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# FISCAL IMPACT REPORT

**BILL NUMBER:** House Bill 26

**SHORT TITLE:** Prohibiting Book Banning at Public Libraries

**SPONSOR:** Reps. Cates & Royball Caballero/Sens. Pope & Sedillo Lopez

**LAST ORIGINAL**  
**UPDATE:** \_\_\_\_\_ **DATE:** 02/10/2026 **ANALYST:** Rodriguez/Chilton

## ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\*

(dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Department of Cultural Affairs		Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

Parentheses ( ) indicate expenditure decreases.  
 \*Amounts reflect most recent analysis of this legislation.

Relates to Senate Bills 45 and 49

### Sources of Information

LFC Files

#### Agency or Agencies Providing Analysis

New Mexico Attorney General  
 Public Education Department  
 Higher Education Department  
 Cultural Affairs Department  
 Regional Education Cooperatives

## SUMMARY

### Synopsis of House Bill 26

House Bill 26 (HB26) prohibits public libraries from excluding or removing materials based on partisan or doctrinal considerations, or on the protected characteristics of the author or the intended audience, including race, gender, religion, sex, and political affiliation.

It requires public libraries (those operated by the state and those operated by a county or municipality) to establish a formal written process for individuals to challenge the inclusion of materials believed to be obscene, unlawful, or incompatible with the library’s purpose. Libraries that violate the Act are ineligible for state funding.

The bill further prohibits the state, counties, or municipalities from interfering with or retaliating against libraries or staff for complying with the provisions of this bill. Enforcement authority is

assigned to the Library Division of the Cultural Affairs Department (DCA).

The effective date of this bill is July 1, 2026.

## FISCAL IMPLICATIONS

HB 26’s fiscal impact is difficult to determine but appears to be minimal. However, the Department of Cultural Affairs (DCA) states that “The bill tasks the [New Mexico State Library] NMSL and NMDCA with enforcement. Given the scope of potential state money, it will be difficult for NMSL/NMDCA to enforce as drafted.”

## SIGNIFICANT ISSUES

**State Funding for Public Libraries.** The New Mexico State Library administers four funding programs to public and tribal libraries: state grants-in-aid (SGIA), tribal library program grants, rural library endowment fund, and general obligation (GO) bonds. Most, if not all, public libraries in the state receive funds from one or more of these programs.

**Censorship Attempts.** The American Library Association, a nonprofit that promotes libraries and library education, tracks attempts to censor books and materials in public, school, or academic libraries. Across the United States, the association tracked 1,247 attempts to censor 4,240 unique book titles in school and libraries in 2023 and 821 in 2024. Data from 2025 is not yet available. In New Mexico, and in that same time frame, the association tracked two attempts to restrict access to books and seven unique titles challenged during those attempts. According to the Public Education Department (PED), of book challenges initiated in 2024, 44 percent took place in public libraries, 38 percent took place in school libraries, with the remaining seven percent being in parts of schools other than libraries and in higher education libraries.

**Similar Legislation.** Illinois was the first state to outlaw book bans. Legislation enacted in Illinois tasks their state librarian with adopting the American Library Association's Library Bill of Rights statewide and requiring libraries to adopt the bill of rights to be eligible for state-funded grants.

**Possible First Amendment Issues.** The New Mexico Attorney General (NMAG) noted that as prohibiting book censorship relates to speech, it may receive first amendment challenges. However, the agency states that “. . . it is noteworthy that the Act is likely consistent with Supreme Court case *Board of Education, Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853 (1982), wherein the Supreme Court’s plurality opinion suggests that school boards may not remove books from libraries simply due to disapproval with ideas within them.”

This case is relevant to HB 26 as it parallels the Pico case’s emphasis on protecting access to a diversity of ideas and intellectual freedom.

For previous, similar bills, NMAG also noted that the language “partisan or doctrinal approval” may face challenges due to varied interpretation and application.

## CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to Senate Bill 45, which has similar provisions referring to academic libraries and Senate Bill 49, which sets up a committee within PED to review the acceptability of selected library materials.

Similar to 2024 House Bill 123, “Prohibit Library Book Banning; related to 2025 House Bill 27, “Librarian Protection Act,” 2024 House Bill 296, “Parental Bill of Rights Act,” and 2025 “No Sexually Explicit Material in Schools.”

## **TECHNICAL ISSUES**

NMAG points out that “it may be worth considering defining the following terms used in HB 26: ‘ban,’ ‘challenge,’ ‘public library,’ and ‘partisan or doctrinal disapproval’. Defining ‘partisan or doctrinal disapproval’ may make it easier to distinguish between challenges to books for the unlawful reasons specified in Section 1(A), and challenges to books for lawful reasons. This may clarify the line between the type of unlawful challenge contemplated in Section 1(A), and the type of lawful challenge recognized in Section 1(B).” In addition, the phrase “incompatible with the library’s purpose” needs definition.

DCA suggests that “failure to comply with these provisions renders a public library ineligible for all "state money." This broad terminology implies the loss of all state funding, including capital outlay, local government funds, and any other appropriations designated for state, county, or municipal libraries.”

HED points out that “HB26 assigns enforcement to the Library Division but does not specify what enforcement tools are available beyond the loss of eligibility for state funding. It is also unclear how violations of HB26 will be determined for funding purposes or whether any appeal or review process applies.”

JR/LAC/dw/ct