

HOUSE BILL 273

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC SAFETY; ENACTING THE WOMEN'S SAFETY AND PROTECTION ACT; PROVIDING DEFINITIONS; REQUIRING SINGLE-SEX SPACES IN DOMESTIC VIOLENCE SHELTERS, PUBLIC SCHOOLS AND JUVENILE DETENTION FACILITIES IN CERTAIN CIRCUMSTANCES.

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 "Women's Safety and Protection Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Women's Safety and Protection Act:

A. "domestic violence shelter" means a facility that provides shelter to victims of domestic violence, nonconsensual sexual conduct or stalking;

B. "juvenile detention facility" means a facility operated by the children, youth and families department for the

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1 secure detention and treatment of people younger than eighteen
2 years of age, including persons under the jurisdiction of the
3 children's court, who are serving a sentence pursuant to a
4 conviction in a state court or who are detained while awaiting
5 disposition of charges against them;

6 C. "multiple occupancy restroom or changing room"
7 means an area designed or designated to be used by more than
8 one person at the same time and in which one or more people may
9 be in various stages of undress in the presence of other
10 individuals and includes:

- 11 (1) restrooms;
- 12 (2) locker rooms; and
- 13 (3) shower rooms;

14 D. "public school" means that part of a school
15 district that is a single attendance center in which
16 instruction is offered by one or more teachers and is
17 discernible as a building or group of buildings generally
18 recognized as an elementary, middle, junior high or high school
19 or any combination of those and includes a charter school; and

20 E. "sleeping quarters" means a room with more than
21 one bed and in which more than one person is housed overnight.

22 SECTION 3. [NEW MATERIAL] SEX-BASED PROTECTIONS--
23 PERMITTED.--Notwithstanding any other provision of law to the
24 contrary, no state agency or other arm of the state shall
25 prohibit distinctions between the sexes with respect to

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1 athletics, correctional facilities, juvenile detention
2 facilities, domestic violence shelters or other accommodations
3 where biology, safety or privacy are implicated that result in
4 separate accommodations that are substantially related to the
5 important government interest of protecting the health, safety
6 and privacy of individuals in such circumstances.

7 **SECTION 4. [NEW MATERIAL] SAFETY AND PRIVACY--DOMESTIC**
8 **VIOLENCE SHELTERS.--**

9 A. To ensure the privacy and safety of women in
10 domestic violence shelters, each such domestic violence shelter
11 shall:

12 (1) designate sleeping quarters and multiple
13 occupancy restrooms or changing rooms for the exclusive use of:

14 (a) females; or
15 (b) males; and

16 (2) provide a reasonable accommodation to an
17 individual who is unwilling or unable to use sleeping quarters
18 or a multiple occupancy restroom or changing room designated
19 for such individual's sex; provided that a reasonable
20 accommodation pursuant to this paragraph:

21 (a) may include allowing such people to
22 access a single-occupancy sleeping area, restroom or changing
23 area; and

24 (b) shall not include allowing such
25 people to access a sleeping quarter, restroom or changing area

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1 that is designated for use by members of the opposite sex while
2 members of the opposite sex are present or may be present in
3 the sleeping quarter, restroom or changing area.

4 B. This section shall not be construed or applied
5 to prohibit a person from entering a multiple occupancy
6 restroom or changing room or sleeping quarters designated for
7 the opposite sex when that person enters such area for one of
8 the following reasons:

9 (1) for authorized custodial, maintenance or
10 inspection purposes;
11 (2) to render medical assistance;
12 (3) for law enforcement to render assistance;
13 (4) to provide services or render aid during a
14 natural disaster, a declared emergency or when necessary to
15 prevent a serious threat to order or safety; or
16 (5) for young children to accompany an adult
17 caretaker.

18 C. Nothing in this section shall be construed to
19 prohibit a domestic violence shelter from adopting policies
20 necessary to accommodate persons protected pursuant to the
21 federal Americans with Disabilities Act of 1990.

22 SECTION 5. [NEW MATERIAL] SAFETY AND PRIVACY--PUBLIC
23 SCHOOLS.--

24 A. To ensure the privacy and safety of students,
25 each public school shall:

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(1) designate multiple occupancy restrooms or changing rooms:

(a) for the exclusive use of females;

and

(b) for the exclusive use of males; and

(2) provide a reasonable accommodation to a person who is unwilling or unable to use a multiple occupancy restroom or changing area designated for that person's sex; provided that a reasonable accommodation pursuant to this paragraph:

(a) may include allowing that person to access a single-occupancy restroom or changing area; and

(b) shall not include allowing that

person to access a restroom or changing area that is designated for use by members of the opposite sex while members of the opposite sex are present or may be present in the restroom or changing area.

B. A public school that sponsors or supervises an overnight trip involving public school students shall ensure that a public school student attending the overnight trip either:

(1) shares sleeping quarters with a member or, if necessary, multiple members, of the same sex; or

(2) is provided single-occupancy sleeping quarters, except that a public school student attending an

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1 overnight trip may share sleeping quarters with a member of the
2 opposite sex if the member of the opposite sex is a member of
3 such student's immediate family.

4 C. This section shall not be construed or applied
5 to prohibit a person from entering a multiple occupancy
6 restroom or changing room designated for the opposite sex when
7 that person enters such area for one of the following reasons:

8 (1) for authorized custodial, maintenance, or
9 inspection purposes;

10 (2) to render medical assistance;

11 (3) to render assistance by law enforcement;

12 (4) to provide services or render aid during a
13 natural disaster, a declared emergency, or when necessary to
14 prevent a serious threat to order or safety; or

15 (5) for young children to accompany an adult
16 caretaker.

17 D. Nothing in this section shall be construed to
18 prohibit a public school from adopting policies necessary to
19 accommodate persons protected pursuant to the federal Americans
20 with Disabilities Act of 1990.

21 **SECTION 6. [NEW MATERIAL] SAFETY AND PRIVACY--**
22 **CORRECTIONAL FACILITIES--JUVENILE DETENTION FACILITIES.--**

23 A. To ensure the privacy and safety of incarcerated
24 women and girls, each correctional facility and juvenile
25 detention facility shall:

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(1) designate sleeping quarters and multiple occupancy restrooms or changing rooms:

(a) for the exclusive use of females;

and

(b) for the exclusive use of males; and

(2) provide a reasonable accommodation to a person who is unwilling or unable to use sleeping quarters or a multiple occupancy restroom or changing area designated for that person's sex; provided that a reasonable accommodation under this paragraph:

(a) may include allowing that person to access a single-occupancy sleeping area, restroom or changing area; and

(b) shall not include allowing that person to access a sleeping quarter, restroom or changing area that is designated for use by members of the opposite sex while members of the opposite sex are present or may be present in the sleeping quarter, restroom or changing area.

B. This section shall not be construed or applied to prohibit a person from entering a multiple occupancy restroom, changing room or sleeping quarter designated for the opposite sex when that person enters such area for the following reasons:

(1) for authorized custodial, maintenance or inspection purposes;

- (2) to render medical assistance;
- (3) to render assistance by law enforcement;
- (4) to provide services or render aid during a natural disaster, a declared emergency or when necessary to prevent a serious threat to order or safety; or
- (5) for young children to accompany an adult caretaker.

C. Nothing in this section shall be construed to prohibit a correctional facility or juvenile detention facility from adopting policies necessary to accommodate persons protected pursuant to the federal Americans with Disabilities Act of 1990.

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