

LFC Requester:

Felix Chavez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: 2/6/2025

Check all that apply:

Bill Number: HB 313

Original Correction
Amendment Substitute

Sponsor: Rep. Linda Serrato

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

Short Title: Digital Age Verification Act

Analysis: Adolfo Mendez

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

The Digital Age Verification Act implements device-based age verification requirements to safeguard minors online.

Section 1: Titles the bill as the Digital Age Verification Act.

Section 2: Lays out 4 defined terms: application store, covered manufacturer, department, and device.

Section 3:

Age Verification Requirements: Section 3(A)(1) section requires covered manufacturers equip each device to determine or estimate the age of the device's user or users upon initial activation.

Digital Age Signal: Section 3(A)(2) requires covered manufacturers to use a real-time application programming interface (this is technology already in routine use, called an API) to send a digital signal to websites, apps, and online services indicating that the user is: under 13 years old; between 13 and 15 years old; 16 to 17 years old; or an adult in order to protect devices would protect minors from accessing inappropriate online content.

Parental Controls for App Stores: Section 3(A)(3) requires covered manufacturers that are application stores (colloquially known as app stores) to obtain parental consent before allowing minors under sixteen to download apps, ensuring greater parental supervision.

Compliance Deadlines: For devices sold before January 1, 2026, Section 3(B) requires covered manufacturers to ensure that these requirements are included in the device’s operating system and app store versions and updates by default ninety days after the effective date of the Act.

NMDOJ Rulemaking: Section 3(C) gives authority to NMDOJ to promulgate rules and regulations in accordance with the act.

Section 4: This section establishes that a violation of the Digital Age Verification Act is an unfair and deceptive trade practices enforceable under the Unfair Practices Act.

Section 5: Makes the effective date of the Act January 1, 2026.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

There is a relationship between this bill and HB 44, as both require age verification (albeit of different kinds) in the use of specific electronic or internet services. Significantly, HB44 raises serious first amendment constitutional questions by attempting to regulate content. This bill, HB313, does not raise any constitutional concerns.

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

N/A