

1 HOUSE BILL 409

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Kristina Ortez

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10 AN ACT

11 RELATING TO ENERGY; ENACTING THE EFFICIENCY AND MERCURY
12 STANDARDS FOR PRODUCTS AND LIGHTING FIXTURES ACT; PROVIDING
13 PENALTIES.

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

16 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
17 cited as the "Efficiency and Mercury Standards for Products and
18 Lighting Fixtures Act".

19 SECTION 2. [NEW MATERIAL] EFFICIENCY STANDARDS FOR
20 PRODUCTS.--By July 1, 2026, the energy, minerals and natural
21 resources department shall adopt rules to prohibit in New
22 Mexico the sale, offering for sale, lease or rent of products
23 listed in Subsection A of Section 3 of the Efficiency and
24 Mercury Standards for Products and Lighting Fixtures Act unless
25 the products meet energy or water efficiency standards as

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1 adopted by the department. Such standards shall be adopted
2 with an effort to be in alignment with similar standards
3 adopted in other states. Any rulemaking pursuant to this
4 section shall be conducted in accordance with the State Rules
5 Act.

6 SECTION 3. [NEW MATERIAL] SCOPE.--

7 A. The provisions of the Efficiency and Mercury
8 Standards for Products and Lighting Fixtures Act apply to the
9 following covered products:

- 10 (1) commercial dishwashers;
- 11 (2) commercial fryers;
- 12 (3) commercial hot-food holding cabinets;
- 13 (4) commercial ovens;
- 14 (5) commercial steam cookers;
- 15 (6) computers and computer monitors;
- 16 (7) computer server power supply units;
- 17 (8) faucets;
- 18 (9) gas fireplaces;
- 19 (10) portable electric spas;
- 20 (11) residential ventilating fans;
- 21 (12) residential water softeners;
- 22 (13) showerheads;
- 23 (14) spray sprinkler bodies;
- 24 (15) state-regulated battery charger systems;
- 25 (16) urinals;

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1 (17) water closets; and

2 (18) water coolers.

3 B. The provisions of the Efficiency and Mercury
4 Standards for Products and Lighting Fixtures Act do not apply
5 to:

6 (1) new products manufactured in New Mexico
7 and sold outside New Mexico;

8 (2) new products manufactured outside New
9 Mexico and sold at wholesale inside New Mexico for final retail
10 sale and installation outside New Mexico;

11 (3) products installed in mobile manufactured
12 homes at the time of construction; and

13 (4) products designed expressly for
14 installation and use in recreational vehicles.

15 SECTION 4. [NEW MATERIAL] IMPLEMENTATION.--

16 A. On and after January 1, 2027, no new covered
17 product listed in Subsection A of Section 3 of the Efficiency
18 and Mercury Standards for Products and Lighting Fixtures Act
19 may be sold or offered for sale, lease or rent in New Mexico
20 unless the new covered product meets or exceeds the
21 requirements of the standards adopted pursuant to Section 2 of
22 that act.

23 B. On and after January 1, 2028, no new covered
24 product listed in Subsection A of Section 3 of the Efficiency
25 and Mercury Standards for Products and Lighting Fixtures Act

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1 may be installed for compensation in New Mexico unless the new
2 covered product meets or exceeds the requirements of the
3 standards adopted pursuant to Section 2 of that act.

4 SECTION 5. [NEW MATERIAL] NEW AND REVISED STANDARDS.--The
5 energy, minerals and natural resources department may adopt
6 rules in accordance with the State Rules Act to establish
7 increased efficiency standards or updated testing procedures
8 for the products listed in Subsection A of Section 3 of the
9 Efficiency and Mercury Standards for Products and Lighting
10 Fixtures Act. The department may also establish standards for
11 products not specifically listed in Subsection A of Section 3
12 of that act. In considering such new or amended standards, the
13 department shall set efficiency standards upon a determination
14 that increased efficiency standards would serve to promote
15 energy or water conservation in New Mexico and would be cost
16 effective for consumers who purchase and use such new products;
17 provided that no new or increased efficiency standards shall
18 become effective within one year following the adoption of any
19 amended rules establishing such increased efficiency standards.

20 SECTION 6. [NEW MATERIAL] TESTING, CERTIFICATION,
21 LABELING AND ENFORCEMENT.--As part of rules adopted pursuant to
22 Section 2 of the Efficiency and Mercury Standards for Products
23 and Lighting Fixtures Act, the energy, minerals and natural
24 resources department shall adopt provisions for the testing,
25 certification and labeling of products listed in Subsection A

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1 of Section 3 of that act. Such provisions shall endeavor to
2 align with similar requirements in other states.

3 SECTION 7. [NEW MATERIAL] POLLUTION STANDARDS--LIGHTING
4 FIXTURES.--

5 A. By July 1, 2026, the energy, minerals and
6 natural resources department shall adopt rules to prohibit the
7 sale or offering for sale in New Mexico of general-purpose
8 compact fluorescent lamps and general-purpose linear
9 fluorescent lamps. Such rules shall be adopted to be in
10 alignment with similar prohibitions adopted in other states.
11 Any rulemakings conducted pursuant to this section shall be
12 held in accordance with the State Rules Act.

13 B. On and after January 1, 2027, it shall be a
14 violation of the Efficiency and Mercury Standards for Products
15 and Lighting Fixtures Act to offer for final sale, sell at
16 final sale or distribute in New Mexico as a new manufactured
17 product a general-purpose compact fluorescent lamp or
18 general-purpose linear fluorescent lamp.

19 SECTION 8. [NEW MATERIAL] UTILITY-SPONSORED ENERGY
20 EFFICIENCY PROGRAMS.--For a period of up to one year after the
21 effective date of any applicable standard, utilities may
22 continue to offer rebates and incentives to accelerate a market
23 transition away from any covered products prohibited in the
24 Efficiency and Mercury Standards for Products and Lighting
25 Fixtures Act.

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1 SECTION 9. [NEW MATERIAL] ENFORCEMENT--PENALTIES.--If the
2 energy, minerals and natural resources department finds any
3 person has committed a violation of any provision of the
4 Efficiency and Mercury Standards for Products and Lighting
5 Fixtures Act, the department shall issue a warning to such
6 person. Any person who commits the same violation after the
7 issuance of such warning may be subject to a civil penalty,
8 issued by the department, of up to one hundred dollars (\$100)
9 for each offense. Any further violations committed by such
10 person after this second violation for the same offense may be
11 subject to a civil penalty of not more than two hundred fifty
12 dollars (\$250) for each additional violation. Each covered
13 product offered, sold or distributed in violation of the
14 Efficiency and Mercury Standards for Products and Lighting
15 Fixtures Act may constitute a separate violation, each
16 violation may constitute a separate offense and each day that
17 such violation occurs may constitute a separate offense.