

1 HOUSE BILL 313

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Linda Serrato

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10 AN ACT

11 RELATING TO CONSUMER PROTECTION; ENACTING THE DIGITAL AGE  
12 VERIFICATION ACT; DEFINING TERMS; PROVIDING ENFORCEMENT.

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

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

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

19 A. "application store" means a publicly available  
20 website, software application or online service that  
21 distributes the software applications of third-party platforms  
22 to a computer, mobile device or other computing device;

23 B. "covered manufacturer" means a manufacturer of a  
24 device, an operating system for a device or an application  
25 store;

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underscored material = new  
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1 C. "department" means the state department of  
2 justice; and

3 D. "device" means a device or a portion of a device  
4 that communicates across a network with computers or other  
5 devices to transmit, receive or store data and includes a  
6 desktop, laptop, cellular telephone, tablet or other device  
7 that communicates with or across a network.

8 SECTION 3. [NEW MATERIAL] AGE VERIFICATION REQUIRED.--

9 A. A covered manufacturer shall take commercially  
10 reasonable and technically feasible steps to:

11 (1) equip each device to determine or estimate  
12 the age of the device's user or users upon initial activation;

13 (2) provide websites, applications and online  
14 services with a digital signal indicating whether a person is  
15 under the age of thirteen, thirteen years of age to fifteen  
16 years of age, sixteen years of age to seventeen years of age or  
17 eighteen years of age or older through a real-time application  
18 programming interface; and

19 (3) if the covered manufacturer is an  
20 application store, obtain parental or guardian consent prior to  
21 allowing a person under sixteen years of age to download an  
22 application from the application store and connect the  
23 developer of the application with the approving parent or  
24 guardian to facilitate supervision tools.

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

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1 covered manufacturers shall ensure that the requirements of  
2 Subsection A of this section are included in the device's  
3 operating system and application store versions and updates by  
4 default ninety days after the effective date of the Digital Age  
5 Verification Act.

6 C. The department may promulgate rules in  
7 accordance with the Digital Age Verification Act to implement  
8 the provisions of that act.

9 SECTION 4. [NEW MATERIAL] ENFORCEMENT.--A violation of  
10 the Digital Age Verification Act is an unfair and deceptive  
11 trade practice actionable under the Unfair Practices Act.

12 SECTION 5. EFFECTIVE DATE.--The effective date of the  
13 provisions of this act is January 1, 2026.