

N.M. modifies Red-Yellow-Green system, permitting more day-to-day activities

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Turquoise Level will include minimal health restrictions

SANTA FE – The state of New Mexico’s Red-Yellow-Green framework for aligning county-level requirements and guidelines with local virus risk has been modified to permit more day-to-day and commercial activities, reflecting the improving COVID-19 outlook across the state as New Mexicans help drive down transmission and vaccine distribution contributes to decreased community spread. The framework includes a new least restrictive level where all categories of business can operate indoors with minimal occupancy limitations, depending on the risk level of the activity. A county will reach this least restrictive level, the Turquoise Level, by meeting key health criteria for two consecutive two-week periods and effectively graduating out of the Red-Yellow-Green framework, provided the virus remains suppressed.

An updated Department of Health public health order can be found [here](#) and is effective Wednesday, Feb. 24.

“I know New Mexicans are tired of COVID-19 – I am too,” said Gov. Michelle Lujan Grisham. “We have made very solid progress in recent weeks and months, and we have all together saved lives and protected our family members and neighbors. We have to keep it up. We’ve seen what happens when we ease up too quickly or let our guard down all at once – our hospitals fill back up and more New Mexicans lose their lives. We can and we must keep making safe choices in our day-to-day lives. We can introduce a little more risk, based on our progress, and start to feel a little bit closer to normal – but only if we keep making those safe choices to protect our families and one another. I know New Mexicans are up to the task.”

The framework assigns a risk level – and corresponding color – to New Mexico counties based on key health metrics over a two-week timeframe. The health metrics – a test positivity rate below 5 percent and a new per-capita case rate of fewer than 8 per 100,000 – measure the incidence and spread of COVID-19 in a given community. A county that meets one of the criteria may operate at the Yellow Level; a county that meets both may operate at the Green Level; counties that meet neither of the criteria must operate at the Red Level.

The framework has helped limit large congregations of people that would have slowed the state’s gradual progress in controlling COVID-19. It is designed to match a local area’s decreasing risk level with loosened requirements, and vice versa, and to balance the need to contain the virus with the need for standard localized “openness” amid this stage of the pandemic.

As of Feb. 10, 14 counties are operating at the Red Level, signifying very high risk; 15 counties are operating at the Yellow Level, signifying high risk; and 4 counties are operating at the Green Level, signifying medium risk. The Department of Health updates the county-by-county map on a biweekly basis to account for an epidemiologically meaningful period of time. The next update is scheduled for the afternoon of Feb. 24.

The county-by-county framework will as of Feb. 24 include a new least-restrictive designation signifying low risk: the Turquoise Level. A county may operate at the Turquoise Level after having met both key health metrics for four weeks. In other words, a county that meets the criteria to operate at the Green Level for two consecutive biweekly map updates will elevate to the Turquoise Level, which includes significantly fewer restrictions on commercial and day-to-day activities.

The Turquoise Level includes provisions for expanded indoor dining, the operation of entertainment venues like theaters, bars and clubs and more.

The updated risk framework and public health order also include the following changes:

- Businesses that had previously been categorized as “close-contact recreational facilities,” and closed at each level of the risk system, will be recategorized and permitted to operate at limited capacities depending on their new category and the risk level of the county in which they operate.
- State parks, which had previously been open only for day-use for New Mexico residents, will now be open to camping with reservations and day-use for all.

LARGE ENTERTAINMENT VENUES, RECREATIONAL FACILITIES, BARS

Previously the state public health order had categorized certain businesses requiring longer periods of close contact among patrons as “close-contact recreational facilities,” which were closed at all risk levels.

Those businesses will be recategorized and permitted to operate in a manner that corresponds to the risk level of the county in which they operate, as outlined in the updated public health order:

- **“Large entertainment venues”** are defined as any publicly or privately owned venue typically or actually used to host large audiences for the purposes of entertainment or amusement, including but not limited to **racetracks, concert venues, movie theaters, performance venues, professional sports venues and theaters.**
 - At the Turquoise Level, these venues may operate at up to 33 percent of maximum occupancy of any enclosed space on the premises, as determined by the relevant fire marshal or department, and up to 75 percent of maximum occupancy of any outdoor space on the premises.
 - At the Green Level, these venues may operate at up to 25 percent of maximum occupancy of any enclosed space on the premises, as determined by the relevant fire marshal or department, and up to 50 percent of maximum occupancy of any outdoor space on the premises.

- At the Yellow Level, these venues may operate at up to 25 percent of any outdoor space on the premises but may not permit patrons to enter the indoor portions of the venue except for the limited purpose of using a restroom; employees may occupy the indoor portion of the facility to the extent necessary to operate the outdoor portion.
 - At the Red Level, these venues may not operate.
- **“Recreational facilities”** are defined as any publicly or privately owned facility typically or actually used for recreational activities capable of bringing persons within close proximity of one another, including but not limited to **aquariums, amusement parks, arcades, basketball courts, baseball fields, bowling alleys, botanical gardens, family entertainment centers, football fields, go-kart courses, golf courses, ice-skating rinks, museums with interactive displays or exhibits, miniature golf courses, ski areas, soccer fields, swimming pools, tennis courts, youth programs, trampoline parks** and **zoos**.
 - At the Turquoise Level, these facilities may operate at up to 50 percent of the maximum occupancy of any enclosed space on the premises and up to 75 percent of the maximum occupancy of any outdoor space on the premises.
 - At the Green Level, these facilities may operate at up to 25 percent of the maximum occupancy of any enclosed space on the premises and up to 50 percent of the maximum occupancy of any outdoor space on the premises.
 - At the Yellow Level, these facilities may operate at up to 33 percent of maximum occupancy at any outdoor space on the premises; employees may occupy the

indoor portion of the facility to the extent necessary to operate the outdoor portion.

- At the Red Level, these facilities may operate at up to 25 percent of maximum occupancy of any outdoor space on the premises; employees may occupy the indoor portion of the facility to the extent necessary to operate the outdoor portion.
- **“Bars and clubs”** are defined as any business that typically or actually generates more than half of its revenue from the sale of alcohol for on-premises consumption – including **adult entertainment venues, nightclubs, and dance clubs**, regardless of the source of their revenue.
 - At the Turquoise Level, bars and clubs may operate at up to 33 percent of the maximum occupancy of any enclosed space on the premises and up to 75 percent of any outdoor space on the premises.
 - At the Green Level, bars and clubs may operate at up to 25 percent of any outdoor space on the premises; employees may occupy the indoor portion of the facility to the extent necessary to operate the outdoor portion.
 - At the Yellow Level, bars and clubs may not operate.
 - At the Red Level, bars and clubs may not operate.

The categories and definitions for each risk level are available below and available at cv.nmhealth.org/redtogreen.

TURQUOISE LEVEL:

Counties at the Turquoise Level have **both** a new COVID-19 case incidence rate of no greater than 8 cases per 100,000 inhabitants during the most recent four-week period, **and** an average percent of positive COVID-19 test results over the most recent four-week period less than or equal to 5%.

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

Essential retail spaces: 75% of maximum capacity (indoor and outdoor)

Food and drink establishments (if NM Safe Certified): 75% of maximum capacity for indoor dining; 75% of maximum capacity for outdoor dining

Close-contact businesses: 75% of maximum capacity; no restrictions on outdoor spaces

Large entertainment venues: 33% of maximum capacity for any indoor/enclosed space on premises; 75% of any outdoor space on premises

Recreational facilities: 50% of maximum capacity of any indoor/enclosed space on the premises; 75% of any outdoor space on premises

Bars and clubs: 33% of maximum capacity of any indoor/enclosed space on premises; 75% of any outdoor space on premises, where applicable

****All other businesses:** 75% of maximum capacity indoors; no restrictions on outdoor spaces

Houses of worship: May hold religious services, indoors or outdoors, or provide services through audiovisual means, but may not exceed 75% of the maximum capacity of any enclosed space on the premises

Places of lodging: No maximum occupancy restrictions for those that have completed NM Safe Certified training; 50% of maximum occupancy for all others; 15 guests maximum for vacation rentals

Mass gatherings limit: 150 persons, or 200 vehicles

GREEN LEVEL:

Counties at the Green Level have **both** a new COVID-19 case incidence rate of no greater than 8 cases per 100,000 inhabitants during the most recent two-week period, **and** an average percent of positive COVID-19 test results over the most recent 14-day period less than or equal to 5%.

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

Essential retail spaces: 50% of maximum capacity (indoor and outdoor)

Food and drink establishments (if NM Safe Certified): 50% of maximum capacity for indoor dining; 75% of maximum capacity for outdoor dining

Close-contact businesses: 50% of maximum capacity (indoor and outdoor)

Large entertainment venues: 25% of maximum capacity for any indoor/enclosed space on premises; 50% of any outdoor space on premises

Recreational facilities: 25% of maximum capacity of any indoor/enclosed space on the premises; 50% of any outdoor space on the premises

Bars and clubs: 25% of maximum capacity of any outdoor space on premises, where applicable; indoor not permitted

****All other businesses:** 50% of maximum capacity (indoor and outdoor)

Houses of worship: May hold religious services, indoors or outdoors, or provide services through audiovisual means, but may not exceed 50% of the maximum capacity of any enclosed space on the premises

Places of lodging: 75% of maximum occupancy for those that have completed NM Safe Certified training; 40% of maximum occupancy for all others; 10 guests maximum for vacation rentals

Mass gatherings limit: 20 persons, 120 vehicles

YELLOW LEVEL:

Counties at the Yellow Level have **either** a new COVID-19 case incidence rate of no greater than 8 cases per 100,000 inhabitants during the most recent two-week period, **or** an average percent of positive COVID-19 test results over the most recent 14-day period less than or equal to 5%.

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

Essential retail spaces: 33% of maximum capacity (indoor and outdoor)

Food and drink establishments (if NM Safe Certified): 25% of maximum capacity for indoor dining; 75% of maximum capacity for outdoors dining; any establishment serving alcohol must close by 10 p.m. each night

Close-contact businesses: 33% of maximum capacity or 20 customers at one time, whichever is smaller; 33% of any outdoor space on the premises

Large entertainment venues: 25% of maximum capacity of any outdoor space on premises; indoor not permitted with the limited exception of operating up to 25% of maximum capacity for recording and broadcasting entertainment without any in-person audience

Recreational facilities: 33% of any outdoor space on the premises; indoor not permitted

Bars and clubs: May not operate

****All other businesses:** 33% of maximum capacity (indoor and outdoor)

Houses of worship: May hold religious services, indoors or outdoors, or provide services through audiovisual means, but may not exceed 33% of the maximum capacity of any enclosed space on the premises

Places of lodging: 60% 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: 10 persons; 80 vehicles

RED LEVEL:

Counties at the Red Level are those with a new COVID-19 case incident rate of greater than 8 cases per 100,000 inhabitants during the most recent two-week period **and** an average percent of positive COVID-19 test results over the most recent 14-day period greater than 5%.

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 (indoor and outdoor)

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; 25% of any outdoor space on the premises

Large entertainment venues: May not operate

Recreational facilities: 25% of maximum capacity of any outdoor space on the premises; indoor not permitted

Bars and clubs: May not operate

****All other businesses:** 25% of maximum capacity (indoor and outdoor)

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, 40 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 and tanning salons.

Recreational facilities: These are any publicly or privately owned facility typically or actually used for recreational activities capable of bringing persons within close proximity of one another, including aquariums, amusement parks, arcades, basketball courts, baseball fields, bowling alleys, botanical gardens, family entertainment centers, football fields, go-kart courses, golf courses, ice-skating rinks, museums with interactive displays or exhibits, miniature golf courses, ski areas, soccer fields, swimming pools, tennis courts, youth programs, guided raft tours, guided balloon tours and zoos.

Bars and clubs: These are any business that typically or actually generates more than half of its revenue from the sale of alcohol for on-premises consumption — including adult entertainment venues, nightclubs, and dance clubs, regardless of the source of their revenue.

Large entertainment venues: These are any publicly or privately owned venue typically or actually used to host large audiences for the purposes of entertainment or amusement, including racetracks, concert venues, movie theaters, performance venues, professional sports venues and theaters.

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,” “recreational facility,” “large entertainment venue,” “food and drink establishment,” “bars or clubs” or “place of lodging”.” Examples would include non-essential retail spaces like a clothing store, a gym, a group fitness class or a personal training service, among others.