

HOUSE ENERGY, ENVIRONMENT AND NATURAL RESOURCES  
COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 432

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

AN ACT

RELATING TO THE ENVIRONMENT; ENACTING THE PLASTIC WASTE  
REDUCTION ACT; PROHIBITING RETAIL ESTABLISHMENTS, FOOD  
PROVIDERS AND ENTITIES THAT DELIVER GOODS FROM MAKING AVAILABLE  
OR DELIVERING GOODS IN SINGLE-USE PLASTIC CHECKOUT BAGS;  
PROVIDING EXCEPTIONS; PROVIDING A PENALTY.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
cited as the "Plastic Waste Reduction Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
Plastic Waste Reduction Act:

A. "food provider" means a business whose primary  
product is food prepared for consumption on site or for take  
out and that is not a retail sales establishment;

B. "plastic" means a synthetic material made from  
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underscored material = new  
[bracketed material] = delete

1 linking monomers through a chemical reaction to create a  
2 polymer chain that can be molded or extruded at high heat into  
3 various solid forms, including material derived from either  
4 petroleum or a biologically based polymer, such as corn or  
5 other plant sources;

6 C. "recyclable" means, with respect to material,  
7 any material that would otherwise be disposed of or processed  
8 as waste that can be recovered, separated, collected and  
9 reprocessed for the purpose of using the reprocessed material  
10 in the manufacture of a new product;

11 D. "recyclable cardboard box" means a box made of  
12 non-waxed cardboard or paper;

13 E. "recycled content paper bag" means a paper bag  
14 that contains at minimum forty percent post-consumer recycled  
15 content and is one hundred percent recyclable;

16 F. "retail sales establishment" means a grocery  
17 store, supermarket, convenience store, liquor store, pharmacy,  
18 drug store or other retail establishment that provides carryout  
19 bags to its customers and excludes food providers;

20 G. "reusable carryout bag" means a bag that is  
21 designed and manufactured for multiple uses, is made of cloth  
22 or other machine-washable fabric and has stitched handles; or a  
23 polypropylene or recycled-content polyethylene terephthalate  
24 bag that has stitched handles; and

25 H. "single-use plastic checkout bag" means a

1 carryout bag made from plastic that is provided to a customer  
2 at the point of sale for the purpose of transporting groceries,  
3 food or other goods and is not specifically designed and  
4 manufactured for multiple reuse.

5 SECTION 3. [NEW MATERIAL] PLASTIC BAG BAN--EXCEPTIONS--  
6 PROVIDING A PENALTY.--

7 A. Retail sales establishments, food providers and  
8 entities that deliver goods are prohibited from making  
9 available or delivering goods in a single-use plastic checkout  
10 bag or any other bag or box that is not a reusable carryout  
11 bag, recycled content paper bag or recyclable cardboard box.

12 B. The prohibition of Subsection A of this section  
13 does not apply to:

14 (1) non-handled bags used to protect items  
15 from damaging or contaminating other purchased items placed in  
16 a recycled content paper bag, reusable carryout bags or  
17 recyclable cardboard boxes;

18 (2) bags provided to customers for:

19 (a) loose items, such as fruits,  
20 vegetables, nuts, ground coffee, grains, candies or small  
21 hardware items;

22 (b) uncooked meat, poultry or seafood;  
23 or

24 (c) prepared takeout food with a high  
25 liquid content that is intended for consumption away from a

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1 food provider's premises;

2 (3) laundry, dry cleaning or garment bags,  
3 including bags provided by hotels to guests to contain wet or  
4 dirty clothing;

5 (4) bags sold in packages containing multiple  
6 bags intended for use as garbage, pet waste or yard waste;

7 (5) bags used to contain or transport live  
8 animals or aquatic plants;

9 (6) bags used to transport chemical  
10 pesticides, drain-cleaning chemicals or other caustic chemicals  
11 sold at the retail level;

12 (7) bags provided to transport partially  
13 consumed bottles of wine;

14 (8) bags used to protect delivered newspapers  
15 from inclement weather; or

16 (9) any bag similar to those exempted by this  
17 subsection, as determined by the department of environment.

18 C. A food provider shall not be required to accept  
19 a reusable carryout bag, recycled content paper bag or  
20 recyclable cardboard box brought in from a customer for the  
21 transport of food for consumption away from the food provider's  
22 premises.

23 D. A county or municipality may by ordinance  
24 prescribe a penalty for a violation of the provisions of this  
25 section; provided that if a county or municipality does not

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1 prescribe a penalty, the department of environment may assess a  
2 penalty in an amount not to exceed twenty-five dollars (\$25.00)  
3 per day of violation.

4 E. The department of environment shall promulgate  
5 rules for the implementation of the provisions of the Plastic  
6 Waste Reduction Act.

7 SECTION 4. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is January 1, 2024.

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