
Via Hand Delivery and Via E-mail

11/23/20

Smith's Food & Drug Center
111 Coors Blvd NW
Albuquerque, NM 87121
Jeanie.Goodrich@sfdc.com

Re: Notice of Immediate Closure Pursuant to Public Health Order - Smith's Food & Drug Center

Dear Sir or Madam:

Pursuant to the COVID-Safe Practices for Individuals and Employers Guide, which is incorporated by reference in the current Public Health Order, a "rapid response" is conducted whenever a COVID-19 case is identified in a place of business or a high-risk facility or population. As part of the rapid response process, the New Mexico Department of Health requires that the identified entity follow appropriate isolation, quarantine, and infection control protocols to mitigate potential COVID-19 transmission and limit risk to employees and the public.

Section 12 of the operative Public Health Order mandates closure of certain business entities that receive four (4) or more rapid responses within a rolling fourteen (14) day period. Specifically:

Any "food and drink establishment," "place of lodging," "retail space," or "essential business" (other than those which meet the definition of a healthcare operation, utility, or media service) in which members of the public regularly visit, must immediately close for a period of fourteen (14) days following the occurrence of four (4) or more rapid responses within a fourteen (14) day period. For purposes of this directive, rapid responses will be counted on a rolling basis. Notwithstanding this provision, an "essential business" may be permitted to continue operating if the Department of Health, after consultation with the Environment Department, determines that the business is a necessary provider of goods or services within the community in light of geographic considerations.

Smith's Food & Drug Center, located at 111 Coors Blvd. NW in Albuquerque, NM, 87121, had the following rapid responses related to COVID-19 infections within a 14-calendar-day period:

- Response #1: 11/10/20, 1 COVID-19 infections cited.
- Response #2: 11/16/20, 1 COVID-19 infections cited.
- Response #3: 11/18/20, 1 COVID-19 infections cited.
- Response #4: 11/19/20, 1 COVID-19 infections cited.

OFFICE OF THE SECRETARY

1190 St. Francis Dr., Suite N4100 • P.O. Box 26110 • Santa Fe, New Mexico • 87502
(505) 827-2613 • FAX: (505) 827-2530 • www.nmhealth.org



Upon receipt of this Notice, Smith's Food & Drug Center must immediately close all business operations at the location of the rapid responses cited above for fourteen consecutive calendar days, in accordance with the Public Health Order issued November 18, 2020.

Smith's Food & Drug Center must immediately cease operations at this location through December 6, 2020. Smith's Food & Drug Center may resume normal operations at this location on December 7, 2020. To the extent that this location contains a pharmacy, optometry clinic, or other health care operation, those limited portions of the business location may remain in operation, provided that they operate to the minimum extent necessary to provide curbside pickup and/or delivery services to customers, and otherwise comply with all requirements for essential businesses under the most current Public Health Order.

In addition, Smith's Food & Drug Center will appear on the Rapid Response COVID-19 Watchlist under the "Rapid Response Closure" tab on the New Mexico Environment Department's (NMED) website for the duration of the fourteen-day closure. The NMED will also include your business/organization and location in a daily press release and social media updates during the fourteen-day closure.

Failure to comply with this directive may result in substantial monetary penalties in accordance with the Public Health Emergency Response Act, NMSA 1978, §§ 12-10a-1 to -19, and may further subject you to criminal penalties or civil judicial enforcement, or both. The failure to comply with this and other directives of the Public Health Order may also subject you to other penalties under applicable state laws.

While your operations are suspended at this location, you are encouraged to have all your employees tested for COVID-19. To find a COVID-19 testing center near you, please visit: <https://cvprovider.nmhealth.org/directory.html>. Additional resources can also be found at <https://cv.nmhealth.org> and <https://www.env.nm.gov/nmed-resources-for-covid-19/>.

A representative from the New Mexico Department of Health, the New Mexico Environment Department, or other applicable state agencies will contact you to discuss COVID-safe practices and provide guidance to prevent workplace exposure. Please be prepared to provide information on additional measures you have taken or plan to take to prevent additional positive cases.

If you have questions concerning this Notice, you may contact Witter Tidmore, Assistant General Counsel, at (505) 827-2410.

Sincerely,



Billy J. Jimenez
Acting Cabinet Secretary