

LFC Requester:

Jacobs, Henry

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to 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}*

Date Prepared: 1/30/2026

Check all that apply:

Bill Number: HB 212

Original Correction Amendment Substitute

Sponsor: Tara L. Lujan
Joseph L. Sanchez

Agency Name and Code: Secretary of State - 370
Number: _____

Person Writing Analysis: Lindsey Bachman

Short Title: VOICE & VISUAL LIKENESS RIGHTS ACT

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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$96.0				Nonrecurring	General

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 212 enacts the Voice and Visual Likeness Rights Act. It provides definitions for "digital replica," "information service," "sexually explicit conduct," and "postmortem right" among others. Section 3 contemplates a "digital replication right" by establishing that individual's voice or likeness is a property right exclusive to that individual and provides that individual may license the use of this property right. This license may survive the individual's death, and the right may be terminated by the earlier of: (1) proof of the non-use of the name, likeness or voice of an individual by a right holder for two years subsequent to the initial ten-year period following the individual's death; (2) the death of all executors, transferees, heirs or devisees of the individual; or (3) seventy years following the death of the individual.

Section 4 of the bill contemplates licenses involving adults and minors.

Section 5 of the bill provides for the enforcement of post-mortem rights and establishes a registry of ownership at the Secretary of State's Office (SOS). The registry is required to be accessible and available to the public online, and the SOS may charge a fee for related filings.

Sections 6 and 7 establish the authorized use after expiration or termination of a license, liabilities, civil action, limitations of action and exclusions.

FISCAL IMPLICATIONS

HB 212 would require the SOS to establish a registry of postmortem right ownership that shall be accessible and available to the public online. Technical enhancements to existing filing systems would be required. Implementation is estimated to take at least three months to implement, with a one-time cost of \$96,000.

If passed, the SOS would need to seek additional funding. The Office does not have the budget for implementation in FY26 or in its FY 27 budget request. The SOS will also have additional administration duties associated with system maintenance, education and compliance. The full funding of the SOS's budget request is necessary to keep up with the volume of work associated with all of the statutory duties supported by the office. Currently, the average salary of our staff supporting these systems is \$64,880.00, not including benefits.

The SOS estimates that each filer would be charged a \$50 fee upon filing. It is unclear how many filers would register, so it is hard to estimate revenue generated to this specific filing type. However, total business filings through the Office generated approximately \$3.4 M in FY25 to the general fund.

SIGNIFICANT ISSUES

Should HB 212 pass, “a person that produces, publishes, reproduces, displays, distributes or otherwise makes available digital replicas in the state without the written consent of the individual or the right holder is liable for damages.” The bill provides for exceptions including “(3) digital replica is produced or used consistent with the public interest in a bona fide commentary, criticism, scholarship, satire or parody.”

Sections 1-19-26 and 1-19-26.4 NMSA 1978 of the Campaign Reporting Act were amended in 2024 to provide for disclaimer requirements on campaign advertisements containing “materially deceptive media.” “Materially deceptive media” means an image, video or audio that: (1) depicts an individual engaged in conduct or speech in which the depicted individual did not engage; (2) was published, disseminated, distributed or displayed to the public without the consent of the depicted individual; and (3) was produced in whole or in part by using artificial intelligence.”

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

If passed, the SOS would need to seek additional funding. The Office does not have the budget for implementation in FY26 or in its FY 27. The bill’s effective date of July 1, 2026 would not provide enough time for the office to successfully implement the bill’s provisions. An effective date of January 1, 2028 would more adequately provide for implementation.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS