HOUSE BILL 26

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

Kathleen Cates and Harold Pope and Antoinette Sedillo Lopez

and Patricia Roybal Caballero

AN ACT

RELATING TO CULTURAL AFFAIRS; PROHIBITING BOOK BANNING AT PUBLIC LIBRARIES; ALLOWING FOR PROCEDURES TO CHALLENGE CERTAIN MATERIALS OR RESOURCES; PROHIBITING RETALIATION FOR COMPLIANCE; ASSIGNING ENFORCEMENT DUTIES TO THE LIBRARY DIVISION OF THE CULTURAL AFFAIRS DEPARTMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] LIBRARIES--BOOK BANNING PROHIBITED.--

A. Book banning is contrary to the public policy of the state of New Mexico. A public library operated or funded by the state, a county or a municipality shall not prohibit, exclude or remove material from the library's collection or other library resources on the basis of:

(1) partisan or doctrinal disapproval of the

underscored material = new
[~~bracketed material~~] = delete

material's or resources' content; or

(2) the intended audience's or the author's or creator's race, nationality, religion, sex or gender, sexual orientation, political affiliation or characteristics otherwise protected from unlawful discriminatory practice in public accommodation as provided in Section 28-1-7 NMSA 1978.

B. A public library operated by the state, a county or a municipality shall establish a written procedure for persons to challenge the library's inclusion of materials or resources believed to be obscene, unlawful or incompatible with the library's purpose.

C. The state, a county or a municipality shall not:

(1) interfere with a library's operation or reduce a library's funding because of the library's compliance with the provisions of this section; or

(2) terminate, demote, discipline or retaliate against a public library staff member for refusing to remove, restrict or discontinue library materials or resources when the staff member's decision is made with a good-faith belief that the staff member is complying with the provisions of this section.

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.

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E. The library division of the cultural affairs department shall enforce the provisions of this section.

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2026.

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