

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 279

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

AN ACT

RELATING TO HEALTH CARE PRIVACY; STRENGTHENING PRIVACY
PROTECTIONS FOR HEALTH CARE INFORMATION; RESTRICTING LOCATION
TRACKING AT REPRODUCTIVE HEALTH CARE PROVIDER AND
GENDER-AFFIRMING HEALTH CARE PROVIDER FACILITIES; AMENDING
LICENSING REQUIREMENTS FOR CERTAIN HOSPITALS; STRENGTHENING
PRIVACY PROTECTIONS FOR PROVIDERS WHO PRESCRIBE DRUGS FOR
REPRODUCTIVE HEALTH CARE; PROVIDING FOR REPRODUCTIVE HEALTH
CARE PROVIDERS AND GENDER-AFFIRMING HEALTH CARE PROVIDERS TO
PARTICIPATE IN THE CONFIDENTIAL SUBSTITUTE ADDRESS ACT.

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

SECTION 1. Section 24-35-4 NMSA 1978 (being Laws 2023,
Chapter 167, Section 4) is amended to read:

"24-35-4. FOREIGN SUBPOENAS, ~~[AND]~~ SUMMONSES AND OTHER
REQUESTS.--

1 A. A party shall not submit a foreign subpoena or
2 summons for discovery or a witness to provide testimony related
3 to an interstate investigation or proceeding that seeks to
4 impose civil or criminal liability or professional disciplinary
5 action related to a protected health care activity unless the
6 requesting party submits an attestation, signed under the
7 penalty of perjury, that the foreign subpoena or summons
8 relates to an out-of-state action for which the same claim
9 exists under the laws of this state.

10 B. An individual or entity served with a subpoena
11 that is in violation of this section shall notify the issuing
12 court and the moving party of the defect and shall not comply
13 with the subpoena until the defect is cured by order of the
14 issuing court.

15 C. A party that omits or submits a false
16 attestation pursuant to this section shall be subject to the
17 jurisdiction of the courts of this state in a suit for damages,
18 penalties or both arising out of the omission or false
19 attestation. A court shall assess a statutory penalty of ten
20 thousand dollars (\$10,000) per violation if the court finds the
21 omission or false attestation was made intentionally,
22 knowingly, willingly or recklessly.

23 D. A covered entity or business associate, as
24 defined in the federal Health Insurance Portability and
25 Accountability Act of 1996 and related regulations, operating

in the state shall:

(1) not release an individual's reproductive health care or gender-affirming health care information in response to a foreign request, including a foreign subpoena, summons or other civil, criminal or regulatory inquiry or investigation request, if the covered entity or business associate knows or has reason to believe that the request is based on another state's law that interferes with a protected health care activity or with a person's rights under the Reproductive and Gender-Affirming Health Care Freedom Act or the Reproductive and Gender-Affirming Health Care Protection Act, unless:

(a) the individual whose health care information is the subject of the request, subpoena, summons, inquiry or investigation request consents to the release of the individual's health care information; or

(b) release of the health care information is ordered by a court of competent jurisdiction or otherwise required by federal or state law;

(2) make a reasonable effort to notify an individual whose health care information is the subject of a request described in Paragraph (1) of this subsection of the existence of the request within thirty days of receipt of the request; and

(3) make a reasonable effort to notify each

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1 provider that rendered reproductive health care or gender-
2 affirming health care as documented in the health care
3 information sought in the request described in Paragraph (1) of
4 this subsection of the existence of the request within thirty
5 days of receipt of the request.

6 E. A covered entity or business associate, as
7 defined in the federal Health Insurance Portability and
8 Accountability Act of 1996, shall not be subject to civil,
9 criminal or administrative liability or professional
10 disciplinary action for refusing to disclose health care
11 information in accordance with Subsection D of this section."

12 SECTION 2. A new section of the Reproductive and
13 Gender-Affirming Health Care Protection Act is enacted to read:

14 "[NEW MATERIAL] HEALTH AND LOCATION DATA PRIVACY.--

15 A. Except as provided in this section, it is
16 unlawful to geofence a health care facility or the offices and
17 treatment rooms or other facilities of a private licensed
18 provider of reproductive health care or gender-affirming health
19 care to:

20 (1) identify or track a person engaged in a
21 protected health care activity;

22 (2) collect, use, disclose, sell, share or
23 retain personal data from a person engaged in a protected
24 health care activity; or

25 (3) send notifications or advertisements to a

1 person related to the person's personal data or the person's
2 reproductive health care or gender-affirming health care.

3 B. It is unlawful to sell personal data to or share
4 personal data with a third party if the personal data is used
5 by the third party to identify or track a person engaged in a
6 protected health care activity or send notifications or
7 advertisements to a person related to the person's personal
8 data or the person's reproductive health care or gender-
9 affirming health care.

10 C. A statement signed under penalty of perjury made
11 by a person authorized to enter into an agreement on behalf of
12 a third party that receives personal data that affirms that
13 personal data received will not be used for a purpose
14 prohibited by Subsection B of this section shall be prima facie
15 evidence that the personal data was not sold or shared in
16 violation of Subsection B of this section.

17 D. Nothing in this section shall be construed to
18 prohibit a person that owns, operates, manages or otherwise
19 provides services to an in-person health care facility from
20 geofencing the facility's own location, including offices and
21 treatment rooms of a private licensed health care provider:

22 (1) to provide necessary health care services,
23 including the use of location-based alarm devices to monitor
24 newborns and memory-impaired individuals; or

25 (2) for the purpose of providing security

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services to protect patients, staff or property.

E. Nothing in this section shall exempt a person from complying with a lawfully executed search warrant or a lawful subpoena issued pursuant to New Mexico law.

F. Nothing in this section abrogates or limits the requirements of the Electronic Communications Privacy Act or rights and remedies otherwise available by law.

G. Nothing in this section shall apply to geofencing activities conducted solely for research purposes by an investigator within an institution that holds an assurance with the United States department of health and human services pursuant to Part 46 of Title 45 of the Code of Federal Regulations and who obtains informed consent in the method and manner required by those regulations.

H. As used in this section:

(1) "collect" means to rent, gather, obtain, receive or access by any means a person's personal data, including receiving a person's personal data directly from the person, actively or passively, or by observing the person's behavior;

(2) "geofence" means any technology that enables spatial or location detection to establish a virtual boundary around, and detect an individual's presence within, a precise geolocation;

(3) "personal data" means information,

1 including derived data, that is linked or reasonably linkable,
2 alone or in combination with other information, to an
3 identified or identifiable natural person, and includes:

4 (a) biometric or genetic data;
5 (b) data revealing citizenship, ethnic
6 origin, immigration status or national origin;

7 (c) financial data, including a credit
8 card number, a debit card number, a financial account number or
9 information that describes or reveals the bank account balances
10 or income level of a natural person;

11 (d) a government-issued identifier, such
12 as a social security number, passport number or driver's
13 license number, that is not required by law to be displayed in
14 public;

15 (e) data describing or revealing the
16 past, present or future mental or physical health or condition
17 or status of a natural person;

18 (f) data revealing gender, gender
19 identity, sex or sexual orientation;

20 (g) religious affiliation;

21 (h) union membership; or

22 (i) precise geolocation;

23 (4) "precise geolocation" means a geographic
24 area that is equal to or less than the area of a circle with a
25 radius of two thousand feet as derived from a device that is

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1 used or intended to be used to locate a person; and

2 (5) "share" means to provide, rent, release,
3 disclose, disseminate, make available, transfer or otherwise
4 communicate, whether orally, in writing or by electronic or
5 other means, a person's personal data, regardless of whether
6 monetary or other consideration is provided for the data."

7 **SECTION 3.** Section 24A-1-7 NMSA 1978 (being Laws 2003,
8 Chapter 426, Section 1, as amended) is amended to read:

9 "24A-1-7. LEGISLATIVE FINDINGS--DEFINITIONS--LICENSING
10 REQUIREMENTS FOR CERTAIN HOSPITALS.--

11 A. The legislature finds that:

12 (1) acute care general hospitals throughout
13 New Mexico operate emergency departments and provide vital
14 emergency medical services to patients requiring immediate
15 medical care; and

16 (2) federal and state laws require hospitals
17 that operate an emergency department to provide certain
18 emergency services and care to any person, regardless of that
19 person's ability to pay. Accordingly, these hospitals
20 encounter significant financial losses when treating uninsured
21 or underinsured patients.

22 B. As used in this section:

23 (1) "emergency medical condition":

24 (a) means a medical or behavioral health
25 condition manifesting itself by acute symptoms of sufficient

severity, including severe pain, such that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect that the absence of immediate medical attention may result in: 1) placing the health of the individual at risk; 2) impairment to bodily functions; or 3) dysfunction of any bodily organ or part;

(b) means inadequate time to effectuate a safe transfer of a pregnant person who is experiencing contractions to another facility before delivery or that transferring the patient experiencing contractions may pose a threat to the health or safety of the patient;

(c) includes, when the absence of immediate medical attention could reasonably be expected to result in placing the health of a patient in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part, a complication resulting from: 1) pregnancy, including ectopic pregnancy; 2) pregnancy loss; 3) attempted termination of pregnancy; 4) still birth; 5) fetal demise; 6) risk to future fertility; 7) previable, preterm or premature rupture of membranes; 8) risk of infection; 9) cervical insufficiency; or 10) emergent hypertensive disorders; and

(d) means any other condition a health care practitioner acting within the practitioner's lawful scope of practice determines, in the practitioner's reasonable

medical judgment, to be an emergency medical condition;

~~[(1)]~~ (2) "limited service hospital" means a hospital that limits admissions according to medical or surgical specialty, type of disease or medical condition, or a hospital that limits its inpatient hospital services to surgical services or invasive diagnostic and treatment procedures; provided, however, that a "limited service hospital" does not include:

(a) a hospital licensed by the authority as a special hospital;

(b) an eleemosynary hospital that does not bill patients for services provided; or

(c) a hospital that has been granted a license prior to January 1, 2003; ~~and~~

~~(2)]~~ (3) "low-income patient" means a patient whose family or household income does not exceed two hundred percent of the federal poverty level; and

(4) "stabilize" means to provide medical treatment that may be necessary to ensure, within reasonable medical probability, that no material deterioration of the patient's condition, serious impairment of bodily functions or dysfunction of any bodily organ or part or a threat to the patient's life is likely to result from or occur during the transfer or discharge of the patient.

C. The authority shall issue a license to an acute-

1 care or general hospital or a limited services hospital that
2 agrees to:

3 (1) continuously maintain and operate an
4 emergency department that provides emergency medical services,
5 including:

6 (a) appropriate medical screenings and
7 examinations, within the capability of the facility, to
8 determine whether a patient is experiencing an emergency
9 medical condition;

10 (b) the medical treatment necessary to
11 stabilize the emergency medical condition that is within the
12 capability of the staff and facilities available at the
13 hospital;

14 (c) the transfer of a patient to another
15 medical facility in accordance with the hospital's written
16 policies and procedures for transferring a patient to an
17 appropriate facility when the patient's medical status
18 indicates the need for emergency care that the facility cannot
19 provide;

20 (d) the provision of an abortion or
21 sterilization procedures when a patient has an emergency
22 medical condition and an abortion or sterilization procedures
23 are necessary to stabilize the patient and the provision of
24 which is within the capability of the staff and facilities
25 available at the facility; and

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1 (e) other services as determined by the
2 authority;

3 (2) participate in the medicaid, medicare and
4 county indigent care programs;

5 (3) require a physician owner to disclose a
6 financial interest in the hospital before referring a patient
7 to the hospital;

8 (4) comply with the same quality standards
9 applied to other hospitals;

10 (5) provide emergency services and general
11 health care to nonpaying patients and low-income reimbursed
12 patients in the same proportion as the patients are treated in
13 acute-care general hospitals in the local community, as
14 determined by the authority in consultation with a statewide
15 hospital organization, the government of the county in which
16 the facilities are located and the affected hospitals; provided
17 that:

18 (a) a hospital may appeal the
19 determination of the authority as a final agency decision as
20 provided in Section 39-3-1.1 NMSA 1978; and

21 (b) the annual cost of the care required
22 to be provided pursuant to this paragraph shall not exceed an
23 amount equal to five percent of the hospital's annual revenue;
24 and

25 (6) require a health care provider to disclose

1 a financial interest before referring a patient to the
2 hospital."

3 SECTION 4. Section 26-1-16 NMSA 1978 (being Laws 1967,
4 Chapter 23, Section 16, as amended) is amended to read:

5 "26-1-16. DANGEROUS DRUGS--CONDITIONS FOR SALE--
6 PRESCRIPTION REFILLING--LIMITATIONS.--

7 A. It is unlawful for a person to sell, dispose of
8 or possess any dangerous drugs, except:

9 (1) manufacturers, wholesalers or
10 distributors, their agents or employees licensed by the board
11 to ship dangerous drugs into the state; or

12 (2) distributors, wholesalers, hospitals,
13 nursing homes, clinics or pharmacies and other authorized
14 retailers of dangerous drugs in this state licensed by the
15 board, and appropriate records of dangerous drugs receipt and
16 disposition are kept. These records shall be open to
17 inspection by any enforcement officer of this state.

18 B. Practitioners licensed in this state may
19 prescribe, provide samples of and dispense any dangerous drug
20 to a patient where there is a valid practitioner-patient
21 relationship. A record of all such dispensing shall be kept
22 showing the date the drug was dispensed and bearing the name
23 and address of the patient to whom dispensed. It is the duty
24 of every licensed physician, dentist, veterinarian, pharmacist
25 or person holding a limited license issued under Subsection B

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1 of Section 61-11-14 NMSA 1978, when dispensing any dangerous
2 drug, to mark on the dispensing container the name of the
3 patient, the date dispensed, the name and address of the person
4 dispensing the drug, the name and strength of the drug,
5 expiration date where applicable, adequate directions for use
6 and the prescription number when applicable. All official
7 compendium requirements for the preservation, packaging,
8 labeling and storage of dangerous drugs are applicable where
9 drugs are held for dispensing to the public, whether by a
10 pharmacy, clinic, hospital or practitioner.

11 C. Notwithstanding the requirements of Subsection B
12 of this section or any other law, a practitioner that has
13 prescribed a drug used for medication abortion, including
14 brand-name or generic mifepristone, may request that the drug
15 be dispensed in a dispensing container marked with the name and
16 address of the health care facility at which the practitioner
17 practices. If a practitioner makes such a request, the
18 dispensing container shall not be marked with the prescribing
19 practitioner's personal name or address.

20 [G.] D. Pharmacists are prohibited from selling or
21 dispensing a dangerous drug except on prescription or drug
22 order of a practitioner and except as such sale or possession
23 is authorized under Subsection A of this section. It is the
24 duty of all pharmacists to keep an accurate record of all
25 disposals, which record shall be open to inspection by an

1 enforcement officer of this state.

2 ~~[D.]~~ E. No enforcement officer having knowledge by
3 virtue of office of a prescription, order or record shall
4 divulge such knowledge except in connection with a prosecution
5 or proceeding in court or before a licensing or registration
6 board or officer, to which prosecution or proceeding the person
7 to whom such prescriptions, orders or records relate is a
8 party.

9 ~~[E.]~~ F. It is unlawful, except as otherwise
10 authorized under Subsection A of this section or the Controlled
11 Substances Act and except for the college of pharmacy of the
12 university of New Mexico or a public health laboratory, for a
13 person to possess any dangerous drug unless such substance has
14 been dispensed to the person either directly by a practitioner
15 or on a prescription.

16 ~~[F.]~~ G. All records required to be kept under the
17 provisions of the New Mexico Drug, Device and Cosmetic Act
18 shall be preserved for a period of three years; provided that
19 records requirements do not apply to the administration of a
20 drug to a patient upon whom the practitioner personally
21 attends; and provided that records of controlled substances
22 shall be kept in accordance with the provisions of the
23 Controlled Substances Act.

24 ~~[G.]~~ H. A prescription shall not be filled:

25 (1) as a refill if it is marked by the issuing

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1 practitioner to indicate that the prescription is not to be
2 refilled;

3 (2) except in compliance with the provisions
4 of the Controlled Substances Act if the drug is a controlled
5 substance;

6 (3) unless the fill is made in accordance with
7 the provisions of this section; and

8 (4) when the practitioner does not indicate
9 fill instructions on the original prescription calling for a
10 dangerous drug, unless:

11 (a) the practitioner is contacted
12 orally, by telephone or other means of communication for
13 instruction; and

14 (b) if authorization to fill is given
15 the pharmacist, the following information will be immediately
16 transferred to the original prescription: 1) date; 2) name of
17 person authorizing the fill; 3) pharmacist's initials; and 4)
18 amount dispensed if different from the amount indicated on the
19 original prescription.

20 ~~[H.]~~ I. Nothing in this section shall prevent the
21 owner of livestock or the owner's consignee or their employees
22 to be in possession of drugs for their use in performing
23 routine, accepted livestock management practices in the care of
24 livestock belonging to the owner, and the drugs are labeled as
25 being restricted to animal use only; provided, that if such

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1 drugs bear the legend: "CAUTION: federal law restricts this
2 drug to use by or on the order of a licensed veterinarian", the
3 drugs may be used or distributed only as provided in Subsection
4 A of Section 26-1-15 NMSA 1978.

5 ~~[F.]~~ J. When, on the original prescription calling
6 for a dangerous drug that is not a controlled substance, a
7 practitioner indicates a specific number of fills or a specific
8 period of time during which a prescription may be filled, a
9 drug may be filled the number of times or for the period of
10 time that the prescription indicates if the following
11 information is provided with the prescription:

- 12 (1) the date of fill;
13 (2) the initials of the pharmacist filling the
14 prescription; and
15 (3) the amount of drug dispensed, if it
16 differs from the amount called for on the original
17 prescription.

18 ~~[J.]~~ K. A pharmacist may dispense a quantity not to
19 exceed a ninety-day supply of a dangerous drug by combining
20 valid fills when:

- 21 (1) an indication on the prescription or label
22 does not specifically prohibit a combined fill; and
23 (2) the dangerous drug to be filled is not a
24 controlled substance.

25 ~~[K.]~~ L. When the practitioner indicates on the

1 original prescription calling for dangerous drugs that it may
2 be filled "prn", the pharmacist may fill it within the limits
3 of the dosage directions for a period of twelve months;
4 provided that the date of filling and the initials of the
5 pharmacist are recorded on the original prescription. At the
6 expiration of the twelve-month period, the practitioner must be
7 contacted for a new prescription; provided that this is not to
8 be construed to apply to those drugs regulated by the
9 Controlled Substances Act.

10 ~~[H.]~~ M. The board may adopt and promulgate
11 regulations to permit the use of computer systems for the
12 storage and retrieval of prescriptions, records for the purpose
13 of filling prescriptions, receipt records, drug distribution
14 records, drug withdrawals from stock, drug compounding records,
15 drug disposition records and drug disposal records.

16 ~~[M.]~~ N. As used in this section, "fill" means a
17 dispensing of a drug for the first time or as a refill."

18 **SECTION 5.** Section 40-13B-2 NMSA 1978 (being Laws 2018,
19 Chapter 40, Section 2) is amended to read:

20 "40-13B-2. DEFINITIONS.--As used in the Confidential
21 Substitute Address Act:

22 A. "agency" means an agency of the state or of a
23 political subdivision of the state;

24 B. "applicant" means a person who submits an
25 application to participate in the confidential substitute

1 address program;

2 C. "application assistant" means a person who works
3 or volunteers for a domestic violence or sexual assault program
4 and who assists in preparing an application for the
5 confidential substitute address program;

6 D. "confidential substitute address" means an
7 address designated for a participant by the secretary of state
8 pursuant to the Confidential Substitute Address Act;

9 E. "delivery address" means the address where an
10 applicant or a participant receives mail, and it may be the
11 same as the person's residential address;

12 F. "domestic violence" means "domestic abuse", as
13 defined in the Family Violence Protection Act;

14 G. "participant" means a person certified to
15 participate in the confidential substitute address program
16 pursuant to the Confidential Substitute Address Act;

17 H. "protected health care provider" means a natural
18 person engaged in the provision of reproductive health care or
19 gender-affirming health care as defined in the Reproductive and
20 Gender-Affirming Health Care Protection Act;

21 ~~[H.]~~ I. "public record" means "public records", as
22 defined in the Inspection of Public Records Act; and

23 ~~[I.]~~ J. "residential address" means the street
24 address where an applicant or participant resides or will
25 relocate."

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1 SECTION 6. Section 40-13B-3 NMSA 1978 (being Laws 2018,
2 Chapter 40, Section 3, as amended) is amended to read:

3 "40-13B-3. CONFIDENTIAL SUBSTITUTE ADDRESS PROGRAM--
4 APPLICATION.--

5 A. The "confidential substitute address program" is
6 created in the office of the secretary of state to provide a
7 process by which a natural person who is a victim of domestic
8 violence or a protected health care provider may protect the
9 confidentiality of the ~~[victim's]~~ natural person's residential
10 and delivery addresses in public records.

11 B. ~~[An applicant]~~ A protected health care provider,
12 or a victim of domestic violence who wishes to become a
13 participant with the assistance of an application assistant,
14 shall submit an application to the secretary of state on a form
15 prescribed by the secretary of state. ~~[The]~~ An application
16 assistant's signature shall serve as recommendation that the
17 applicant participate in the confidential substitute address
18 program. An application submitted by a protected health care
19 provider shall only require the provider's signature confirming
20 the provider's status as a protected health care provider.

21 C. An application shall be signed and dated by the
22 applicant and, if applicable, the application assistant and
23 shall include:

- 24 (1) the applicant's name;
25 (2) the applicant's statement that the

1 applicant fears for the safety of the applicant, the
2 applicant's child or another person in the applicant's
3 household because of a threat of immediate or future harm;

4 (3) the applicant's statement that the
5 disclosure of the applicant's residential or delivery address
6 would endanger the applicant, the applicant's child or another
7 person in the applicant's household;

8 (4) if the applicant is a victim of domestic
9 violence, the applicant's statement that the applicant has
10 confidentially relocated in the past ninety days or will
11 relocate within the state in the next ninety days;

12 (5) a designation of the secretary of state as
13 the applicant's agent for the purpose of receiving mail,
14 deliveries and service of process, notice or demand;

15 (6) the names and ages of those persons in the
16 applicant's household who will also be participants in the
17 program if the applicant is admitted into the program. Each
18 person in an applicant's household listed in the application
19 shall be considered a separate participant in the program;

20 (7) the applicant's residential and delivery
21 addresses, if different, the confidentiality of which the
22 applicant seeks to protect;

23 (8) the applicant's telephone number and email
24 address; and

25 (9) the applicant's statement under penalty of

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1 perjury that the information contained in the application is
2 true."

3 SECTION 7. Section 40-13B-4 NMSA 1978 (being Laws 2018,
4 Chapter 40, Section 4, as amended) is amended to read:

5 "40-13B-4. SECRETARY OF STATE--DUTIES--SERVICE ON
6 PARTICIPANT.--

7 A. The secretary of state shall:

8 (1) certify applicants whose applications
9 comply with the requirements of the Confidential Substitute
10 Address Act to participate in the confidential substitute
11 address program;

12 (2) upon certification with respect to each
13 participant:

14 (a) issue a confidential substitute
15 address identification card;

16 (b) designate a confidential substitute
17 address that shall be used in place of the participant's
18 residential or delivery address by state and local government
19 agencies;

20 (c) receive mail and deliveries sent to
21 a participant's confidential substitute address and forward the
22 mail and deliveries to the participant's delivery address at no
23 charge to the participant;

24 (d) accept service of process, notice or
25 demand that is required or permitted by law to be served on the

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1 participant and immediately forward the process, notice or
 2 demand to the participant's delivery address at no charge to
 3 the participant; and

4 (e) maintain records of the following
 5 that are received and forwarded by the secretary of state: 1)
 6 a participant's certified and registered mail; and 2) any
 7 process, notice or demand that is served on a participant; and

8 (3) ~~[administer the provisions of the Intimate~~
 9 ~~Partner Violence Survivor Suffrage Act to]~~ ensure that a
 10 participant who is eligible to vote in this state is able to be
 11 securely registered to vote and to automatically receive a
 12 ballot for each election, including through the secretary's
 13 administration of the Intimate Partner Violence Survivor
 14 Suffrage Act.

15 B. Service made pursuant to the provisions of this
 16 section is perfected three days after it is accepted by the
 17 secretary of state."

18 SECTION 8. Section 40-13B-5 NMSA 1978 (being Laws 2018,
 19 Chapter 40, Section 5, as amended) is amended to read:

20 "40-13B-5. AGENCIES--USE OF CONFIDENTIAL SUBSTITUTE
 21 ADDRESS--PUBLIC RECORDS.--

22 A. A participant shall:

23 (1) contact each agency that requests or uses
 24 an address; and

25 (2) provide the agency with a copy of the

1 participant's confidential substitute address identification
2 card.

3 B. Agencies that receive copies of confidential
4 substitute address identification cards submitted pursuant to
5 this section shall use the participant's confidential
6 substitute address for all purposes.

7 C. A school district shall use a participant's
8 confidential substitute address as the participant's address of
9 record and, if necessary, shall verify a student's enrollment
10 eligibility with the secretary of state.

11 D. A county clerk shall transfer all records
12 related to a participant's voter registration to the secretary
13 of state ~~[pursuant to the]~~ and shall comply with all provisions
14 of the Intimate Partner Violence Survivor Suffrage Act.

15 E. A participant's residential or delivery address,
16 telephone number and email address that are maintained by an
17 agency are not public records and shall not be disclosed
18 pursuant to the Inspection of Public Records Act while a person
19 is a participant."

20 SECTION 9. Section 40-13B-7 NMSA 1978 (being Laws 2018,
21 Chapter 40, Section 7, as amended) is amended to read:

22 "40-13B-7. PARTICIPANT DECERTIFICATION.--

23 A. A participant shall be decertified from the
24 confidential substitute address program if:

25 (1) the participant submits a request to

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1 withdraw from the confidential substitute address program to
2 the secretary of state;

3 (2) the participant fails to notify the
4 secretary of state of a legal name change or a change to the
5 participant's residential address, delivery address, telephone
6 number or email address;

7 (3) mail that is forwarded by the secretary of
8 state to the participant's delivery address is returned as
9 undeliverable; or

10 (4) the participant is a survivor of domestic
11 violence and does not comply with the provisions of the
12 Intimate Partner Violence Survivor Suffrage Act.

13 B. If the secretary of state determines that one or
14 more of the causes for decertification provided in Subsection A
15 of this section exist, the secretary of state shall send notice
16 of the participant's decertification to the participant's
17 delivery and residential addresses and shall attempt to notify
18 the participant by telephone and email. The participant shall
19 be given ten days from the date of decertification to appeal
20 the decertification.

21 C. A person who is decertified from the
22 confidential substitute address program shall not continue to
23 use the person's confidential substitute address.

24 D. For six months after a participant has been
25 decertified, the secretary of state shall forward mail and

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1 deliveries to an address provided by the former participant.
2 Upon receipt of mail and deliveries pursuant to this
3 subsection, a former participant shall provide an updated
4 address to the sender."

5 SECTION 10. Section 40-13B-8 NMSA 1978 (being Laws 2018,
6 Chapter 40, Section 8, as amended) is amended to read:

7 "40-13B-8. PARTICIPANT RECORDS--CONFIDENTIALITY--
8 DISCLOSURE PROHIBITED.--

9 A. The secretary of state and an agency shall not
10 disclose the residential address, delivery address, telephone
11 number or email address of a participant unless the information
12 is required to be disclosed pursuant to a court order. A
13 person or agency that receives a participant's residential
14 address, delivery address, telephone number or email address
15 pursuant to a court order shall not in turn disclose that
16 information unless pursuant to a court order or unless the
17 person who was a participant has been decertified.

18 B. The secretary of state shall maintain the
19 confidentiality of all records relating to an applicant for or
20 participant in the confidential substitute address program
21 while the person is a participant and shall:

22 (1) store all tangible copies of program
23 records in locked equipment;

24 (2) store all electronic copies of program
25 records in a password-protected system;

1 (3) restrict access to all program records to
2 secretary of state staff members who are approved to access the
3 records as provided in this section; and

4 (4) release program records only on a court's
5 order.

6 C. The secretary of state shall establish a system
7 for restricting access to program records to approved staff
8 members. Before being approved and granted access to program
9 records, the staff member shall:

10 (1) submit to a criminal background check
11 performed by the department of public safety;

12 (2) not have a record of a sex offense, felony
13 or a misdemeanor violation related to domestic violence or
14 sexual assault on the results of the person's criminal
15 background check; and

16 (3) complete forty hours of training,
17 including a domestic violence training course provided by the
18 children, youth and families department and sexual assault
19 training provided by the department of health or the crime
20 victims reparation commission or its successor.

21 D. The secretary of state shall appoint a person to
22 be the administrator of the election component of the
23 confidential substitute address program with respect to all
24 participants and in accordance with the Intimate Partner
25 Violence Survivor Suffrage Act. The administrator shall meet

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1 the requirements of Subsection C of this section, and
2 administration of the Intimate Partner Violence Survivor
3 Suffrage Act shall conform to the requirements of Subsections A
4 and B of this section and Subsection E of Section 40-13B-5 NMSA
5 1978."

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