

LFC Requester: Sanchez



PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 02/13 /25
Bill No: HB380

Agency Name and Code: PED - 924

Sponsor: Montoya, Jones, Reeb, Vincent

PED Lead Analyst: Evan Chavez

Phone: (505) 538-0536 **Email:** evan.chavez@ped.nm.gov

Short Title: WOMEN'S SAFETY & PROTECTION ACT

PED Policy Director: Denise Terrazas

Phone: (505) 470-5303 **Email:** denise.terrazas@ped.nm.gov

SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY26 | FY27 | | |
| None | None | N/A | NFA |

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY26 | FY27 | FY28 | | |
| None | None | None | N/A | NFA |

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY26 | FY27 | FY28 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------|------|------|-------------------|---------------------------|---------------|
| Total | None | None | None | None | N/A | NFA |

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 380 (HB380) would create the Women’s Safety and Protection Act. HB380 would require domestic violence shelters, public schools, and juvenile detention centers to designate sleeping quarters and multiple occupancy restrooms for the exclusive use of females or males.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the legislature enacting them, unless a later date is specified. If enacted, this bill would become effective June 20, 2025.

FISCAL IMPLICATIONS

This bill does not contain an appropriation.

SIGNIFICANT ISSUES

HB380 requires the designation of sex-segregated spaces in athletics, correctional facilities, juvenile detention facilities, domestic shelters, and public schools. The bill does not provide definitions for male and female.

As the bill does not contain provisions regarding gender identity, it may permit the enforcement of policies that leave transgender and gender non-confirming people vulnerable to discrimination. [Research from the University of California, Los Angeles](#) shows no evidence of safety risks for cisgender people when transgender and gender non-confirming people used bathrooms aligning with their authentic gender. By contrast, [research from the National Institute of Health](#) concluded that a lack of knowledge about transgender health and wellness has excluded these individuals from many public health programs and policies.

Ongoing legislation regulating access to public spaces have [resulted](#) in heightened levels of anxiety, depression, and suicide risk among transgender and gender non-confirming youth and adults. The New Mexico Human Rights Act, [28-1-7 NMSA 1978](#), protects people from discrimination on the basis of race, age, religion, national origin, ancestry, sex, sexual orientation, gender identity, childbirth, physical and mental handicap, and spousal affiliation in the areas of employment, public accommodation, housing, and credit.

PERFORMANCE IMPLICATIONS

Anti-transgender rhetoric and policies are linked to an increased risk of sexual assault of transgender youth. One [study](#) from the Harvard T.H. Chan School of Public Health shows that transgender students who were forced to use a bathroom or locker room that did not match their affirmed identity were more likely to report sexual assault. The [Trevor Project](#) indicates 51 percent of trans youth considered school a safe place, compared with only 32 percent who felt that way about their homes. The New Mexico Youth Risk and Resiliency Survey indicates that transgender, nonbinary, genderqueer, and unsure youth are substantially more likely to be subjected to certain risks than their cisgender peers.

| Risk Factor/Gender Identity | Cisgender | Transgender Genderfluid Genderqueer | Unsure of Gender Identity |
|-----------------------------------------------|--------------|-------------------------------------|---------------------------|
| Unstable Housing | 3.9 percent | 35.4 percent | 40.1 percent |
| Suicide Attempts in Prior 12 Months | 8.0 percent | 31.3 percent | 30.3 percent |
| Forced to Have Sexual Intercourse | 7.1 percent | 21.4 percent | 23.9 percent |
| Bullied on School Property in Prior 12 Months | 17.1 percent | 32.4 percent | 33.9 percent |

ADMINISTRATIVE IMPLICATIONS

HB380 requires public schools to designate multiple occupancy restrooms or changing rooms for the exclusive use of females and the exclusive use of males. Additionally, the bill requires public schools to ensure that sleeping quarters are shared with members of the same sex during overnight trips. These provisions would require the Public Education Department (PED) to revise [6.12.7 NMAC, Safe Schools for all Children](#), since the rule requires public schools and charter schools to enforce anti-bullying policies and report all incidents of bullying, including harassment of students associated with sex and gender identity.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to:

- HB185, Protection of Women’s Sports Act
- HB380, Women’s Safety and Protection Act
- HB501, School Reporting of Gender Incongruence
- SB459, Protection of Women’s Sports Act

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

As noted above, the bill does not include gender- or sex-related definitions, nor does it offer any method, such as birth certificate, for determining sex or gender relative to the restrictions on accommodations required by the bill. The bill also includes no enforcement or monitoring mechanisms, rendering enforcement of its provisions dubious.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.