

HOUSE BILL 432

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

INTRODUCED BY

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AN ACT

RELATING TO THE ENVIRONMENT; ENACTING THE PLASTIC WASTE
REDUCTION ACT; PROHIBITING RETAIL ESTABLISHMENTS, RESTAURANTS
AND ENTITIES THAT DELIVER GOODS FROM MAKING AVAILABLE OR
DELIVERING GOODS IN SINGLE-USE PLASTIC CHECKOUT BAGS; 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. "plastic" means a synthetic material made from
linking monomers through a chemical reaction to create a
polymer chain that can be molded or extruded at high heat into
various solid forms, including material derived from either

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1 petroleum or a biologically based polymer, such as corn or
2 other plant sources;

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

8 C. "recyclable cardboard box" means a box made of
9 non-waxed cardboard or paper;

10 D. "recycled content paper bag" means a paper bag
11 that contains at minimum forty percent post-consumer recycled
12 content and is one hundred percent recyclable;

13 E. "retail sales establishment" means a grocery
14 store, supermarket, convenience store, liquor store, pharmacy,
15 drug store, restaurant or other retail establishment that
16 provides carryout bags to its customers;

17 F. "reusable carryout bag" means a bag that is
18 designed and manufactured for multiple uses, is made of cloth
19 or other machine-washable fabric and has stitched handles; or a
20 polypropylene bag that has stitched handles; and

21 G. "single-use plastic checkout bag" means a
22 carryout bag made from plastic that is provided to a customer
23 at the point of sale for the purpose of transporting groceries,
24 food or other goods and is not specifically designed and
25 manufactured for multiple reuse.

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1 SECTION 3. ~~[NEW MATERIAL]~~ PLASTIC BAG BAN--EXCEPTIONS--
2 PROVIDING A PENALTY.--

3 A. Retail sales establishments and entities that
4 deliver goods are prohibited from making available or
5 delivering goods in a single-use plastic checkout bag or any
6 other bag or box that is not a reusable carryout bag, recycled
7 content paper bag or recyclable cardboard box.

8 B. The prohibition of Subsection A of this section
9 does not apply to:

10 (1) non-handled bags used to protect items
11 from damaging or contaminating other purchased items placed in
12 a recycled content paper bag, reusable carryout bag or
13 recyclable cardboard box;

14 (2) bags provided to customers to:

15 (a) package loose items, such as fruits,
16 vegetables, nuts, ground coffee, grains, candies or small
17 hardware items;

18 (b) contain or wrap frozen foods, meat
19 and fish, flowers or potted plants; or

20 (c) contain dampness;

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

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

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1 (5) bags used to contain or transport live
2 animals, such as fish or insects sold in pet stores;

3 (6) bags used to transport chemical
4 pesticides, drain-cleaning chemicals or other caustic chemicals
5 sold at the retail level; provided that this exemption shall be
6 limited to one bag per customer;

7 (7) bags provided to transport partially
8 consumed bottles of wine; or

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

11 C. A county or municipality may by ordinance
12 prescribe a penalty for a violation of the provisions of this
13 section; provided that if a county or municipality does not
14 prescribe a penalty, the department of environment may assess a
15 penalty in an amount not to exceed twenty-five dollars (\$25.00)
16 per day of violation.

17 D. The department of environment shall promulgate
18 rules for the implementation of the provisions of the Plastic
19 Waste Reduction Act.

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