

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: 2026-01-22
Bill No: SB45

Sponsor: Pope, Harold
ACADEMIC LIBRARY
Short Title: MANAGEMENT
POLICIES

Agency Name and Code NMHED
Number: _____
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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

Senate Bill 45 (SB45) requires public postsecondary institutions to protect library resources by prohibiting discrimination based on the author, content, or intended audience and by prohibiting harassment of authors or intended audiences. The bill establishes criteria governing the removal of library resources and prohibits retaliation against library staff for good-faith decisions, including refusing to remove or restrict materials before a final determination.

Library resources are broadly defined to include all media.

The New Mexico Higher Education Department's (NMHED) analysis of this bill focuses on the higher education implications of the proposed legislation.

FISCAL IMPLICATIONS

There is no appropriation within this bill.

The creation and administration of a “uniform process and standards” may impose a minor financial burden on institutions.

SIGNIFICANT ISSUES

The bill mandates a “uniform process and uniform standards” based on recommendations from library faculty and administrators, but does not define the specific content of those standards in statute. SB45 also does not identify an enforcement mechanism beyond the policy-adoption deadline of September 1, 2026, leaving unclear what remedies would apply if an institution fails to comply.

A “library resource” is defined as a printed, digital, or electronic book or other educational media and includes:

- A magazine, newspaper, pamphlet, or slide deck
- An online reference or periodical database, a streaming service, or computer software
- A microfiche or microfilm
- A film, a filmstrip, an audio tape, a video tape, a vinyl record, a compact disc, or a digital audio or video file
- A poster, display, or exhibit
- Other printed or unprinted materials and library programming

The Higher Learning Commission (HLC), the accreditation agency for all public higher education institutions, evaluates academic libraries as integral components of an institution’s educational quality, focusing on resources, staffing, and support for student learning. Libraries must demonstrate that their collections, services, and spaces align with the institutional mission and support both teaching and research. Academic libraries must adhere to the standards of the HLC and other professional standards for the acquisition and de-acquisition of library materials set forth by the American Library Association and the Association of College and Research Libraries.

PERFORMANCE IMPLICATIONS

The institution’s governing body must adopt a uniform process and standards, based on recommendations from library faculty and administrators, to govern requests involving library resources. Requests to remove, restrict, or discontinue a library resource may be made only by enrolled students, and a resource may not be considered for removal more than once within a two-year period. Challenged resources must be evaluated in their entirety, and a resource may not be removed until a final determination is made. Final determinations must be publicly available and include the standards used.

These requirements may increase institutional recordkeeping needs, particularly to track the two-year limitation on review. The requirement to evaluate challenged resources in their entirety may also increase workload for library staff and could require additional staffing.

The bill includes a list of how a library resource may be removed from the permanent collection of a library at a public post-secondary educational institution. This list includes that “a request to remove, restrict, or discontinue a library resource from an institution's library may be made only by a student matriculating at the institution.” This limitation could create unforeseen complications in the regular business of a library at a post-secondary education institution, as professional library staff, such as the Dean of Libraries and research librarians, are positioned to make decisions about deselection and deaccessioning in alignment with the institutional mission and professional standards.

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB45 is similar to HB26, which would apply to all New Mexico public colleges and universities. HB26 prohibits book banning at public libraries, establishes procedures for challenging library materials, prohibits retaliation related to compliance, and assigns enforcement responsibilities to the Library Division of the Cultural Affairs Department.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If SB45 is not enacted, libraries will not be required to adopt new policies related to discrimination or the removal of library resources.

AMENDMENTS

N/A