

LFC Requester:	LFC
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**AGENCY BILL ANALYSIS
2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

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

Click all that apply:

Original ☒ Amendment ☐

Correction ☐ Substitute ☐

Date

Prepared: 2026-01-20

Bill No: HB26

Sponsor: Cates, Kathleen

Short Title: PROHIBITING BOOK
BANNING AT PUBLIC
LIBRARIES

Agency Name and Code NMHED

Number:

Person Writing: Weber, Jody
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

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

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue	Recurring	Fund Affected

FY26	FY27	FY28	or Nonrecurring	
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	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

House Bill 26 (HB26) prohibits book banning at public libraries operated or funded by the state, counties, or municipalities. It allows for procedures to challenge certain materials or resources, prohibits retaliation for compliance, and assigns enforcement duties to the Library Division of the Cultural Affairs Department.

The New Mexico Higher Education Department's (NMHED) analysis of this bill focuses on the higher education implications of the proposed legislation. Additional insight may be obtained from other agencies' analyses.

FISCAL IMPLICATIONS

There is no appropriation for this bill.

SIGNIFICANT ISSUES

Book challenges in the United States surged sixty five percent (65%) in 2023 compared to 2022 with a substantial increase at public libraries (American Library Association). HB26 would offer protection from banning books or other materials on the basis of partisan or doctrinal disapproval or the author's race, nationality, gender identity, sexual orientation, or political or religious views at all libraries in the state including those at public colleges and universities. HB26 includes potential withholding of state funds if libraries are not in compliance.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

HB26 assigns enforcement to the Library Division but does not specify what enforcement tools are available beyond the loss of eligibility for state funding. It is also unclear how violations of HB26 will be determined for funding purposes or whether any appeal or review process applies. There may be a slight administrative burden on libraries to revise current policies to comply with the law.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to 2025 HB27 and 2024 HB123

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB26 is not passed, libraries will not be required to adopt a policy against banning books or other materials or create a process for review of materials.

AMENDMENTS

N/A