

1 SENATE BILL 45

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Harold Pope and Antoinette Sedillo Lopez and Kathleen Cates

10 AN ACT

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

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

17 SECTION 1. A new section of Chapter 21, Article 1 NMSA  
18 1978 is enacted to read:

19 "[NEW MATERIAL] LIBRARY PROTECTION--POLICIES, STANDARDS  
20 AND PROHIBITIONS.--

21 A. As used in this section:

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

25 (a) a magazine, newspaper, pamphlet or

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underscored material = new  
[bracketed material] = delete

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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

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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."