

LFC Requestor: Self Assigned

2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: House

Category: Bill

Number: 44

Type: Introduced

Date (of THIS analysis): 1/22/25

Sponsor(s): John Block

Short Title: Protect Minors from Harmful Materials

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	N/A	N/A

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

HB44 proposes to require a “commercial entity” -- defined as a corporation limited liability company, partnership, limited partnership, sole proprietorship, third-party vendor, or other legally recognized entity -- to use a reasonable age verification method before allowing access to a website on which more than one-third of the content is material that is harmful to minors. Minors are defined as under the age of 18.

HB44 proposes that a “commercial entity” as defined is liable for damages, court costs, and reasonable attorney fees if they fail to perform reasonable age verification for persons attempting to access a website. HB44 would not apply to news or public interest broadcasts, website videos or events that would affect the rights of the newsgathering organization or employees when it is within their scope of employment. HB44 would also not apply to cloud service or internet providers to the extent that they are not responsible for content creation.

Is there an emergency clause? Yes No

b) Significant Issues

Age verification for minors accessing the internet can be implemented to protect children from accessing inappropriate content like explicit material, violent media, or gambling websites by ensuring only adults can view such content. By verifying age, platforms can restrict access to content that might be psychologically damaging or unsuitable for minors. These restrictions are common in industries such as alcohol, gambling, and adult content, where exposure to certain materials is regulated by law.

However, some concerns exist, including privacy concerns regarding the sharing of personal information to verify age. Additionally, some verification methods may not be completely accurate, potentially hindering access to information for legitimate users, including young adults.

There are 19 states currently with age verification laws. The Supreme Court recently heard a challenge to such laws which could determine the outcome of these laws.

<https://www.axios.com/2025/01/16/adult-website-age-verification-states>

The New Mexico Office of the Attorney General has specific projects targeted towards the protection of minors on social media.

<https://nmdoj.gov/get-help/internet-protection-safety/>

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
- Is this proposal related to the NMDOH Strategic Plan? Yes No
 - Goal 1:** We expand equitable access to services for all New Mexicans
 - Goal 2:** We ensure safety in New Mexico healthcare environments
 - Goal 3:** We improve health status for all New Mexicans
 - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No

- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

None

9. HEALTH IMPACT(S)

None

10. ALTERNATIVES

None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If HB44 is not enacted, then there will be no requirement for a commercial entity to utilize a reasonable age verification method to access their content.

12. AMENDMENTS

None