

HOUSE ENERGY, ENVIRONMENT AND NATURAL RESOURCES  
COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 222

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

AN ACT

RELATING TO THE ENVIRONMENT; REQUIRING DISCLOSURES OF CHEMICALS  
USED IN HYDRAULIC FRACTURING OPERATIONS AND DOWNHOLE  
OPERATIONS; PROHIBITING THE USE OF HYDRAULIC FRACTURING FLUIDS,  
DRILLING FLUIDS AND PROPPANTS THAT CONTAIN PER- OR  
POLYFLUOROALKYL SUBSTANCES; PROHIBITING THE USE OF CHEMICALS IN  
DOWNHOLE OPERATIONS THAT HAVE NOT BEEN DISCLOSED.

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

**SECTION 1.** Section 70-2-33 NMSA 1978 (being Laws 1935,  
Chapter 72, Section 24, as amended) is amended to read:

"70-2-33. DEFINITIONS.--As used in the Oil and Gas Act:

A. "person" means:

(1) any individual, estate, trust, receiver,  
cooperative association, club, corporation, company, firm,  
partnership, joint venture, syndicate or other entity; or

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1 (2) the United States or any agency or  
2 instrumentality thereof or the state or any political  
3 subdivision thereof;

4 B. "pool" means an underground reservoir containing  
5 a common accumulation of crude petroleum oil or natural gas or  
6 both. Each zone of a general structure, which zone is  
7 completely separate from any other zone in the structure, is  
8 covered by the word "pool" as used in the Oil and Gas Act.  
9 "Pool" is synonymous with "common source of supply" and with  
10 "common reservoir";

11 C. "field" means the general area that is underlaid  
12 or appears to be underlaid by at least one pool and also  
13 includes the underground reservoir or reservoirs containing the  
14 crude petroleum oil or natural gas or both. The words "field"  
15 and "pool" mean the same thing when only one underground  
16 reservoir is involved; however, "field", unlike "pool", may  
17 relate to two or more pools;

18 D. "product" means any commodity or thing made or  
19 manufactured from crude petroleum oil or natural gas and all  
20 derivatives of crude petroleum oil or natural gas, including  
21 refined crude oil, crude tops, topped crude, processed crude  
22 petroleum, residue from crude petroleum, cracking stock,  
23 uncracked fuel oil, treated crude oil, fuel oil, residuum, gas  
24 oil, naphtha, distillate, gasoline, kerosene, benzine, wash  
25 oil, waste oil, lubricating oil and blends or mixtures of crude

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1 petroleum oil or natural gas or any derivative thereof;

2 E. "owner" means the person who has the right to  
3 drill into and to produce from any pool and to appropriate the  
4 production either for the person or for the person and another;

5 F. "producer" means the owner of a well capable of  
6 producing oil or natural gas or both in paying quantities;

7 G. "gas transportation facility" means a pipeline  
8 in operation serving gas wells for the transportation of  
9 natural gas or some other device or equipment in like operation  
10 whereby natural gas produced from gas wells connected therewith  
11 can be transported or used for consumption;

12 H. "correlative rights" means the opportunity  
13 afforded, so far as it is practicable to do so, to the owner of  
14 each property in a pool to produce without waste the owner's  
15 just and equitable share of the oil or gas or both in the pool,  
16 being an amount, so far as can be practicably determined and so  
17 far as can be practicably obtained without waste, substantially  
18 in the proportion that the quantity of recoverable oil or gas  
19 or both under the property bears to the total recoverable oil  
20 or gas or both in the pool and, for such purpose, to use the  
21 owner's just and equitable share of the reservoir energy;

22 I. "potash" means the naturally occurring bedded  
23 deposits of the salts of the element potassium;

24 J. "casinghead gas" means any gas or vapor or both  
25 indigenous to an oil stratum and produced from such stratum

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1 with oil, including any residue gas remaining after the  
2 processing of casinghead gas to remove its liquid components;

3 K. "produced water" means a fluid that is an  
4 incidental byproduct from drilling for or the production of oil  
5 and gas;

6 L. "commission" means the oil conservation  
7 commission; [~~and~~]

8 M. "division" means the oil conservation division  
9 of the energy, minerals and natural resources department;

10 N. "base fluid" means the continuous phase fluid  
11 type, such as water, used in a hydraulic fracturing treatment;

12 O. "direct vendor" means a distributor, supplier or  
13 other entity that sells or supplies a chemical product directly  
14 to an operator;

15 P. "hydraulic fracturing fluid" means the fluid,  
16 including any base fluid and additives, used to perform a  
17 hydraulic fracturing treatment;

18 Q. "operator" means a person who, duly authorized,  
19 manages a lease's development or a producing property's  
20 operation or who manages a facility's operation;

21 R. "per- or polyfluoroalkyl substance" means a  
22 substance in a class of fluorinated organic chemicals  
23 containing at least one fully fluorinated carbon atom;

24 S. "proppant" means a material added to a hydraulic  
25 fracturing treatment to prevent the fractures created by the

1 treatment from closing; and

2 T. "service company" means an entity that provides  
3 products or services to an operator."

4 SECTION 2. A new section of the Oil and Gas Act is  
5 enacted to read:

6 "[NEW MATERIAL] PROHIBITION ON THE USE OF PER- AND  
7 POLYFLUOROALKYL SUBSTANCES IN DOWNHOLE OIL AND GAS OPERATIONS--  
8 RULES.--

9 A. An operator shall not use a hydraulic fracturing  
10 fluid, drilling fluid, proppant or other additive that contains  
11 an intentionally added per- or polyfluoroalkyl substance in  
12 downhole operations.

13 B. The commission may adopt rules to carry out the  
14 provisions of this section.

15 C. The provisions of this section do not apply to a  
16 product for which federal law governs the presence of a per- or  
17 polyfluoroalkyl substance in the product in a manner that  
18 preempts state authority."

19 SECTION 3. A new section of the Oil and Gas Act is  
20 enacted to read:

21 "[NEW MATERIAL] HYDRAULIC FRACTURING DISCLOSURES--NON-  
22 HYDRAULIC FRACTURING DISCLOSURES--PROHIBITION ON THE USE OF  
23 UNDISCLOSED CHEMICALS IN DOWNHOLE OPERATIONS--RULES.--

24 A. An operator shall not commence any downhole  
25 operations until the operator has completed and filed a

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1 downhole chemical disclosure.

2 B. An operator that has been issued a permit to  
3 drill by the division as of July 1, 2025 shall make the  
4 disclosures required by this section in a form or manner  
5 prescribed by the division.

6 C. The downhole chemical disclosure required by  
7 this section shall only include individual chemical  
8 constituents and shall not require product, brand or trade  
9 names.

10 D. The downhole chemical disclosure required by  
11 this section shall include:

12 (1) a description of the well and its  
13 location;

14 (2) the total volume of water used or expected  
15 to be used in the operator's hydraulic fracturing treatment of  
16 the well or the type and total volume of base fluids expected  
17 to be used in the treatment, if something other than water;

18 (3) each additive used or expected to be used  
19 in the operator's drilling, hydraulic fracturing or other  
20 downhole operation of the well, the supplier and a brief  
21 description of the intended use of function of each additive;

22 (4) each chemical ingredient used or expected  
23 to be used in the operator's hydraulic fracturing, drilling or  
24 other downhole treatment of the well;

25 (5) the actual or maximum concentration of

1 each chemical listed in Paragraph (4) of this subsection in  
2 percent by mass;

3 (6) the chemical abstracts service number of  
4 each chemical listed in Paragraph (4) of this subsection, if  
5 applicable; and

6 (7) a certification filed with the division  
7 that the operator has not used chemicals in downhole operations  
8 that have not been disclosed pursuant to this section or rules  
9 adopted pursuant to this section within forty-five days after  
10 completion of the downhole operation.

11 E. A manufacturer, direct vendor or service company  
12 shall share information with the operator necessary to comply  
13 with this section at the request of the operator.

14 F. If there is a change to the information in the  
15 downhole chemical disclosure required by this section, an  
16 operator shall submit any changes to the information to the  
17 division within thirty days of knowledge of a change.

18 G. If the national hydraulic fracturing chemical  
19 registry website developed by the ground water protection  
20 council and the interstate oil and gas compact commission is  
21 inoperable or does not exist, an operator may comply with the  
22 provisions of this section by submitting the disclosures  
23 required by this section to a publicly accessible website or to  
24 the division, as specified by the division.

25 H. The division shall adopt rules to require

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1 operators to make chemical disclosures for non-hydraulic  
2 fracturing downhole operations to the division. The non-  
3 hydraulic fracturing disclosures shall be made accessible to  
4 the public.

5 I. The division may make rules necessary to carry  
6 out the provisions of this section."

7 SECTION 4. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is July 1, 2025.

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