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HOUSE BILL 26

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

INTRODUCED BY

Kathleen Gates

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

1 material's or resources' content; or

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

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

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

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

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

22 D. A public library that prohibits, excludes or
23 removes material from the library's collection in violation of
24 Subsection A of this section shall not be eligible to receive
25 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.