

**TITLE 4            CULTURAL RESOURCES**  
**CHAPTER 5        STATE LIBRARY**  
**PART 7            REQUIREMENTS GOVERNING CONDUCT OF AND USE BY PATRONS AT THE**  
**NEW MEXICO STATE LIBRARY**

**4.5.7.1            ISSUING AGENCY:** Department of Cultural Affairs - New Mexico State Library Division.  
[4.5.7.1 NMAC - Rp, 4.5.7.1 NMAC, 1/1/2017]

**4.5.7.2            SCOPE:** Individuals using the resources and facilities of the New Mexico state library.  
[4.5.7.2 NMAC - Rp, 4.5.7.2 NMAC, 1/1/2017]

**4.5.7.3            STATUTORY AUTHORITY:** Section 18-2-4 NMSA 1978.  
[4.5.7.3 NMAC - Rp, 4.5.7.3 NMAC, 1/1/2017]

**4.5.7.4            DURATION:** Permanent.  
[4.5.7.4 NMAC - Rp, 4.5.7.4 NMAC, 1/1/2017]

**4.5.7.5            EFFECTIVE DATE:** January 1, 2017, unless a later date is cited at the end of a section.  
[4.5.7.5 NMAC - Rp, 4.5.7.5 NMAC, 1/1/2017]

**4.5.7.6            OBJECTIVE:** The objective of this rule is to establish requirements to maintain an environment that aids in the acquisition of knowledge through reading, writing, and quiet contemplation by the individuals using the resources and facilities of the New Mexico state library.  
[4.5.7.6 NMAC - Rp, 4.5.7.6 NMAC, 1/1/2017]

**4.5.7.7            DEFINITIONS:**

- A.** "Department" means the department of cultural affairs.
- B.** "Responsible caregiver" means a person over the age of 13 whom a parent or guardian designates as a caregiver for their child in the state library.
- C.** "State library" means the areas of the Gary Carruthers building located at 1209 Camino Carlos Rey, Santa Fe, NM 87507-5166, to which library patrons have access and for which the state library division of the department of cultural affairs has an agreement with the property control division of the general services department, which includes the administration area, the main library, the southwest room, and the library for the blind and physically handicapped, but does not include the building lobby and other areas outside the library facility.  
[4.5.7.7 NMAC - Rp, 4.5.7.7 NMAC, 1/1/2017]

**4.5.7.8            PROHIBITED CONDUCT:** This rule adopts by reference Conduct On and Use of State Property, 1.5.24 NMAC, for members of the public who are not department employees. In the event of a conflict, the provisions of this rule shall control. The following conduct is prohibited in the state library:

- A.** Harassing or threatening other persons, including but not limited to physical, sexual or verbal behavior that interferes with the others' quiet enjoyment of the state library's resources, and including attempting physical contact, staring, or stalking.
- B.** Bringing animals other than service animals.
- C.** Willfully defacing, damaging, stealing, or destroying library property or the property of others.
- D.** Bringing food or drink, other than water in enclosed receptacles.
- E.** Leaving children under the age of 10 years unattended and unsupervised. A parent, guardian, or responsible caregiver shall remain continually with a child under the age of 10 years. A parent or responsible caregiver shall at all times accompany a minor of any age with mental, physical, or emotional problems or behavioral or other issues who requires supervision in order to be safe or not disruptive.
- F.** Using sports equipment i.e., bikes, roller skates, roller blades or skateboards. These items must be placed outside or stored in lockers. If oversized items cannot be locked in a locker, they must be carried at all times.
- G.** Sleeping that impedes others from using library spaces or resources.
- H.** Smoking.
- I.** Using cell phones and other electronic devices that are audible to others. Cell phones must be placed on silent mode. Patrons shall only make and answer calls in the building lobby areas.

- J.** Violating any civil or criminal laws or engaging in any illegal activity, including copying or downloading of electronic music, video, illustrations or text from library equipment in violation of the copyright act.
  - K.** Hygiene that constitutes a nuisance to others.
  - L.** Selling, soliciting, or panhandling (approaching other people or employees with items or services for sale or pleas for donations).
  - M.** Unreasonably impeding the movement of others (blocking entrances, exits or aisles) or creating a safety or security hazard, such as inappropriate placement of personal belongings, leaving personal belongings unattended, or bringing items that can be used as weapons.
  - N.** Creating a mess or unsanitary conditions that may constitute a health or safety hazard in the library.
  - O.** Distributing or posting printed materials or literature without prior approval from library staff in accordance with state library policy.
  - P.** Not wearing clothing, i.e., footwear, pants/shorts/skirt and shirts at all times.
  - Q.** Entering or remaining in the state library before or after operating hours without the permission of an employee.
  - R.** Viewing of or listening to pornography or sexually explicit images or sounds.
  - S.** Conducting commercial business.
  - T.** Downloading or installation of computer software or viruses on library equipment.
  - U.** Behaving in any other manner that can reasonably be expected to disturb others (or interfere with other persons' ability to use the state library), including but not limited to talking loudly, screaming, making excessive noise, making gestures, singing, lying on the floor, or dancing.
- [4.5.7.8 NMAC - Rp, 4.5.7.8 NMAC, 1/1/2017]

**4.5.7.9 VIOLATIONS:** Library employees may require any patron not abiding by this rule to leave the premises. If necessary, the library employee may contact the police or other law enforcement officer to remove a person who does not adhere to a library employee's directions to leave the building. The state librarian or designated staff person may deny access to any patron who violates this rule for periods of time proportionate to the severity and frequency of the violation. Failure to comply with this rule or a notice restricting access to the library may result in more lengthy restrictions or termination of library privileges, or issuance of a restraining order or a no trespass order, as provided in Section 30-14-1 NMSA 1978. A violation of law may also result in arrest and prosecution. Any patron who is denied or restricted access to the library may request in writing, within ten days of denial or restriction of access, that the state librarian reconsider the decision. The state librarian shall respond in writing to the request within 30 days. The state librarian's decision is the department's final action on the matter.

[4.5.7.9 NMAC - Rp, 4.5.7.11 NMAC, 1/1/2017]

**HISTORY OF 4.5.7 NMAC: [RESERVED]**