

LFC Requester: \_\_\_\_\_

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**  
**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 1/21/26 *Check all that apply:*  
**Bill Number:** HB 26 Original  Correction   
 Amendment  Substitute

**Sponsor:** Cates/Sedillo Lopez **Agency Name and Code** Department of Cultural Affairs--505  
**Short Title:** Prohibiting Book Banning at Public Libraries **Number:** \_\_\_\_\_  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
0	0	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
0	0	0	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	0	0	0	0	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: This bill disqualifies state, county, or municipal libraries from receiving state funding if they remove or exclude materials based on partisan disapproval or the protected status of authors or audiences.

To maintain eligibility, libraries must establish formal procedures for the public to challenge materials they consider obscene, unlawful, or inconsistent with the library's mission.

Additionally, local governments cannot reduce funding or interfere with operations due to compliance, nor can they retaliate against staff members who refuse to restrict materials in a good-faith effort to follow this law.

The New Mexico Department of Cultural Affairs (NMDCA), via the New Mexico State Library Division (NMSL), is tasked with enforcement.

#### **FISCAL IMPLICATIONS**

None Identified.

#### **SIGNIFICANT ISSUES**

Failure to comply with these provisions renders a public library ineligible for all "state money." This broad terminology implies the loss of all state funding, including capital outlay, local government funds, and any other appropriations designated for state, county, or municipal libraries.

The bill tasks the NMSL and NMDCA with enforcement. Given the scope of potential state money, it will be difficult for NMSL/NMDCA to enforce as drafted

See "Amendments."

#### **PERFORMANCE IMPLICATIONS**

None Identified.

#### **ADMINISTRATIVE IMPLICATIONS**

If passed, the relevant New Mexico Administrative Code may need to be amended to reflect the requirement of written procedures for the public to challenge materials on the grounds of obscenity, unlawfulness, or incompatibility with the library's mission.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None Identified.

#### **TECHNICAL ISSUES**

None Identified.

## **OTHER SUBSTANTIVE ISSUES**

The bill lacks a definition of "partisan or doctrinal," exposing the bill to a constitutional challenge as vague. The bill prohibits public libraries from excluding or removing material based on partisan or doctrinal disapproval. As such, an individual librarian will have to justify (and be subject to challenge) whether they are removing a book or other media material based on partisan (strong support for a party, cause, or person) or doctrinal (concerned with doctrine or doctrines) disapproval, rather than religious or user-based reasons. Without a clear definition of the standard against which "partisan or doctrinal" will be judged, the enforcement of the bill will be open to first amendment and other constitutional challenges.

## **ALTERNATIVES**

None Identified.

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

State money will continue to be received by public libraries engaging in the practices identified in the bill.

## **AMENDMENTS**

If the bill's intent is to not make public libraries ineligible for all state money, then provision D, page 2 lines 22 to 25 should be amended to specify library funding through NMSL:

“D. A public library that prohibits, excludes or removes material from the library's collection in violation of Subsection A of this section shall not be eligible to receive state money through the library division of the cultural affairs department as provided in Section 18-2-4 (A)(2) NMSA 1978.”