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Constitutional Protection for Environmental Rights NM Legislators Continue As National Leaders

Santa Fe, NM: Thursday, January 16, 2026, once again demonstrating environmental leadership, New Mexico legislators are proposing to amend the state's constitution to recognize the right of the people of the state, to clean and healthy air, water, soil and environments.

"It is essential that New Mexico continues to demonstrate our commitment to protecting the water, air and environments our communities want and need to thrive by giving environmental rights constitutional protection at the highest level. While our current constitution recognizes the duty of our government to regulate for environmental protections, the New Mexico Green Amendment goes an important step further, by creating a right of the people that they are entitled to and can enforce when government fails to do what is needed to protect them," offered **Representative Joanne Ferrary**, who has been a leading Green Amendment sponsor since its inception in the state. "With this amendment, we will ensure that environmental protection is a priority every time government takes action in our state; and more than that, we will ensure that every community in our state has the same right to a healthy environment, no longer will environmental racism or inequity be allowed," added Ferrary.

Leading sponsors for the NM Green Amendment include Representative Joanne Ferrary, Representative Patricia Roybal Caballero, Representative Joseph Hernandez, Representative Tara Lujan, Senator Antoinette Sedillo Lopez, Senator Harold Pope, Jr., and Senator Shannon Pinto.

“For six years, New Mexicans have sent a resounding message to lawmakers, we want a healthy environment enshrined in our Constitution. Polluters and fossil fuel interests hate that because they have abused loopholes and spent big money to keep communities exposed to extractive harm, no matter the cost to our kids and our health. Now we face a new wave, massive data centers that can drain scarce water, drive up energy demand, and seek pollution permits that rival our largest cities, too often in neighborhoods already overburdened and underrepresented. When government decision making fails to fully, fairly, and equitably protect people, the Green Amendment gives communities the constitutional power to set things right, for our kids and future generations. We will not give up until it is passed.” **Patricia Roybal Caballero, State Representative, House District 13.**

Representative Joseph Hernandez adds: “The Green Amendment will help ensure that our future generations and the environment are protected while helping us diversify our economy and dependency from fossil fuels.” He adds: “We are at a pivotal moment for environmental protection and justice in our State. We can see that our current laws are not properly protecting our State’s water, air and natural resources which are essential for the health, safety and economy of our state. I believe this resolution will help us provide critical and missing protections.”

Senator Antoinette Sedillo Lopez offers: “New Mexico is recognized for our beautiful and healthy environments – people come from all over the world to enjoy the beauty of New Mexico. The economic, health and quality of life benefits that result for New Mexico communities and businesses are incalculable. We must ensure constitutional protection so that we may protect the health and welfare of our people and address the places where we have fallen short by allowing some of our communities to suffer from devastating levels of pollution and degradation. Especially when our environment is at risk due to potential federal changes, this is a smart step and investment for all of New Mexico.”

Senator Harold Pope Jr. explains, “The Green Amendment is about dignity, justice, and a livable future for every New Mexican — no exceptions. It secures our fundamental right to clean air, pure water, and healthy ecosystems, and it ensures that the communities who have borne the greatest burdens of pollution and climate harm are protected, heard, and prioritized. This is how we build a just transition that uplifts working families, respects Tribal and rural communities, and guarantees that future generations inherit a healthier, more equitable New Mexico.”

Representative Tara Lujan adds: “The Green Amendment will be a tool that can help ensure that our government prioritizes environmental protection in decision-making and that we continue to prioritize these protections for future generations.”

“While we have seen many states use existing constitutional language to strengthen climate protection, if New Mexico were to pass its proposed Green Amendment, it would become the first state in the nation to explicitly protect a safe climate as an irrevocable fundamental right at the constitutional level,” said **Maya van Rossum, author of the book, *The Green Amendment* and founder of the organization [Green Amendments For The Generations](#)** who is seeking to advance constitutional environmental rights in states across the nation. van Rossum was also a lead plaintiff in the Pennsylvania case that secured constitutional environmental rights for the people of that state. “New Mexico is on the leading edge of the national movement to recognize environmental rights as fundamental inalienable rights deserving the same highest protection that is currently given to speech, religious, civil and property rights,” added van Rossum.

The proposed New Mexico Green Amendment, House Joint Resolution 3, pre-filed on January 16, 2026 reads:

SECTION 1. It is proposed to amend Article 2 of the constitution of New Mexico by adding a new:

- A. The people of the state shall have a right to clean and healthy air, water, soil and environments; healthy flora, fauna and habitats; a stable climate and thriving ecosystems; and the preservation of the natural, cultural and healthful qualities of the environment. The state, counties and municipalities shall protect these rights equitably for all people, including future generations, and regardless of race, ethnicity, tribal affiliation, gender, socioeconomics or geography. Securing a more stable climate, including for future generations, is a compelling state interest and shall be a high priority.*
- B. The state, counties and municipalities shall serve as trustees of the natural resources of New Mexico and shall conserve, protect and maintain these resources for the benefit of all the people, including present and future generations, who are the beneficiaries.*
- C. The provisions of this section are self-executing. Monetary damages shall not be awarded for a violation of this section. This section is enforceable against the state, counties and municipalities."*

Constitutional Green Amendments currently exist in three states -- Pennsylvania, Montana, and most recently New York. In addition, Green Amendments have been [proposed in over 20 other states](#).

The New Mexico Green Amendment was first proposed in 2021. To secure passage of a constitutional amendment, the proposed language must be passed by majority vote in each legislative house, and then secure a majority vote of the citizens of New Mexico.

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