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

INTRODUCED BY

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AN ACT

RELATING TO EMERGENCY POWERS; PROHIBITING RESTRICTIONS BY THE  
GOVERNOR OR BY THE DEPARTMENT OF HEALTH AGAINST THE OPERATION  
OR CONDUCT OF BUSINESS BY CERTAIN FIREARM OR AMMUNITION-RELATED  
BUSINESSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 12-10-18 NMSA 1978 (being Laws 1969,  
Chapter 281, Section 3) is amended to read:

"12-10-18. EMERGENCY RESTRICTIONS.--

A. During the existence of a state of emergency,  
the governor may, by proclamation, prohibit:

(1) any person being on the public streets, in  
the public parks or at any other public place during the hours  
proclaimed by the governor to be a period of curfew;

(2) any designated number of persons from

underscored material = new  
[bracketed material] = delete

1 assembling or gathering on the public streets, public parks or  
2 other open areas, either public or private, or in any public  
3 building;

4 (3) the manufacture, transfer, use, possession  
5 or transportation of any device or object designed to explode  
6 or produce uncontained combustion;

7 (4) the transportation, possession or use of  
8 combustible, flammable or explosive materials in a glass or  
9 uncapped container of any kind except in connection with the  
10 normal operation of motor vehicles, normal home use or  
11 legitimate commercial use;

12 [~~(5) the possession of firearms or any other~~  
13 ~~deadly weapon by a person in any place other than his place of~~  
14 ~~residence or business, except for peace officers;~~

15 ~~(6)] (5) the sale, purchase or dispensing of~~  
16 alcoholic beverages or other commodities or goods designated by  
17 the governor;

18 ~~(7)] (6) the use of certain streets or~~  
19 highways by the public; and

20 ~~(8)] (7) other activities the governor~~  
21 reasonably believes should be prohibited to help maintain life,  
22 property or the public peace.

23 B. A proclamation issued pursuant to Subsection A  
24 of this section shall not restrict:

25 (1) a manufacturer, distributor, wholesaler,

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1 supplier or retailer of firearms or ammunition from operating  
2 or otherwise conducting business;

3 (2) the sale, dispensing or transportation of  
4 firearms, ammunition or any component of ammunition;

5 (3) a shooting range from operating or  
6 otherwise conducting business; or

7 (4) the operation of any business conducting  
8 instruction on the use or safety of any firearm.

9 [B-] C. Any proclamation issued under this section  
10 becomes effective immediately upon its signing by the governor,  
11 but the governor shall give public notice of its contents  
12 through the public press and other news media. The  
13 restrictions may be imposed during times, upon conditions, with  
14 exceptions and in areas of the state designated by proclamation  
15 of the governor from time to time."

16 SECTION 2. A new section of the Public Health Act is  
17 enacted to read:

18 "[NEW MATERIAL] EXCEPTION TO POWERS AND AUTHORITY OF  
19 DEPARTMENT AGAINST RESTRICTIONS OF FIREARM OR AMMUNITION-  
20 RELATED BUSINESS.--The department shall not prohibit or  
21 restrict by the issuance of a public health order:

22 A. a manufacturer, distributor, wholesaler,  
23 supplier or retailer of firearms or ammunition from operating  
24 or otherwise conducting business;

25 B. the sale, dispensing or transportation of

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1 firearms, ammunition or any component of ammunition; or  
2 C. a shooting range from operating or otherwise  
3 conducting business."

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