

ENVIRONMENTAL SUSTAINABILITY BOARD

Proposed Single-Use Plastic Bag Ordinance

Brief Overview

July 16, 2026

Timeline: How We Got Here

2025

January 2025

Council directs ESB to *“Evaluate single use plastic bags to include factors such as ability to recycle and other alternatives and cost to County to recycle and engagement to include local businesses and other interested parties.”*

January – October 2025

- ESB Plastic Bag Working Group researches plastic bag ordinances across the state and speaks to City of Las Cruces, Santa Fe County, and City of Santa Fe
- ESB Plastic Bag Working Group presents findings to County Council in October 2025 and asks for clearer guidance on expectations on next steps

Timeline: Drafting the Proposed Ordinance

2026

April 2026

Council directs ESB to *“propose a plastic bag ban for Los Alamos based on other communities in New Mexico and return to council with-in 90 days with a proposal, with a preference for no mandatory fee.”*

April – July 2026

- Plastic Bag Working Group researches other plastic bag ordinances in New Mexico and across the country (California, Washington, Colorado)
- Plastic Bag Working Group drafts ordinance and sends to LAC Legal for review and updates to language
- Ordinance is presented to ESB June 2026, where a motion is presented to move towards public comment



Policy

Section 4. Policy — (a)

Retail Establishments shall not provide or sell to a customer a Single-use Plastic Carryout Bag or any other bag or box that is not a Reusable Carryout Bag, Recycled Content Carryout Paper Bag, or Recyclable Cardboard Box for the purpose of carrying groceries, food, or other goods.

Section 4. Policy — (b)

This Section shall not apply to bags meeting any of the nine exemptions on the following pages.

Section 4 — Exemptions

Exemptions 1–5 of 9

1

Provided to customers for use with loose or bulk products, produce, meat or fish or when provided for separating items to avoid contamination or prevent damage from moisture or for sanitary, public health or environmental protection purposes

2

Provided for prepared takeout food with a potential for leakage, as determined by the Retail Establishment, that is not intended for consumption on the Retail Establishment's premises

3

Provided by healthcare providers or veterinarians to contain prescription drugs or medical necessities

4

Provided by laundry or dry-cleaning establishments

5

Used to transport or contain live animals

Section 4 — Exemptions

Exemptions 6–9 of 9

6

Used to transport chemical pesticides or drain-cleaning or other toxic chemicals sold at Retail Establishments

7

Used to protect newspapers from inclement weather

8

Distributed by manufacturers for packaging or preparing goods for display prior to sale

9

Provided by food banks



ORDINANCE — SECTION 5

Fee for Recycled Content Carryout Paper Bag

Section 5. Fee for Recycled Content Carryout Paper Bag.

Retail Establishments are encouraged to impose a fee for each Recycled Content Carryout Paper Bag provided to customers in order to offset the Retail Establishment's costs of complying with this Article and to encourage the use of Reusable Carryout Bags.



Thank You



Plastic Bag Ordinances Across the State

Jurisdiction	Date	Mandatory Bag Fee	Exemptions (Bag Type)	Exemptions (Bag Fee)
Las Cruces	8/16/2021	\$0.10 Environmental Services Fee	(e) The following bags are excluded from this ordinance: 1. Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste; 2. Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities; 3. Bags used by restaurants to take away prepared food; and 4. Bags used by a consumer inside a retail establishment to: a. Contain bulk items, such as produce, nuts, grains, candy, or small hardware b. Contain or wrap frozen foods, meat, or fish c. Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases, or d. Contain unwrapped prepared foods or bakery goods; and 5. Bags used by a non-profit corporation or other hunger relief charity to distribute food, grocery products, clothing, or other household items. ("Common Exemptions")	Retail establishments shall not collect the environmental service fee from any person with a voucher or electronic benefits card issued under Women, Infants and Children Program (WIC), the Emergency Food Assistance Program (TEFAP), Temporary Assistance to Needy Families Program (TANF), or the federal Supplemental Nutrition Assistance Program (SNAP), also known as Basic Food Stamps) ("Voucher and Electronic Benefits Exemptions")
Santa Fe City	4/29/2015	\$0.10 Environmental Service Fee. 10% of fee to be retained by the retail establishment for administrative costs.	The fee does not apply to: 1. Paper bags smaller than a manufacturer’s stated capacity of one-eighth barrel (882 cubic inches); 2. Common Exemptions	Voucher and Electronic Benefits Exemptions



Plastic Bag Ordinances Across the State

Jurisdiction	Date	Mandatory Bag Fee	Exemptions (Bag Type)	Exemptions (Bag Fee)
Bernalillo County	6/25/2019	Retail establishments may charge a fee of up to \$0.05 per approved bag or container issued to customers.	Single-use carryout bags do not include bags without handles provided to the customer: (1) To transport produce, bulk food, candy, or meat from a product, bulk food, or meat department within a store to the point of sale; (2) To hold prescription medication dispensed from a pharmacy; (3) To segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a bag; and (4) To transport clothing items from a dry cleaning establishment.	None
Taos	3/10/2020	\$0.10 Environmental Service Fee. 10% of fee to be retained by the retail establishment for administrative costs.	A. Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, yard waste, or home food storage; B. Bags used by a consumer inside a retail establishment to: 1. Contain bulk items, such as produce, nuts, grains, candy, items; 2. Required by health regulations to contain or wrap frozen foods, meat, or fish, whether or not prepackaged; 3. Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or 4. Contain unwrapped prepared foods	Voucher and Electronic Benefits Exemptions



Plastic Bag Ordinances Across the State

Jurisdiction	Date	Mandatory Bag Fee	Exemptions (Bag Type)	Exemptions (Bag Fee)
Silver City	7/8/2014	No fee	i. Paper bags provided by pharmacies for the purpose of containing medications or other prescriptions; ii. Paper bags provided for the containment of carryout beverages or liquor sales; iii. Garment or laundry bags from any material; iv. Plastic bags provided to effect convenience and food safety by preventing contamination from any bulk, cooked, chilled, frozen or raw food. v. Paper bags customarily provided by a retail establishment as its primary bag as of the effective date of this section.	None
Carlsbad	8/24/2024	Any fees imposed for alternatives to single-use plastic carryout bags may be set by the retail establishment, restaurant, or mobile food establishment; however, should a retail establishment, restaurant or mobile food establishment choose to implement a fee for recycled paper bag usage, that fee may not exceed ten (.10) cents each.	The term single-use plastic carryout bag does not include: (i) Produce bags or product bags; or (ii) Bags used exclusively to carry prescription drugs when dispensed from a pharmacy; or (iii) Bags used exclusively to hold cleaned laundry at a dry cleaning establishment or deliver a newspaper in bad weather; or (iv) Bags utilized at ice machines. Produce bag or Product bag means a bag without handles used exclusively to: (i) Carry produce, meat, or bulk food from the produce, meat, or bulk food department of a retail establishment to the point of sale; or (ii) Contain or wrap flowers or potted plants; or (iii) Segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a bag.	None