

LFC Requestor: DAVIDSON, Austin

**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: House **Category:** Bill
Number: 409 **Type:** Introduced

Date (of THIS analysis): 2/13/24
Sponsor(s): Kristina Ortez
Short Title: Efficiency and Mercury Standards for Products

Reviewing Agency: Agency 665 – Department of Health
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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$	\$	\$	Recurring	

Penalties range from \$100 to \$250 per day and per product.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$	\$	\$	\$		

Section III: Relationship to other legislation

Duplicates: None.

Conflicts with: None.

Companion to: None.

Relates to: None.

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

House Bill 409 (HB409) proposes to enact the Efficiency and Mercury Standards for Products and Lighting Fixtures Act. This Act would ensure the sale, offering for sale, lease, or rent of products that meet energy or water efficiency standards as set forth by the Energy, Minerals, and Natural Resources Department (EMNRD). Products covered under the Act include but are not limited to: commercial dishwashers, commercial fryers, commercial hot-food holding cabinets, commercial ovens, commercial steam cookers, computers and computer monitors, computer server power supply units, faucets, gas fireplaces, portable electric spas, residential ventilating fans, residential water softeners, showerheads, spray sprinkler bodies, state-regulated battery charger systems, urinals, water closets, and water coolers. HB409 proposes EMNRD shall also adopt provisions for testing, certification, and labeling of products covered under the Act.

HB409 includes broad exceptions: products sold outside of New Mexico, products installed in mobile manufactured homes at time of construction, and products designed expressly for installation and use in recreational vehicles.

By July 1, 2026 EMNRD shall adopt rules for the Act, including the prohibition for sale of general-purpose compact fluorescent lamps and general-purpose linear fluorescent lamps. Starting in January 2027, no new covered products may be sold or listed for sale, lease or rent in New Mexico unless it meets or exceeds standards set forth by EMNRD. Starting in January 2028, no new covered products may be installed for compensation in New Mexico unless it meets or exceeds standards set forth by EMNRD.

HB409 includes an enforcement provision which caps civil penalties at \$250 per day per product.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

HB409 would lead New Mexico to join at least nine other states, including Vermont, California, Colorado, and Washington in enacting state regulations or bans of fluorescent and mercury vapor lamps, as well as regulate the selling of other fixtures and products that are energy inefficient:

- Colorado: requires appliances to meet or exceed a set of efficiency standards; establishes the phase-out of the sale of fluorescent light bulbs that contain mercury ([2023a_1161_signed.pdf](#)).
- Vermont: prohibits sale of mercury-containing fluorescent lightbulbs (<https://dec.vermont.gov/news/new-vermont-fluorescent-lightbulb-restrictions-begin-2024>)
- Washington State: phases-out sale of mercury-containing lighting products ([1185-S2.PL.pdf](#)) and House Bill 1619 updated existing appliance standards. This is estimated to save consumers and businesses \$2 billion in energy and water costs ([Appliance Standards – Washington State Department of Commerce](#)).
- Hawaii: phases-out of fluorescent light bulb sales; and creation of efficiency standards for energy and water efficiency for a set of appliances sold in the state ([Bill Text: HI HB192 | 2023 | Regular Session | Amended | LegiScan](#) and [Hawaii-2023-SB691-Amended](#))

LED bulbs are mercury-free and have a longer lifespan than fluorescent lights ([Conservation Practice Standard Energy Efficient Lighting System \(Code 670\).](#)). Transitioning to LED lights would bring residents and businesses significant savings in their utility bills and reduce energy consumption.

Regulating the sale of light fixtures and other products containing mercury will reduce the amount of improperly disposed-of mercury that can lead to environmental contamination, which can negatively impact human health if a person is exposed to mercury through water, soil, or air.

This bill has not been previously introduced. This bill would affect the Energy, Minerals and Natural Resources Department, who will be responsible for adopting rules and efficiency standards.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
- Is this proposal related to the NMDOH Strategic Plan? Yes No
 - Goal 1:** We expand equitable access to services for all New Mexicans
 - Goal 2:** We ensure safety in New Mexico healthcare environments
 - Goal 3:** We improve health status for all New Mexicans
 - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None.

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

Section 9 does not clarify to which fund(s) penalty fines will be allocated.

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

All residents of New Mexico would be served by this bill. However, very young children and fetuses are at greater risk of negative health outcomes due to exposure to mercury according to the World Health Organization. This is due to the early stage of development of the central nervous system in children, and their smaller body size being disproportionately affected by any dose of exposure. Even small amounts of mercury exposure can lead to nervous, digestive, and immune system damage ([Mercury](#)). This bill would decrease the risk of exposure to mercury for all New Mexicans, which would positively benefit those at greater risk of organ development damage from mercury exposure.

9. HEALTH IMPACT(S)

This bill would impact all New Mexico residents. In the United States, recycling rates of fluorescent lamps are reported as 23% (2022: [Fluorescent lamps: A review on environmental concerns and current recycling perspectives highlighting Hg and rare earth elements - ScienceDirect](#)). While these products often contain small amounts of mercury, exposure can occur if the product is accidentally broken during installation, use, transportation, storage, recycling, or disposal, which can easily occur. Removal of mercury from products removes the risk of exposure to this heavy metal. Improper disposal of these products can lead to mercury contamination of water, soil, and the air, threatening human health. This bill would lead to a decrease in risk of mercury exposure to New Mexico residents.

10. ALTERNATIVES

None.

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If HB409 is not enacted, then non-energy- and water-efficient appliances will continue to be sold and used in New Mexico along with general-purpose compact fluorescent lamps and general-purpose linear fluorescent lamps.

12. AMENDMENTS

None.