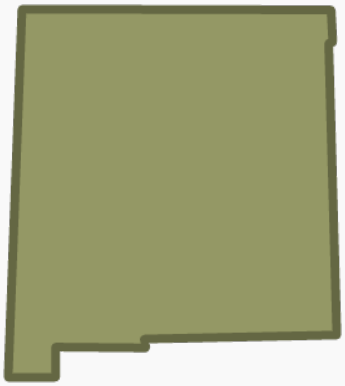
NEW MEXICO'S EQUALITY PROFILE

Quick Facts About New Mexico

Percent of Adults (18+) Who are LGBTQ	Total LGBTQ Population (13+)	Percent of Workforce That is LGBTQ	Total LGBTQ Workers	Percent of LGBTQ Adults (25+) Raising Children
4.5%	85,000	5%	47,000	29%
Gallup/Williams 2019	*Williams 2020*	*Census 2018; Williams 2020*	*Williams 2020*	*Gallup/Williams 2019*

New Mexico's LGBTQ Policy Tally



Sexual Orientation Policy Tally:

13/21.5

MEDIUM

Gender Identity Policy Tally:

18/23

HIGH

Overall Tally:

31/44.5

MEDIUM

MAP's "LGBTQ Policy Tally" examines each state's LGBTQ policy climate, as measured by over 35 pro- or anti-LGBTQ laws and policies. These laws are grouped into seven major categories: relationship and parental recognition; non-discrimination; religious exemptions; LGBTQ youth; healthcare; criminal justice; and the ability for transgender people to correct name and gender markers on identity documents. See the state's full profile for more detailed information.

Scores as of 04/18/2024. For full state profile, visit: https://www.lgbtmap.org/equality_maps/profile_state/NM

Recommended citation: Movement Advancement Project. 2024. "State Equality Profile: New Mexico." https://www.lgbtmap.org/equality_maps/profile_state/NM. Accessed April 18, 2024.

New Mexico's LGBTQ Laws and Policies

Click on each issue for more information and to see where the state fits into the national landscape.

KEY

- Indicates state law or policy
- Indicates local laws or policies and/or partial law
- Indicates no law or policy
- Enumeration not applicable

Relationship and Parental Recognition	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
As a result of the 2015 U.S. Supreme Court decision in Obergefell, same-sex couples can marry nationwide and states must extend all the rights and benefits of marriage to same-sex couples. As a result, the following benefits are available to all married same-sex couples on the same basis they are available to married different-sex couples: Marriage for Same-Sex Couples Medical Decision-Making Authority for Married Same-Sex Couples Stepparent Adoption for Married Same-Sex Couples Joint Adoption for Married Same-Sex Couples	✓	1/1	—	—
Second-Parent Adoption for Unmarried Couples	✗	0/1	—	—
Confirmatory Adoption	✗	0/1	—	—
Voluntary Acknowledgement of Parentage (VAP)	✗	0/1	—	—
Family Services Nondiscrimination Laws				
Adoption Nondiscrimination Protections for LGBTQ Parents	✓	0.5/0.5	✓	0.5/0.5
Foster Care Nondiscrimination Protections for LGBTQ Parents	✓	0.5/0.5	✓	0.5/0.5
Recognition for Parents Using Assisted Reproduction	✓	1/1	—	—
State Family Leave Laws				
LGBTQ-Inclusive Definitions of Spouse/Partner	✗	0/0.5	—	—
LGBTQ-Inclusive Definitions of Children/Parents	✗	0/0.5	—	—
Subtotal	**3/7**		**1/1**	
Relationship and Parental Recognition Total	**4/8**			

State Nondiscrimination Laws	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
As a result of a June 2020 U.S. Supreme Court ruling, people in all states can seek recourse for employment discrimination based on sexual orientation and gender identity through the federal Equal Employment Opportunity Commission and federal courts.				
Employment Nondiscrimination Laws*	✓	1/1	✓	1/1
Housing Nondiscrimination Laws*	✓	1/1	✓	1/1
Public Accommodations Nondiscrimination Laws*	✓	1/1	✓	1/1
Credit and Lending Nondiscrimination Laws	✓	1/1	✓	1/1
Nondiscrimination Policies for State Employees	✓	0.5/0.5	✓	0.5/0.5
Negative Law: State Bans Cities and Counties from Passing Nondiscrimination Laws	No Negative Law	0/-1	No Negative Law	0/-1
Negative Law: State Bans Transgender People From Using Bathrooms or Facilities Consistent With Their Gender Identity In Government-Owned Buildings			No Negative Law	0/-1
Negative Law: State Explicitly Defines "Sex" Throughout State Law To Exclude Transgender People			No Negative Law	0/-1
Subtotal	**4.5/4.5**		**4.5/4.5**	
Nondiscrimination Total	**9/9**			

*If state lacks statewide law, tally looks at local Nondiscrimination ordinances in employment, housing, and public accommodations and provides partial points based on percent of LGBTQ population covered by local laws.

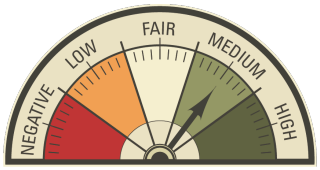
Religious Exemption Laws	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Negative Law: Broad "RFRA" or Religious Exemption Law	NEGATIVE LAW	-0.5/-0.5	NEGATIVE LAW	-0.5/-0.5
Negative Law: Targeted Religious Exemption for Child Welfare Services	No Negative Law	0/-1	No Negative Law	0/-1
Negative Law: Targeted Religious Exemption for Medical Professionals	No Negative Law	0/-1	No Negative Law	0/-1
Negative Law: Targeted Wedding Services				
Private Wedding Services	No Negative Law	0/-0.5	–	–
State and Local Officials Providing Marriage Licenses	No Negative Law	0/-0.5	–	–
Subtotal	**-0.5/-3.5**		**-0.5/-2.5**	
Religious Exemption Laws Total	**-1/-6**			

LGBTQ Youth Laws and Policies	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Nondiscrimination Laws and Policies Covering LGBTQ Students	✓	1/1	✓	1/1
Anti-Bullying Laws and Policies Covering LGBTQ Students	✓	1/1	✓	1/1
Negative Law: Laws Banning Local Schools and Districts from Passing LGBTQ Nondiscrimination and/or Anti-Bullying Policies	No Negative Law	0/-1	No Negative Law	0/-1
State Curricular Standards Required to Be LGBTQ-Inclusive	✗	0/1	✗	0/1
Negative Law: "Don't Say Gay" Law Barring or Explicitly Restricting Educators From Discussing LGBTQ People or Issues in Schools	No Negative Law	0/-1	No Negative Law	0/-1
Negative Law: State Law Requires Parental Notification of LGBTQ-Inclusive Curricula and Allows Parents to Opt Children Out	No Negative Law	0/-1	No Negative Law	0/-1
Negative Law: State Law Restricts Discussions of "Homosexuality" in Specific School Subjects	No Negative Law	0/-0.5	—	—
Negative Law: State Law Prevents Transgender Students from Participating in Sports Consistent With Their Gender Identity	—	—	No Negative Law	0/-1
Negative Law: State Law Prevents Transgender Students from Using School Facilities Consistent With Their Gender Identity	—	—	No Negative Law	0/-1
Negative Law: Forced Outing of Transgender Youth in Schools	—	—	No Negative Law	0/-1
Conversion Therapy Ban Covering LGBTQ Youth	✓	1/1	✓	1/1
Protections for LGBTQ Youth in the Child Welfare System	✓	1/1	✓	1/1
Subtotal	**4/5**		**4/5**	
LGBTQ Youth Laws Total	**8/10**			

Healthcare Laws and Policies	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Private Health Insurance Nondiscrimination Laws	✗	0/1	✓	1/1
Negative Law: Ban on Best Practice Medical Care for Transgender Youth	—	—	No Negative Law	0/-1
"Shield" Laws Protecting Access to Transgender Health Care	—	—	✓	1/1
Health Insurance Providers Banned from Excluding Coverage for Transgender-Specific Care	—	—	✓	1/1
State Medicaid Policy Related to Coverage for Transgender People	—	—	✗	0/1
Transgender Inclusive Health Benefits for State Employees	—	—	✗	0/0.5
Data Collection				
LGBTQ Adults	✓	0.5/0.5	✓	0.5/0.5
LGBTQ Youth	✓	0.5/0.5	✓	0.5/0.5
Subtotal	**1/2**		**4/5.5**	
Healthcare Total	**5/7.5**			

Criminal Justice Laws and Policies	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Hate Crime Law Covering LGBTQ People	✓	1/1	✓	1/1
Ban on Panic Defense	✗	0/1	✗	0/1
Jury Service Nondiscrimination	✗	0/1	✗	0/1
Negative Law: HIV Criminalization Law	No Negative Law	0/-1	No Negative Law	0/-1
Negative Law: Restrictions on Drag Performances	No Negative Law	0/-1	No Negative Law	0/-1
Subtotal	**1/3**		**1/3**	
Criminal Justice Total	**2/6**			

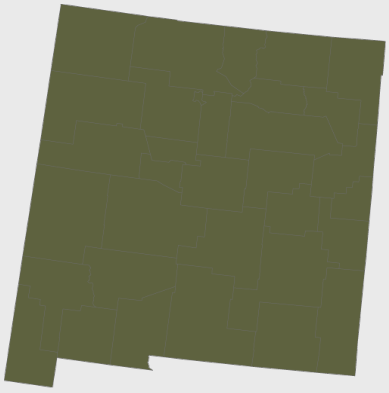
Ability for Transgender People to Correct Name and Gender Marker on Identity Documents	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Changing Gender Marker on Driver's Licenses	–	–	✓	1/1
Changing Gender Marker on Birth Certificates	–	–	✓	1/1
Gender Neutral Options				
"X" Option on Driver's Licenses	–	–	✓	0.5/0.5
"X" Option on Birth Certificates	–	–	✓	0.5/0.5
Name Change Process	–	–	✓	1/1
Subtotal	–		**4/4**	
Identity Documents Total	**4/4**			



Grand Totals	Sexual Orientation Policy Tally	Gender Identity Policy Tally	Overall Tally
Totals	**13/21.5**	**18/23**	**31/44.5**
Ratings	**MEDIUM**	**HIGH**	**MEDIUM**

Local Nondiscrimination Ordinances

SEXUAL ORIENTATION



100%
of population fully protected

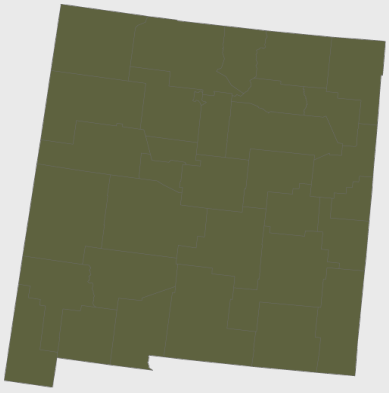
%
of population only partially protected

LEGEND

State Protections | County Protections | City Protections | No Protections | Protections Banned

County map only shows areas with full protections for sexual orientation (i.e., discrimination prohibited in private employment, housing, and public accommodations)

GENDER IDENTITY



100%
of population fully protected

%
of population only partially protected

LEGEND

State Protections | County Protections | City Protections | No Protections | Protections Banned

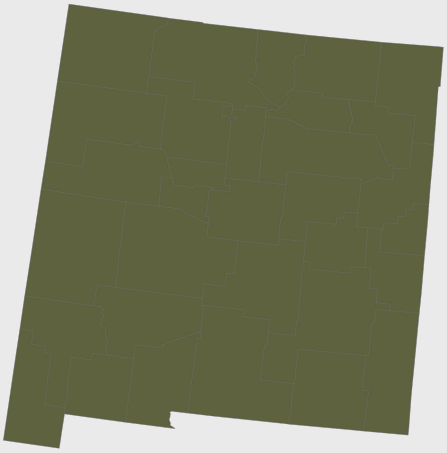
County map only shows areas with full protections for gender identity (i.e., discrimination prohibited in private employment, housing, and public accommodations)

This data was collected in collaboration with the Equality Federation and Equality New Mexico and is maintained by MAP.

Local Conversion Therapy Ordinances

CONVERSION THERAPY BANS

100%
of population protected



LEGEND

- State Protections
- County Protections
- City Protections
- No Protections
- Protections Banned

CITY AND COUNTY NUMBERS:

0 counties out of **0** have an ordinance prohibiting conversion therapy for minors.

0 cities have an ordinance prohibiting conversion therapy for minors.