

LFC Requester:

Henry Jacobs

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: January 29, 2026 *Check all that apply:*
Bill Number: HB 212 Original Correction
 Amendment Substitute

Sponsor: Rep. Tara L. Lujan and Rep. Joseph L. Sanchez **Agency Name and Code Number:** Regulation and Licensing Department – 420
Short Title: Voice and Visual Likeness Rights Act **Person Writing:** Eden Sayers
Phone: 505-470-8003 **Email:** Eden.sayers@rld.nm.gov

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

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
N/A	N/A	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
N/A	N/A	N/A	N/A	N/A

(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	N/A	N/A	N/A	N/A	N/A	N/A

(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: House Bill 212 (HB 212) would establish the Voice and Visual Likeness Rights Act (Act), granting individuals a property right in their voice and visual likeness to prevent unauthorized use in digital replicas. The Act allows individuals or their authorized right holders to license these rights, including postmortem transfers, and provides civil remedies for violations. It includes protections for minors, limits on license duration, and establishes exceptions for uses such as news, documentaries, and satire. The Act also exempts online platforms from liability when acting in good faith to remove infringing content.

Section 1: Provides the short title.

Section 2: Provides several definitions that serve as foundational concepts necessary for interpreting the provisions of the Act, including definitions for “copyright holder,” “digital replica,” “individual,” “information service,” “interactive computer service,” “online service,” “postmortem right,” “production,” “right holder,” “sexually explicit conduct,” “sound recording artist,” “telecommunications service,” and “use.”

Section 3: Establishes an individual’s voice and visual likeness as a personal property right that is non-transferable during life but may be licensed to others under defined terms. It creates a basis for commercial control of digital replicas beyond a person’s lifetime. After death, right holders, including heirs, may license the likeness for up to seventy (70) years. Transfers of postmortem rights must occur within ten (10) years of death and may terminate if unused for two (2) years, if all heirs are deceased, or after seventy (70) years.

Section 4: Establishes requirements for licensing the digital likeness rights of adults, emancipated minors, and living minors. Licenses for adults or emancipated minors must be in writing, signed, and limited to ten (10) years. Licenses for minors must be in writing, signed by a parent or guardian, include specific use details, be court-approved, and expire after five (5) years or when the minor turns eighteen (18) years old. Licenses governed by collective bargaining agreements are except from these requirements, and this section clarifies that these provisions do not affect other terms in broader contracts.

Section 5: Provides requirements for enforcing postmortem rights under the Act. A right holder must register with the New Mexico Secretary of State (SOS), submitting identifying information, proof of authorized use, and a declaration under penalty of perjury. The SOS must maintain a public online registry and may promulgate rules for required information. Authorizes the SOS to charge a reasonable filing fee to support registry processing and upkeep.

Section 6: Clarifies authorized use of digital replicas after a license ends. Allows continued use of a digital replica in a sound recording, image, or audiovisual work if the use was authorized under a valid license, as long as the use remains consistent with the original license terms even after the license has expired or terminated.

Section 7: Establishes liability, exceptions, and remedies under the Act. Each unauthorized display, copy, or transmission of a digital replica without written consent is a separate violation if the person knew or willfully avoided knowing it was unauthorized. Exceptions include uses in

news, documentaries, public interest commentary, satire, fleeting use, and certain ads, unless the content is sexually explicit as defined by the Act. Online services are not liable if they act in good faith to remove content upon notice. Civil actions may be brought by right holders, licensees, parents or guardians of minors, estate representatives, and certain sound recording rights holders, however, there is a three-year statute of limitations. Remedies include statutory damages of \$5,000 per work for individuals, \$5,000 per violation for online services. For other entities statutory damages are \$25,000 per work or actual damages plus profits, whichever is greater. Courts may also grant injunctive relief, award attorney's fees, and impose punitive damages for willful violations. Disclaimers regarding artificial intelligence generated material or unauthorized use are not a defense. Online services acting with an objectively reasonable belief are shielded from damages exceeding \$1 million and may restore content if a takedown notice is later found to be false.

Section 8: Explains that the proposed Act would fall under "intellectual property" pursuant to the Federal Communications Act of 1934.

Section 9: Provides that if any part of the Act is found invalid, the remaining provisions and their application remain enforceable.

Section 10: States that the Act is effective July 1, 2026.

FISCAL IMPLICATIONS: No significant fiscal or operational impact on the Regulation and Licensing Department (RLD) is anticipated if HB 212 is enacted.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS:

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES: Section 8 classifies the Act as relating to intellectual property for purposes of the Federal Comm. Act of 1934. Pending federal legislation (H.R. 7045) to repeal Section 230 could alter the federal framework this Act references and may impact how provider liability is addressed in the future.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL: Status quo.

AMENDMENTS: Consider adding a federal savings clause such as: *"Nothing in this Act shall be construed to conflict with or expand upon federal law governing provider liability for third-party content, including but not limited to Section 230 of the Communications Act of 1934 or its successor provisions."*