

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 243

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

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

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 or recycled-content polyethylene terephthalate
21 bag that has stitched handles; and

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

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1 manufactured for multiple reuse.

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

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

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

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

15 (2) bags provided to customers for:

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

19 (b) uncooked meat, poultry or seafood;
20 or

21 (c) prepared takeout food with a high
22 liquid content that is intended for consumption away from a
23 restaurant's or food provider's premises;

24 (3) laundry, dry cleaning or garment bags,
25 including bags provided by hotels to guests to contain wet or

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underscoring material = new
~~[bracketed material]~~ = delete

1 dirty clothing;

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

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

6 (6) bags used to transport chemical
7 pesticides, drain-cleaning chemicals or other caustic chemicals
8 sold at the retail level;

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

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

13 C. Restaurants shall not be required to accept a
14 reusable carryout bag, recycled content paper bag or recyclable
15 cardboard box brought in from a customer for the transport of
16 food for consumption away from the food provider's premises.

17 D. A county or municipality may by ordinance
18 prescribe a penalty for a violation of the provisions of this
19 section; provided that if a county or municipality does not
20 prescribe a penalty, the department of environment may assess a
21 penalty in an amount not to exceed twenty-five dollars (\$25.00)
22 per day of violation.

23 E. The department of environment shall promulgate
24 rules for the implementation of the provisions of the Plastic
25 Waste Reduction Act.

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