

<b>LFC Requester:</b>	<b>Carlie Malone</b>
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**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:** 1/23/26 *Check all that apply:*  
**Bill Number:** SB95 Original  Correction   
 Amendment  Substitute

**Sponsor:** Craig W. Brandt **Agency Name and Code:** Dept. of Workforce Solutions-631  
**Short Title:** Prohibit Antisemitic Discrimination **Number:** \_\_\_\_\_  
**Person Writing:** Sarita Nair  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		
0	0		

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY27	FY28	FY29		
0	0	0		

(Parenthesis ( ) indicate revenue decreases)

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

	FY27	FY28	FY29	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	0	0	0			

(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 (SB) 95 is a proposed addition to the Human Rights Acts to prohibit antisemitic discrimination through action or communication.

#### Synopsis:

SB 95 proposes a section in the Human Rights Act to include prohibitions on antisemitic discriminatory acts or communication. The entities prohibited from this behavior include individuals, employers, public officers, and public sector entities. Protection would be extended to (1) Jewish people, (2) those perceived to be Jewish, (3) their property, or (4) Jewish institutions and religious facilities. Individuals who claim to have received discriminatory action may file a claim for review in accordance with the Human Rights Act.

### **FISCAL IMPLICATIONS**

There are no fiscal implications with this legislation because this legislation merely duplicates existing prohibitions on discrimination.

### **SIGNIFICANT ISSUES**

The New Mexico Human Rights Act already prohibits discrimination based on race, religion, national origin, and ancestry—any or all of which may cover antisemitic discrimination. This bill does not create a new cause of action. Furthermore, by specifying the prohibition on discriminating against one specific religion/ethnicity, the bill may have the unintended consequence of excluding discrimination against other religions or ethnicities, under the statutory construction principle that the expression of one thing implies the exclusion of others (*expressio unius est exclusio alterius*), see e.g., Fernandez v. Espanola Public Schools, 2005-NMSC-026 P. 6.

We also note that Executive Order 2022-118 (<https://www.governor.state.nm.us/wp-content/uploads/2022/08/Executive-Order-2022-118.pdf>) includes a more sophisticated approach to defining anti-Semitism in the context of state agency actions, and it does not create potential conflicts with the Human Rights Act.

### **PERFORMANCE IMPLICATIONS**

None.

### **ADMINISTRATIVE IMPLICATIONS**

None.

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

The bill duplicates the protections of the New Mexico Human Rights Act.

### **TECHNICAL ISSUES**

None.

#### **OTHER SUBSTANTIVE ISSUES**

None.

#### **ALTERNATIVES**

A simpler approach might be to add the definition of “antisemitism” to NMSA 28-1-2 and then adding “antisemitism” to the lists of protected classes in 28-1-7(A) through (G)(2) and (M). This would make it clear that the bar on antisemitic discrimination does not limit the other prohibited forms of discrimination, and would eliminate ambiguity whether antisemitic discrimination encompasses all of the same discrimination scenarios set forth in the Human Rights Act.

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

All religions will clearly have equal footing under the New Mexico Human Rights Act.

#### **AMENDMENTS**

None.