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HOUSE BILL 123

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Kathleen Cates and Harold Pope

AN ACT

RELATING TO LIBRARIES; PROSCRIBING THE BANNING OF LIBRARY MATERIALS.

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

SECTION 1. [NEW MATERIAL] PUBLIC LIBRARIES--PROHIBITING BOOK BANNING.--

A. A public library shall not be eligible to receive state funds unless the library:

- (1) adopts and complies with the American library association's library bill of rights, including the requirement that library materials not be proscribed or removed because of partisan or doctrinal disapproval or the author's race, nationality, gender identity, sexual orientation or political or religious views; or

- (2) adopts a written policy prohibiting the

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

1 practice of banning books or other library materials within the
2 library or library system on the basis of partisan or doctrinal
3 disapproval or the author's race, nationality, gender identity,
4 sexual orientation or political or religious views pursuant to
5 rules promulgated by the state librarian.

6 B. A political subdivision of the state shall not
7 reduce funding for a public library due to the library's
8 compliance with the provisions of Subsection A of this section.

9 C. The provisions of Subsection A of this section
10 are not intended to curtail the right of individuals to
11 challenge library materials as part of an approved library
12 collection development policy following established library
13 materials challenge procedures.

14 D. As used in this section:

15 (1) "ban" means the act of removing or
16 prohibiting the addition of materials from a public library;

17 (2) "challenge" means an attempt to remove or
18 restrict materials in a public library; and

19 (3) "public library" means a library that
20 completes and submits to the state librarian an annual New
21 Mexico public library survey.

22 SECTION 2. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2024.

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