

160 new laws will take effect this week

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SANTA FE – Starting Friday, New Mexicans will have a new law on the books making it easier to change the gender noted on their birth certificate.

Vaping, meanwhile, will be prohibited indoors, and foster families can head into state-owned museums and parks for free.

The new laws are among about 160 that go into effect this week – a product of this year’s legislative session, the first since Democrats swept every statewide office and expanded their majority in the state House.

The state Constitution sets the effective date for most bills at 90 days after the legislative session, or Friday in this case. Some bills, however, are specifically crafted to go into effect on a different date, usually to allow more time for people or businesses to adjust.

Among the laws going into effect Friday is one intended to make it easier for transgender New Mexicans to change the sex designation on their birth certificate. Instead of being required to prove they underwent surgery, the person will have to present a sworn statement affirming their gender identity, and a revised birth certificate will be issued.

Individuals also will have the option of marking their gender as “X,” which would signify a gender other than male or female.

Sen. Jacob Candelaria, an Albuquerque Democrat and co-sponsor of the legislation, said about a dozen other states have passed similar laws. The legislation, Senate Bill 20, will allow people to have accurate birth certificates, particularly helpful, he said, if they must provide one for employment, a financial transaction or legal proceeding.

The opportunity to change the document, Candelaria said, is a sign of dignity and could prevent someone from being “outed” by state records.

“There’s the personal, emotional toll on a person who is not respected and recognized by the state for who they are,” he said. “That is a real weight that is carried by these folks.”

A spokesman for the state Health Department said the agency is still developing the regulations that will lay out in more detail how to handle requests for revised birth certificates but that they should be done soon.

The laws going into effect Friday will touch other New Mexicans, too.

House Bill 256 will ban the use of e-cigarettes indoors or wherever smoking is prohibited. Another piece of legislation, House Bill 549, will allow winery visitors to take home a partly consumed bottle of wine.

The state will also offer some extra help to foster families.

Under House Bill 303 – jointly sponsored by Rep. Kelly Fajardo, R-Belen, and two other Republican and two Democratic lawmakers – foster parents and children in their custody will get free admission to state-owned museums and parks. They will have to provide proof that they live in New Mexico and are foster parents or children.

Fajardo said the idea came from foster parents, who pushed for affordable options for larger families that include foster children.

“One of their asks was, ‘It’d be great if we could just go to the parks and the museums and introduce these kids to things they’ve maybe never seen before,’” Fajardo said.

The new laws come after Democrats flipped control of the Governor’s Office in the 2018 general election and expanded their majority in the House to 46-24. They also held a 26-16 edge in the Senate.

Tripp Stelnicki, a spokesman for Gov. Michelle Lujan Grisham, said there is plenty left to do, but the new legislation is a good start.

“As many legislators said when the session concluded, this was one of the most if not the most productive legislative stretch in state history – not just for the sheer volume of bills passed and signed but for the overall collective benefit that will reach so many New Mexicans,” Stelnicki said in a written statement.

New laws this week

Senate Bill 1, House Bill 5: Overhauling public education.

House Bill 85: Prohibiting local governments from enacting “right-to-work” laws

House Bill 55: Signing onto the national popular vote compact

Senate Bill 96: Prohibiting employers from initially asking about convictions

Senate Bill 406: Revising medical marijuana laws