

SENATE BILL

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

INTRODUCED BY

Harold Pope

AN ACT

RELATING TO PUBLIC POST-SECONDARY EDUCATION; REQUIRING PUBLIC
POST-SECONDARY EDUCATIONAL INSTITUTIONS TO ESTABLISH POLICIES
REGARDING THE MANAGEMENT OF LIBRARIES AND THE ADMINISTRATION OF
LIBRARY PROGRAMS AND SERVICES; PROHIBITING RETALIATION.

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

SECTION 1. A new section of Chapter 21, Article 1 NMSA
1978 is enacted to read:

"NEW MATERIAL LIBRARY PROTECTION--POLICIES, STANDARDS
AND PROHIBITIONS.--

A. As used in this section:

(1) "library resource" means a printed,
digital or electronic book or other educational media and
includes:

(a) a magazine, newspaper, pamphlet or

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1 slide deck;

2 (b) an online reference or periodical
3 database, a streaming service or computer software;

4 (c) a microfiche or microfilm;

5 (d) a film, a filmstrip, an audio tape,
6 a video tape, a vinyl record, a compact disc or a digital audio
7 or video file;

8 (e) a poster, a display or an exhibit;

9 and

10 (f) other printed or unprinted materials
11 and library programming; and

12 (2) "library staff member" includes faculty
13 members, student employees, volunteers and other personnel
14 assigned to duties in a library of a public post-secondary
15 educational institution.

16 B. In the control and management of libraries and
17 the administration of library programs and services, the boards
18 of regents and governing boards of public post-secondary
19 educational institutions shall prohibit discrimination against
20 the author, content and intended audience of a library resource
21 based on disability, race, creed, color, sex, sexual
22 orientation, gender identity, gender expression, family
23 composition, religion, age, national origin, tribal affiliation
24 or ancestry and shall prohibit harassment of the author or
25 intended audience of a library resource.

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1 C. A library resource may be removed from the
2 permanent collection of a library at a public post-secondary
3 educational institution only in accordance with the following:

4 (1) the board of regents or governing board of
5 a public post-secondary educational institution shall adopt a
6 uniform process and uniform standards for the removal,
7 restriction or discontinuation of a library resource based on
8 recommendations from the institution's library faculty and
9 administrators;

10 (2) a request to remove, restrict or
11 discontinue a library resource from an institution's library
12 may be made only by a student matriculating at the institution;

13 (3) a library resource shall not be considered
14 for removal, restriction or discontinuation more than once in a
15 two-year period, at minimum;

16 (4) when a library resource is considered for
17 removal, the resource shall be reviewed as a whole and the
18 adopted standards shall be applied to the resource as a whole;

19 (5) a final determination of a request to
20 remove, restrict or discontinue a library resource shall be in
21 writing, available to the public and include the standards used
22 in making the determination and how those standards were
23 applied to the library resource at issue;

24 (6) a library resource subject to a request
25 for removal, restriction or discontinuation shall not be

1 removed, restricted or discontinued until a final determination
2 is made; and

3 (7) the provisions of this section shall not
4 apply to routine maintenance and deaccession of an
5 institution's library's collection.

6 D. No later than September 1, 2026, the boards of
7 regents and governing boards of public post-secondary
8 educational institutions shall adopt written policies that
9 reflect the provisions of this section, including written
10 policies for the acquisition, retention, display and use of
11 library resources and for the maintenance and deaccession of
12 the library collections of the institutions. The written
13 policies shall comply with the first amendment to the United
14 States constitution or Article 2, Section 17 of the
15 constitution of New Mexico concerning freedom of speech,
16 whichever is more protective of speech.

17 E. A library staff member shall not be subject to
18 termination, demotion, discipline or retaliation for refusing
19 to remove, restrict or discontinue a library resource before a
20 final determination to remove, restrict or discontinue that
21 library resource has been made in accordance with this section
22 or for making decisions that the library staff member believes,
23 in good faith, comply with this section and the respective
24 institution's policies."