

1 HOUSE BILL 84

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO EMPLOYMENT; ENACTING THE EMPLOYEE FREE SPEECH ACT;  
12 PROTECTING EMPLOYEE FREE SPEECH FROM CAPTIVE AUDIENCE SPEECHES;  
13 PROVIDING REMEDIES FOR VIOLATIONS OF EMPLOYEE FREE SPEECH.  
14

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

16 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
17 cited as the "Employee Free Speech Act".

18 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
19 Employee Free Speech Act:

20 A. "employee" means an individual employed by an  
21 employer for remuneration, including an individual employed on  
22 a part-time, seasonal or temporary basis;

23 B. "employer" means any individual, partnership,  
24 association, corporation, business trust, legal representative  
25 or organized group of persons employing one or more employees

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1 in the state at one time, including the state or any political  
2 subdivision of the state, or a person acting in the interest of  
3 an employer in relation to an employee;

4 C. "political matters" means matters relating to  
5 elections for political office, political parties, attempts to  
6 influence legislation, rule or regulation change proposals and  
7 the decision to join or support a political party or a  
8 political organization, civic organization, community  
9 organization, fraternal organization or labor organization; and

10 D. "retaliatory action" means taking any  
11 discriminatory or adverse employment action against an employee  
12 in the terms and conditions of employment, including discharge  
13 of employment, discipline, suspension, demotion, withholding  
14 promotion, punitive scheduling or a reduction of hours.

15 SECTION 3. [NEW MATERIAL] RETALIATORY ACTION  
16 PROHIBITED.--

17 A. Except as provided in Subsection D of this  
18 section, an employer shall not take or threaten to take any  
19 retaliatory action against an employee because of the  
20 employee's refusal to:

21 (1) attend an employer-sponsored meeting with  
22 the employer, or the employer's agent, representative or  
23 designee, to communicate political matters; or

24 (2) listen to speech or view communications,  
25 including electronic communications, that communicate political

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1 matters.

2 B. An employer that violates the provisions of the  
3 Employee Free Speech Act shall be liable to the employee for  
4 actual damages, reinstatement with the same seniority status  
5 that the employee would have but for the violation, the total  
6 sum of gross wages or compensation lost as a result of the  
7 retaliatory action and punitive damages.

8 C. An employee bringing an action against an  
9 employer pursuant to Subsection A or B of this section shall,  
10 if the employee prevails, also be awarded reasonable attorney  
11 fees and costs. An employee may bring an action in any court  
12 of competent jurisdiction.

13 D. Nothing in the Employee Free Speech Act shall  
14 prohibit:

15 (1) an employer, or the employer's agent,  
16 representative or designee, from communicating to the  
17 employer's employees any information that the employer is  
18 required by law to communicate;

19 (2) an employer, or the employer's agent,  
20 representative or designee, from communicating to the  
21 employer's employees any information that is necessary for such  
22 employees to perform their job duties;

23 (3) a public or private post-secondary  
24 educational institution, or an agent, representative or  
25 designee of a public or private post-secondary educational

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1 institution, from meeting with or participating in any  
2 communications with the post-secondary educational  
3 institution's employees that are part of coursework, symposia  
4 or an academic program at a public or private post-secondary  
5 educational institution;

6 (4) a religious corporation, entity,  
7 association, educational institution or society from  
8 communicating on religious matters to employees who perform  
9 work connected with the activities undertaken by the religious  
10 corporation, entity, association, educational institution or  
11 society;

12 (5) a casual conversation between employees or  
13 between an employee and an employer's agent, representative or  
14 designee; provided that participation in the casual  
15 conversation is not required; or

16 (6) a requirement limited to the employer's  
17 managerial and supervisory employees.