

LFC Requestor: DAVIDSON, Austin

2025 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS

Section I: General

Chamber: House

Category: Bill

Number: 212

Type: Introduced

Date (of THIS analysis): 2/03/25

Sponsor(s): Joanne J. Ferrary, Debra Sarinana, Kathleen Cates

Short Title: Per- and Poly-Fluoroalkyl Substances Protection Act

Reviewing Agency: Agency 665 - Department of Health

Analysis Contact Person: Arya Lamb

Phone Number: 505-470-4141

e-Mail: [arya.lamb@doh.nm.gov](mailto:arya.lamb@doh.nm.gov)

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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	NA	NA

REVENUE (dollars in thousands)

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

Fines and penalties range from \$15,000 to \$25,000 per day of non-compliance.

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	\$	\$	\$	\$		

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**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**

Synopsis

House Bill 212 (“HB 212”) enacts the Per- and Polyfluoroalkyl Substances Protection Act (“PFAS Protection Act”) which requires manufacturers of certain consumer products to remove intentionally added PFAS from their products offered for sale in New Mexico or phase out the sale of certain consumer products. HB212 includes broad exceptions for all medical devices, all drugs that are regulated by the U.S. food and drug administration, all used products (secondhand products) offered for sale or resale, and all products for which federal law governs the presence of PFAS in the product that preempts state authority. Additional exceptions may be established by rule and explained below.

Starting in January 2027, the first phase out of consumer products with intentionally added PFAS applies to cookware, food packaging, dental floss, and juvenile products. Starting in January 2028, the second phase out of consumer products with intentionally added PFAS applies to carpets and rugs, cleaning supplies, fabric treatments, cosmetics, feminine hygiene products, textiles, upholstered furniture, and ski wax that contain intentionally added PFAS.

In addition to the categories identified in phase one and phase two, all products containing intentionally added PFAS will be prohibited from sale in January 2028 unless they meet an exception enumerated in the PFAS Protection Act or in a rule adopted by the Environmental Improvement Board (“EIB”) pursuant to the Act.

In addition to the enumerated exceptions, the bill enables the EIB to adopt rules to create, enforce, or terminate a per- and polyfluoroalkyl substance stewardship program (“PFAS Stewardship Program”). Essentially, a PFAS Stewardship Program is a state-wide program that manages discarded consumer products with intentionally added PFAS. A rule establishing a PFAS Stewardship Program would allow a manufacturer to sell consumer products containing intentionally added PFAS.

HB 212 also prohibits the State of New Mexico from procuring consumer products with intentionally added PFAS in January of 2027 unless the consumer product is exempt by law or rule.

HB 212 includes an enforcement provision which caps civil penalties at \$15,000 per day per violation. It also includes a private right of action which enables individuals to sue to enforce the PFAS Protection Act.

Is this an amendment or substitution?  Yes  No

Is there an emergency clause?  Yes  No

b) Significant Issues

PFAS are a group of manufactured chemicals that have been used in industry and consumer products since the 1940s due to their useful properties. There are thousands of different PFAS, some of which have been more widely used and studied than others. Perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) are two of the most widely used and studied chemicals in the PFAS group. PFOA and PFOS have been replaced in the United States with other PFAS in recent years. One common characteristic of concern is that PFAS break down very slowly and can build up in people, animals, and the environment over time (<https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas>).

PFAS can be found in our water, soil, air, and food as well as in materials found in our homes and workplaces, including:

- Drinking water (both public water systems and private wells)
- Soil and water at or near waste sites (e.g., landfills, disposal sites, and hazardous waste sites)
- Fire extinguishing foam (in aqueous film-forming foams (AFFF) used to extinguish flammable liquid-based fires)
- Manufacturing or chemical production facilities that produce or use PFAS (e.g., chrome plating, electronics, and certain textile and paper manufacturers)
- Food (e.g., fish caught from contaminated water, dairy products from livestock exposed to PFAS, etc.)
- Food packaging (e.g., grease-resistant paper, microwave popcorn bags, pizza boxes, etc.)
- Household products and dust (e.g., stain- and water-repellent used on carpets, upholstery, clothing, and other fabrics; cleaning products; non-stick cookware; paints, varnishes, and sealants)
- Personal care products (e.g., certain shampoo, dental floss, cosmetics, etc.)
- Biosolids (e.g., fertilizer from wastewater treatment plants that is used on agricultural lands can affect ground and surface water and animals that graze on the land)

Due to their widespread production and use, as well as their ability to move and persist in the environment, surveys conducted by CDC show that most people in the United States have been exposed to at least some PFAS. Most known exposures are relatively low, but some can be high, particularly when people are exposed to a concentrated source over long periods of time. Some PFAS chemicals can accumulate in the body over time.

PFAS have been detected throughout New Mexico in both urban and rural areas. A study conducted by the USGS found PFAS in all major rivers in the state, with concentrations increasing downstream ([Studies Reveal Presence and Distribution of PFAS in New Mexico's Water Resources | U.S. Geological Survey](#)). Areas of concern include regions surrounding Cannon Air Force Base, Kirtland Air Force Base, White Sands Missile Range, Fort Wingate, the Rio Grande River in the Albuquerque metro area, and the lower Santa Fe watershed.

Additionally, PFAS levels in wildlife near Holloman Lake are among the highest ever recorded globally([https://www.env.nm.gov/wp-content/uploads/2025/01/Holloman-Lake-PFAS-Ecology-Report\\_1-08-2025-1.pdf](https://www.env.nm.gov/wp-content/uploads/2025/01/Holloman-Lake-PFAS-Ecology-Report_1-08-2025-1.pdf)).

Current research has shown that people can be exposed to PFAS by:

- Working in occupations such as firefighting or chemicals manufacturing and processing
- Drinking water contaminated with PFAS
- Eating certain foods that may contain PFAS, including fish or game
- Swallowing contaminated soil or dust
- Breathing air containing PFAS
- Using products made with PFAS or that are packaged in materials containing PFAS

PFAS exposure has been linked to various health issues. Research is still ongoing to determine how different levels of exposure to different PFAS can lead to a variety of health effects. Research is underway to better understand the health effects associated with low levels of exposure to PFAS over long periods of time, especially in children. Current peer-reviewed scientific studies have shown that exposure to certain levels of PFAS may lead to: ([Our Current Understanding of the Human Health and Environmental Risks of PFAS | US EPA](#))

- Reproductive effects such as decreased fertility or increased high blood pressure in pregnant women
- Developmental effects or delays in children, including low birth weight, accelerated puberty, bone variations, or behavioral changes
- Increased risk of some cancers, including prostate, kidney, and testicular cancers
- Reduced ability of the body's immune system to fight infections, including reduced vaccine response
- Interference with the body's natural hormones
- Increased cholesterol levels and/or risk of obesity.

Scientists are continuing to conduct and review the growing body of research about PFAS. However, health effects associated with exposure to PFAS are difficult to specify for many reasons: there are thousands of PFAS with potentially varying effects and toxicity levels, yet most studies focus on a limited number of better known PFAS compounds. Also, people can be exposed to PFAS in different ways and at different stages of their life. Finally, the types and uses of PFAS change over time, which makes it challenging to track and assess how exposure to these chemicals occurs and how they will affect human health (<https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas>).

30 states have adopted policies regulating PFAS ([https://www.saferstates.org/bill-tracker/?toxic\\_chemicals=PFAS](https://www.saferstates.org/bill-tracker/?toxic_chemicals=PFAS)), including several that have enacted or are considering legislation to regulate or ban PFAS in consumer products. In 2021, Maine became the first state to pass legislation banning the sale of products containing intentionally added PFAS, except for unavoidable uses, effective 2030 ([rivernet.org](http://rivernet.org)). California and New York have both implemented bans on clothing containing PFAS starting January 1, 2025 ([wsj.com](http://wsj.com)).

Minnesota has enacted laws targeting PFAS in various products, including a bill requiring food manufacturers test for phthalates, a class of chemicals related to PFAS, and report findings to the Department of Agriculture.

The proposed legislation will be phased in over the period of two years by increasing the number of products regulated during 2027 and 2028.

## 2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

Yes  No

If yes, describe how.

- 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

While HB212 does not contain a direct appropriation, it could increase state revenues through civil penalties.

## 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

## 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

HB212 requires new regulations and may involve state agencies like New Mexico Environment Department (NMED) and the Department of Agriculture.

## 8. DISPARITIES ISSUES

HB212 will improve protections for the health of all New Mexicans by targeting consumer products containing intentionally added PFAS. These products represent a significant source of contamination (<https://www.epa.gov/pfas/key-epa-actions-address-pfas>; <https://www.env.nm.gov/pfas/>).

As children are still developing, they may be more sensitive to the harmful effects of chemicals such as PFAS (<https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas>). They can also be exposed more than adults because:

- Children drink more water, eat more food, and breathe more air per pound of body weight than adults, which can increase their exposure to PFAS.
- Young children crawl on floors and put things in their mouths which leads to a higher risk of exposure to PFAS in carpets, household dust, toys, and cleaning products.

This bill would address the second point of exposure among children: by limiting consumer products with PFAS, we will limit exposure to these products and thus reduce exposure to PFAS.

## 9. HEALTH IMPACT(S)

PFAS pose health risks to all New Mexicans. The recent detection in New Mexico at Holloman Lake of the highest levels of PFAS ever recorded in wildlife and plants bring to light the importance of measures to protect the public from these harmful substances (<https://www.nmhealth.org/news/alert/2025/1/?view=2173>; <https://www.env.nm.gov/hazardous-waste/hafb/> and [NM-Tracking - PFAS](#).) The levels of PFAS contamination recorded at Holloman Lake are deeply concerning, especially for hunters who may have consumed waterfowl from the area over the past decade. The report highlights the need for additional testing of waterfowl and oryx samples to better characterize the risk to hunters outside the immediate footprint of contamination at Holloman Lake.

The New Mexico PFAS Blood Testing Project is an inter-agency public health project between NMDOH, New Mexico Environment Department (NMED), and the New Mexico Department of Veteran Services (NMDVS) (<https://www.env.nm.gov/pfas/blood-testing/>). This project will provide insights on PFAS levels in the blood of selected New Mexico residents in an area of known PFAS groundwater contamination (around Cannon Air Force Base just outside of Clovis). The results from this project will allow NMDOH to identify potential interventions to reduce PFAS exposure and therefore improve public health, while also providing an important public health service to the community. The project will allow NMED to evaluate exposure pathways and implement effective remedial efforts to eliminate future exposure risks. There were three blood testing events held in September, October, and November 2024. Participants from September and October will receive their blood test results in mid-February 2025, and NMED and NMDOH are holding “open availability sessions” in late February for participants to ask questions, discuss any concerns, etc.

Additionally, the Environmental Health Epidemiology Bureau (EHEB) at NMDOH is part of the Four Corners States Biomonitoring Consortium which aims to characterize exposure to

PFAS in high exposure occupations such as firefighting, filling a critical gap in a state known to have elevated exposure to PFAS.

Unlike public water systems which are regulated by the NMED Drinking Water Bureau, the water quality of private wells is not regulated under the Safe Drinking Water Act. Therefore, private well owners are responsible for testing the quality of their drinking water and maintaining their wells (<https://www.env.nm.gov/pfas/>). PFAS have been found in private wells, notably in the La Cieneguilla area southwest of Santa Fe. We are investigating for PFAS sources that may be coming from the Regional (not county) Airport and/or the WWTP, but a responsible party has not been confirmed at this time.

HB212 is intended to provide protections from these substances as well as regulatory authority to enforce compliance. Given that there is no approved treatment for individuals found to have high blood levels of PFAS, the only alternative is to reduce exposures as much as possible.

## **10. ALTERNATIVES**

There are currently no other mechanisms to accomplish what the bill proposes.

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

If HB212 is not enacted, PFAS will continue to be produced, distributed and sold in consumer products in New Mexico.

## **12. AMENDMENTS**

None.