HOUSE COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 44

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO DECEPTIVE TRADE PRACTICES; ENACTING THE DIGITAL AGE
VERIFICATION ACT; REQUIRING AGE VERIFICATION; PROVIDING
ENFORCEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Digital Age Verification Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Digital Age Verification Act:

A. "activate" means the process of associating the
device with a user account;

B. "application store" means a publicly available
software application that distributes the software applications
of third-party platforms to a mobile device;

C. "covered manufacturer" means a manufacturer of a

1   device, an operating system for a device or an application

2   store;

3   D.   "department" means the state department of

4   justice;

5   E.   "device" means a device or a portion of a device

6   that communicates across a network with computers or other

7   devices to transmit, receive or store data and includes a

8   desktop, laptop, cellular telephone, tablet or other device

9   that communicates with or across a network, excluding those

10   used by or under the direction of an educational entity; and

11   F.   "digital signal" means a transmission using

12   secure industry-standard transmission protocols or an end-to-

13   end encrypted electronic transmission by or from a device and a

14   covered manufacturer, an application store or any other party

15   regulated under the Digital Age Verification Act.

16   **SECTION 3.**   [<u>NEW MATERIAL</u>] AGE VERIFICATION REQUIRED.--

17   A.   At the time an individual activates a device, a

18   covered manufacturer shall take commercially reasonable and

19   technically feasible steps to:

20   (1)   ask the user or the user's parent or

21   guardian to provide the user's age during account setup;

22   (2)   if a user or the user's parent or guardian

23   does not opt out, enable a feature to provide applications with

24   a digital signal indicating whether the user is under the age

25   of thirteen, thirteen years of age to fifteen years of age,

.231517.4

- 2 -

1　sixteen years of age to seventeen years of age or eighteen

2　years of age or older through a real-time application

3　programming interface; and

4　　　　　　　　(3)　provide features that the user's parent or

5　guardian can use to require parental or guardian consent prior

6　to allowing a user under sixteen years of age to download an

7　application from the application store.

8　　　　　　B.　For devices sold prior to January 1, 2026,

9　covered manufacturers shall take commercially reasonable and

10　technically feasible steps to ensure that the requirements of

11　Subsection A of this section are included in the device's

12　latest operating system and application store versions and

13　updates by default ninety days after the effective date of the

14　Digital Age Verification Act.

15　　　　　　C.　The department may promulgate rules in

16　accordance with the Digital Age Verification Act to implement

17　the provisions of that act.

18　　　　　　**SECTION 4.**　[NEW MATERIAL] ENFORCEMENT.--

19　　　　　　A.　A violation of the Digital Age Verification Act

20　is an unfair and deceptive trade practice actionable under the

21　Unfair Practices Act.

22　　　　　　B.　Prior to initiating any action to enforce the

23　Digital Age Verification Act, the department shall provide a

24　covered manufacturer thirty days' written notice identifying

25　the violation of the Digital Age Verification Act that the

underscored material = new
[bracketed material] = delete

.231517.4

1   department alleges has been or is being violated. If within

2   the thirty-day period the covered manufacturer cures the

3   noticed violation and provides the department an express

4   written statement that the alleged violation has been cured and

5   that no further violations shall occur, no action shall be

6   initiated against the covered manufacturer for that alleged

7   violation.

8   C. If a covered manufacturer continues to violate

9   the Digital Age Verification Act following the cure period in

10   Subsection B of this section or breaches an express written

11   statement provided to the department under that subsection, the

12   attorney general may initiate an action pursuant to the Unfair

13   Practices Act.

14   SECTION 5. [NEW MATERIAL] INTERIM COMMITTEE STUDY.--The

15   New Mexico legislative council shall require the interim

16   legislative committees that study issues related to science and

17   technology and economic and rural development to:

18   A. consult with the department to examine the most

19   effective and feasible method to expand the protections of the

20   Digital Age Verification Act to websites and online services;

21   and

22   B. develop legislative proposals for the 2026

23   legislative session to implement expanded protections based on

24   the committees' findings.

25   SECTION 6. EFFECTIVE DATE.--

.231517.4

- 4 -

1   A.   The effective date of the provisions of Section

2   5 of this act is June 20, 2025.

3   B.   The effective date of the provisions of Sections

4   1 through 4 of this act is January 1, 2026.

5   - 5 -

underscored material = new
[bracketed material] = delete

.231517.4