

LFC Requester:

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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: 1/23/2026

Check all that apply:

Bill Number: SB 65

Original Correction
Amendment Substitute

Sponsor: Sens. Antoinette Sedillo Lopez and Harold Pope, Rep. Kathleen Cates

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: Management of Public School Libraries

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

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

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: SB 65 would require public schools to create uniform policies and procedures for the removal of materials from their libraries, and would also require school districts to prohibit discrimination against and harassment of authors of library materials and users of school libraries based on criteria such as disability, race, and creed.

Section 1 creates a new section of the Public School Code titled “School Library Protection – Policies, Standards and Prohibitions.”

Subsection A defines the terms “library resource,” “library staff member,” “local school board,” and “school district.”

Subsection B requires that school districts prohibit discrimination against authors, content, and intended audiences and harassment of authors and intended audiences of library materials based on the authors’ or audiences’ disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, family composition, religion, age, national origin, Tribal affiliation, or ancestry.

Subsection C requires a school district to adopt a uniform process and standards for removal, restriction, or discontinuation of a library resource. This subsection also restricts the ability to request removal, restriction, or discontinuation of resources to students and parents of students at the school. Resources may only be considered for removal once in a two-year period. A resource must be reviewed and removed only in its entirety, and a final determination to remove a resource must be made available to the public in writing. No resource may be removed before a final determination is made.

Subsection D requires that local school boards submit written policies reflecting the provisions of this section to the public education department (“PED”) for review by September 1, 2026, and provides that the PED will only approve policies that satisfy the freedom of speech provisions of either the First Amendment to the U.S. Constitution or Article 2, Section 17 of the Constitution of New Mexico, whichever is more protective of speech.

Subsection E prohibits retaliation against a library staff member for refusing to remove,

restrict, or discontinue a library resource before a final decision is made under this section, or for good faith compliance with this section and school district policies.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

In Subsection B, it is not clear what is intended by the phrase "... a school district shall prohibit discrimination against the ... content ... of a library resource based on" one of the listed criteria. For example, the first listed criterion is "disability," and it is unclear how one would discriminate against content based on disability. Specifically, it is unclear if the bill intends to prohibit discrimination against an author based on the content of a published material, or against a published material based on an author's identification, or against a published material based on the content of the material.

The implementation of Subsection B may present some conflicts with the remaining subsections. Subsections A, C, D and E address policies for removal of library resources from public school libraries. The subject matter of Subsection B prohibits discrimination against and harassment of authors and users of library resources. Subsection B's prohibitions of removal based on content, may conflict with legitimate removal (such as for age appropriateness) under Subsection C. Consider including guidelines for removal to distinguish legitimate removal from discriminatory behavior.

Similarly, the bill requires "uniform standards" for "removal, restriction or discontinuation" of a library resource but does not define what those standards should be or whether those are intended to be included in the "policies for the acquisition, retention, display and use" of library resources discussed in Subsection (D) (as distinct from the maintenance and deaccession of a library collection, which is separately discussed in Subsections (C)(7) and (D)). This could result in inconsistent application across districts.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill is related to SB 45, Academic Library Management Policies, which would establish substantially the same policies and procedures for public post-secondary educational institutions in New Mexico. These two bills complement each other. They seek to establish the same policies for the two levels of educational institutions, K-12 and post-secondary.

SB 49 creates a new section of the Public School Code that would create a three-year school age-appropriate filtering and evaluation pilot project in the public education department. There could be potential conflict or duplication depending on whether/how either or both bills develop.

TECHNICAL ISSUES

The phrase “at minimum” in Paragraph 3 of Subsection C appears to be surplusage. It contradicts the intention of the rest of Paragraph 3 of Subsection C, which says that library resources may be reviewed for removal only one time within a two-year period.

In Subsection D, consider using the word “removal” instead of “deaccession” to make the scope of the written policies clearer to the reader. “Deaccession” has the connotation of selling library holdings for the purpose of raising funds. Here, library materials would be removed pursuant to approved policies.

OTHER SUBSTANTIVE ISSUES

Many school libraries take advantage of federal telecommunications discounts under the E-rate program. The E-rate program, established under the federal Children's Internet Protection Act (CIPA), 47 U.S.C.A. § 254, conditions receiving federal telecommunication funding on the installation of internet filtering software and the implementation of internet safety policies designed to protect children from material that is “obscene” or “harmful to minors.” Because Subsection A of SB 65 defines a “library resource” to include a “digital or electronic book,” “an online reference or periodical database, a streaming service or computer software,” “or a digital audio or video file,” the scope of SB 65 may overlap with the scope of CIPA. Special care will likely be required to harmonize the policies required under SB 65 with the internet safety polices required under CIPA to avoid risking access to the E-rate program funding.

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A