

LFC Requester:	
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## AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
(Analysis must be uploaded as a PDF)

### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:

Original  Amendment  
Correction  Substitute

Date Prepared: 2025-02-10  
Bill No: HB307

Sponsor(s) Pamela Herndon  
: Angelica Rubio

Agency Name CYFD 69000  
and Code  
Number:  
Person Writing Joseph Baros  
Analysis:  
Phone: 5057954870

Short INTERNET PRIVACY &  
Title: SAFETY ACT

Email: joseph.baros@cyfd.nm.gov

### SECTION II: FISCAL IMPACT

#### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0		
0	0		

#### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0		0		
0	0	0		

**ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)**

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	0	0	0	0		

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

**BILL SUMMARY**

HB307 establishes the internet privacy and protections for consumer data. Bill covers topics including:

- \* securing and safeguarding personally identifiable information (PII) to their data,
- \* how and for what purpose data is to be used for analytics and prioritization based upon consumer, tracking consumer location via their devices
- \* clear expectations as to what is private, sharing of consumer data
- \* storing of consumer data, use of data to identify consumer by their data
- \* resale of data, manipulation of data via filter or reporting for targeted advertising
- \* data related to minors

Does not apply to federal agencies and those entities or processes regulated under federal law.

This identifies how data can be used:

- \* limitation on what data can be shared
- \* identification of what data is exempt from sharing or not to be limited if consent is provided
- \* requires all online platforms to set by default all privacy settings at the highest and most restrictive settings to protect consumer and consumer data
- \* limit interactions by covered entities using consumer data, unless consumer initiates contact
- \* cannot contact consumers between 10PM and 6 AM per federal law
- \* allow for notifications to be turned on or off concerning settings
- \* protections requesting data or providing more data than is necessary or required (dark patterns) to exploit consumers in purchases, voting, or any online activity
- \* consumers can access all data they have shared or permitted to be used

- \* disclosures of who consumers data has been provided to and for what purpose
- \* correction of consumer data and deletion of consumer data; prevents retaliatory action by parties against consumer
- \* provides for civil compensation from \$2,500 to \$7,500 for violations of Act
- \* rules and jurisdiction to be given to New Mexico Department of Justice for investigations or other proceedings

## **FISCAL IMPLICATIONS**

## **SIGNIFICANT ISSUES**

Significant issue:

- \* This may impact CYFD policy as it relates to minors in our care and custody and their access to CYFD issued internet capable devices.

## **PERFORMANCE IMPLICATIONS**

None.

## **ADMINISTRATIVE IMPLICATIONS**

None.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Need to look at:

- \* HB60 Artificial Intelligent Act as this deals with use of algorithms
- \* HB61 Unfair Practices Act Changes as this deals with consumers and dark patterns in conning consumers
- \* HB313 Digital Verification Act as sections relate to data provided by minors and access to sites by minors
- \* HM2 LESC Artificial Intelligence Work Group related to collection of minors' data as it relates to education
- \* National Institute for Standards and Technology (NIST-800) deals with the protection of data
- \* Other local, State and Federal Laws pertaining to internet privacy and data protection

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

Potential issues:

- \* National Institute for Standards and Technology (NIST-800) deals with the protection of data
- \* Other local, State and Federal Laws pertaining to internet privacy and data protection

## **ALTERNATIVES**

None.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None.

## **AMENDMENTS**

None.