

**Essential businesses (non-retail):** No capacity restrictions but must limit operations to only those absolutely necessary to carry out essential functions

**Essential retail spaces:** 25% of maximum capacity or 75 customers at one time, whichever is smaller

**Food and drink establishments:** No indoor dining permitted; 25% of maximum capacity for outdoor dining; any establishment serving alcohol must close by 9 p.m. each night

**Close-contact businesses:** 25% of maximum capacity or 10 customers at one time, whichever is smaller

**Outdoor recreational facilities:** 25% of maximum capacity (unless required to have less capacity under the state's COVID-Safe Practices)

**Close-contact recreational facilities:** Remain closed

**\*\*All other businesses:** 25% of maximum capacity or 75 customers at one time, whichever is smaller

**Houses of worship:** May hold religious services, indoors or outdoors, or provide services through audiovisual means, but may not exceed 25% of the maximum capacity of any enclosed space on the premises

**Places of lodging:** 40% of maximum occupancy for those that have completed NM Safe Certified training; 25% of maximum occupancy for all others; 5 guests maximum for vacation rentals

**Mass gatherings limit:** 5 persons, 10 vehicles

### **Categories and definitions within the public health order:**

**Essential businesses (non-retail):** These are any business or nonprofit entity falling within one or more of the following categories:

- Health care operations including hospitals, walk-in-care health facilities, pharmacies, medical wholesale and distribution, home health care workers or aides for the elderly, emergency dental facilities, nursing homes, residential health care facilities, research facilities, congregate care facilities, intermediate care facilities for those with intellectual or developmental disabilities, supportive living homes, home health care providers, drug and alcohol recovery support services, and medical supplies and equipment manufacturers and providers;
- Homeless shelters, food banks, and other services providing care to indigent or needy populations;
- Childcare facilities;
- Farms, ranches, and other food cultivation, processing, or packaging operations;
- Infrastructure operations including, but not limited to, public works construction, commercial and residential construction and maintenance, self-storage facilities, airport operations, public transportation, airlines, taxis, private transportation providers, transportation network companies, water, gas, electrical, oil drilling, oil refining, natural resources extraction or mining operations, nuclear material research and enrichment, those attendant to the repair and construction of roads and highways, gas stations, solid waste collection and removal, trash and recycling collection, processing and disposal, sewer, data and internet providers, data centers, technology support operations, and telecommunications systems;
- Manufacturing operations involved in food processing, manufacturing agents, chemicals, fertilizer, pharmaceuticals, sanitary products, household paper products, microelectronics/semiconductor, primary metals manufacturers, electrical equipment, appliance, and component manufacturers, and transportation equipment manufacturers;
- Services necessary to maintain the safety and sanitation of residences or essential businesses including security services, towing services, custodial services, plumbers, electricians, and other skilled trades;
- Veterinary and livestock services, animal shelters and facilities providing pet adoption, daycare, or boarding services;

- Media services;
- Utilities, including their contractors, suppliers, and supportive operations, engaged in power generation, fuel supply and transmission, water and wastewater supply;
- Crematoriums, funeral homes and cemeteries;
- Banks, credit unions, insurance providers, payroll services, brokerage services, and investment management firms;
- Businesses providing mailing and shipping services;
- Laboratories and defense and national security-related operations supporting the United States government, a contractor to the United States government, or any federal entity;
- Professional services, such as legal or accounting services, but only where necessary to assist in compliance with legally mandated activities; and
- Logistics, and also businesses that store, transport, or deliver groceries, food, materials, goods or services directly to residences, retailers, government institutions, or essential businesses.

**Essential retail spaces:** These include grocery stores, supermarkets, food banks, farmers' markets and vendors who sell food, convenience stores, and other businesses that generate more than one-third of their revenue from the sale of canned food, dry goods, fresh fruits and vegetables, pet food, animal feed or supplies, fresh meats, fish, and poultry, and any other consumable food and drink products; automobile repair facilities, bike repair facilities, and retailers who generate the majority of their revenue from the sale of automobile or bike repair products; hardware stores; laundromats; and dry cleaner services.

**Food and drink establishments:** These are restaurants, breweries, wineries, distillers, cafes, coffee shops, or other similar establishments that offer food or drink.

**Close-contact businesses:** These are barbershops, hair salons, tattoo parlors, nail salons, spas, massage therapy services, esthetician clinics, tanning salons, guided raft tours, guided balloon tours, bowling alleys and ice skating rinks.

**Outdoor recreational facilities:** These are outdoor golf courses, public swimming pools, ski basins, youth programs, youth livestock shows, horseracing tracks, botanical gardens, and outdoor zoos.

**Close-contact recreational facilities:** These are indoor movie theaters, indoor museums with interactive displays or exhibits and other similar venues, miniature golf, arcades, amusement parks, aquariums, casinos, concert venues, professional sports venues, event venues, bars, dance clubs, performance venues, go-kart courses, automobile racetracks, adult entertainment venues, and other places of recreation or entertainment. For purposes of the public health order, a bar is defined as any business that generated more than half of its revenue from the sale of alcohol during the preceding fiscal year.

**Houses of worship:** These are any church, synagogue, mosque, or other gathering space where persons congregate to exercise their religious beliefs.

**Places of lodging:** These are hotels, motels, RV parks, and short-term vacation rentals.

**Mass gatherings:** These are any public gathering, private gathering, organized event, ceremony, parade, funeral, or any other grouping that brings together a specified number of individuals in a single room or connected space, confined outdoor space, or open outdoor space. "Mass gatherings" also include coordinated events in which individuals gather in vehicles. "Mass gatherings" do not include the presence of any number of individuals where those individuals regularly reside. "Mass gathering" does not include individuals who are public officials or public employees in the course and scope of their employment.

**\*\*All other businesses:** These are any entities that are not identified explicitly as an "essential business," "house of worship," "outdoor recreational facility," "food and drink establishment," "place of lodging" or "close-contact recreational facility." Examples would include non-essential retail spaces like a clothing store, a gym, a group fitness class or a personal training service, among others.