

HOUSE BILL 141

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

INTRODUCED BY

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AN ACT

RELATING TO DIGITAL TECHNOLOGY; ENACTING THE ARTIFICIAL
INTELLIGENCE ACCOUNTABILITY ACT; MANDATING PROVISION OF TOOLS
FOR DISCLOSURE OF SYNTHETIC CONTENT; REQUIRING LATENT
IDENTIFICATION OF SYNTHETIC CONTENT; PROHIBITING DISSEMINATION
OF DECEPTIVE SYNTHETIC CONTENT; PROVIDING FOR CIVIL
INVESTIGATION AND ENFORCEMENT; ESTABLISHING CIVIL AND CRIMINAL
LIABILITY; PROVIDING PENALTIES.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1 through 9 of this act may be cited as the "Artificial Intelligence Accountability Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Artificial Intelligence Accountability Act:

A. "artificial intelligence" means an engineered or

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1 machine-based system that varies in its level of autonomy and
2 that can, for explicit or implicit objectives, infer from the
3 input that it receives how to generate outputs that can
4 influence physical or virtual environments;

5 B. "capture device" means a device that can record
6 photographs, audio or video content, including video and still
7 photography cameras, mobile phones with built-in cameras or
8 microphones and voice recorders;

9 C. "capture device manufacturer" means a person
10 that produces a capture device for sale in the state; provided
11 that "capture device manufacturer" does not include a person
12 exclusively engaged in the assembly of a capture device;

13 D. "covered provider" means a person that provides
14 a consumer-facing online service, application programming
15 interface, website or mobile application that allows users to
16 generate or substantially modify content, including images,
17 audio, video or any combination of those, with a generative
18 artificial intelligence system and that has more than two
19 million active monthly users within the United States and is
20 publicly accessible within the geographic boundaries of the
21 state;

22 E. "deceptive synthetic content" means synthetic
23 content that:

24 (1) realistically depicts conduct that the
25 depicted person did not engage in;

- (2) makes the depicted person identifiable;
- (3) was disseminated without the consent of the depicted person; and
- (4) would be believed to be authentic by a reasonable person;

F. "depicted person" means a natural person depicted in synthetic content;

G. "digital signature" means a cryptography-based method that identifies the user or entity that attests to the information provided in the signed section;

H. "dissemination" means an act of sharing, including:

(1) posting or uploading content to a public or semi-public platform or service;

(2) distributing, sending or sharing content with one or more persons via electronic, digital or physical means; or

(3) otherwise making content accessible to others in a manner reasonably expected to cause it to be viewed, accessed or received;

I. "established standards-setting body" means an organization, institution, governmental agency or other person that is widely accepted commercially and advances measurement science, technical standards and technology;

J. "generative artificial intelligence system"

1 means an artificial intelligence that can generate derived
2 synthetic content, including text, images, video and audio,
3 that emulates the structure and characteristics of the system's
4 training data;

5 K. "large online platform" means a public-facing
6 social media platform, file-sharing platform, mass messaging
7 platform or stand-alone search engine that disseminates
8 synthetic content to users and has more than two million active
9 monthly users within the United States; provided that "large
10 online platform" does not include a broadband internet access
11 service or a telecommunications service as defined under
12 federal law;

13 L. "latent" means present but not manifest;

14 M. "manifest" means easily perceived, understood or
15 recognized by a person;

16 N. "metadata" means structural or descriptive
17 information about data;

18 O. "personal information" means information that
19 identifies, relates to, describes or is reasonably capable of
20 being associated with an identifiable person;

21 P. "personal provenance data" means provenance data
22 that does not include information contained within a digital
23 signature and that either contains:

24 (1) personal information; or

25 (2) unique device, system or service

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1 information reasonably capable of being associated with a
2 particular user;

3 Q. "provenance data" means data embedded into
4 digital content or included in metadata to verify the content's
5 authenticity, origin or history of modification;

6 R. "synthetic content" means content that has been
7 produced or significantly modified by a generative artificial
8 intelligence system, including audio, visual or audiovisual
9 media that could reasonably be perceived as authentic; and

10 S. "system provenance data" means provenance data
11 that is not reasonably capable of being associated with a
12 natural person and that describes:

13 (1) the type of device, system or service used
14 to generate or modify content; and

15 (2) the date of public dissemination and the
16 platform on which dissemination occurred.

17 **SECTION 3. [NEW MATERIAL] GENERATIVE ARTIFICIAL**
18 **INTELLIGENCE SYSTEM USE--DISCLOSURE REQUIREMENTS FOR COVERED**
19 **PROVIDERS.--**

20 A. A covered provider shall offer a user the option
21 to include a manifest disclosure in synthetic content created
22 or altered by the covered provider's generative artificial
23 intelligence system that:

24 (1) identifies the content as generated by
25 artificial intelligence;

(2) is clear, conspicuous, appropriate for the medium and understandable to a reasonable person; and

(3) is permanent or extraordinarily difficult to remove, to the extent technically feasible.

B. A covered provider shall include a latent disclosure in synthetic content created or altered by the covered provider's generative artificial intelligence system that:

(1) conveys, to the extent technically feasible:

- (a) the name of the covered provider;
- (b) the name and version of the generative artificial intelligence system;

(c) the date and time of creation or alteration; and

(d) a unique identifier for the content;

(2) is detectable by a provenance detection tool;

(3) complies with provenance standards accepted by an established standards-setting body; and

(4) is permanent or extraordinarily difficult to remove.

C. A covered provider licensing the covered provider's generative artificial intelligence system to a third party shall require, by contract, continued compliance with

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1 this section and shall revoke the license within ninety-six
2 hours of discovering material noncompliance.

3 **SECTION 4. [NEW MATERIAL] PROVENANCE DETECTION TOOL**
4 REQUIREMENTS FOR COVERED PROVIDERS.--

5 A. A covered provider shall make available at no
6 cost a publicly accessible provenance detection tool that:

7 (1) allows users to read provenance data
8 embedded in content;

9 (2) reveals system provenance data only;

10 (3) does not reveal personal provenance data;

11 (4) supports uploads, uniform resource
12 locators and integration with application programming
13 interfaces; and

14 (5) complies with standards adopted by an
15 established standards-setting body.

16 B. A covered provider shall not retain content or
17 personal provenance data submitted to the tool longer than
18 reasonably necessary to comply with this section.

19 **SECTION 5. [NEW MATERIAL] REQUIREMENTS FOR CAPTURE DEVICE**
20 MANUFACTURERS.--

21 A. A capture device manufacturer shall, for a
22 capture device first produced for sale in the state on or after
23 January 1, 2028:

24 (1) embed a latent disclosure by default that
25 identifies the manufacturer, device model and version and date
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1 and time of capture; and

2 (2) provide users the option to opt out of the
3 latent disclosure.

4 B. To the extent technically feasible, compliance
5 shall be aligned with standards accepted by an established
6 standards-setting body.

7 SECTION 6. [NEW MATERIAL] REQUIREMENTS FOR LARGE ONLINE
8 PLATFORMS---

9 A. A large online platform shall:

10 (1) detect system provenance data in
11 disseminated content;

12 (2) append the platform name and posting date
13 to system provenance data;

14 (3) provide a user interface that discloses
15 the available system provenance data;

16 (4) allow users to inspect, download or
17 otherwise access to system provenance data; and

18 (5) provide a user interface for requesting
19 that deceptive synthetic content be taken down and respond
20 within seventy-two hours to those requests.

21 B. A large online platform shall not strip system
22 provenance data or digital signatures that are compliant with
23 standards set by an established standards-setting body.

24 C. A large online platform shall not be deemed to
25 have knowingly disseminated deceptive synthetic content solely

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1 by reason of hosting content if it in good faith preserves
2 provenance data, responds promptly to takedown requests and
3 does not materially amplify deceptive synthetic content after
4 receiving the request.

5 **SECTION 7. [NEW MATERIAL] INVESTIGATION AND ENFORCEMENT**
6 BY THE ATTORNEY GENERAL--RULEMAKING.--

7 A. When there is reason to believe that a person
8 may be in possession, custody or control of a document or other
9 tangible object relevant to the subject matter of a civil
10 investigation by the attorney general of a probable violation
11 of the Artificial Intelligence Accountability Act, the attorney
12 general may, before initiating a civil proceeding, execute in
13 writing and cause to be served on the person a civil
14 investigative demand that requires the person to answer written
15 interrogatories under oath or to produce the document or object
16 for inspection and copying.

17 B. The civil investigative demand shall not be a
18 matter of public record and shall not be published by the
19 attorney general except by order of the court.

20 C. Each civil investigative demand shall:
21 (1) state the general subject matter of the
22 investigation;
23 (2) describe the classes of documentary
24 material to be produced with reasonable certainty;
25 (3) prescribe the date on which material is to

be produced, which shall not be less than ten days after the date of service; and

(4) identify the member of the attorney general's staff to whom the documentary material is to be produced.

D. A civil investigative demand shall not:

(1) contain a requirement that would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this state;

(2) require the disclosure of testimony or documentary material that would be privileged or that for any other reason would not be required by a subpoena duces tecum issued by a court of this state; or

(3) require the removal of any documentary material from the custody of the person upon whom the demand is served except in accordance with the provisions of Subsection F of this section.

E. Service of the civil investigatory demand may be made by:

(1) delivering a duly executed copy to the person to be served, or if the person is not a natural person, to the statutory agent for the person or to any officer of the person;

(2) delivering a duly executed copy to the principal place of business in this state of the person to be

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1 served;

2 (3) mailing by registered or certified mail a
3 duly executed copy addressed to the person to be served at the
4 person's principal place of business in this state, or, if the
5 person has no place of business in this state, to the person's
6 principal office or place of business; or

7 (4) otherwise serving a duly executed copy in
8 the manner required for service of process in this state.

9 F. Documentary material shall be produced for
10 inspection and copying during normal business hours at the
11 principal office or place of business of the person served or
12 may be inspected and copied at other times and places as may be
13 agreed upon by the person served and the attorney general.

14 G. Documentary material or answers to
15 interrogatories produced pursuant to a civil investigatory
16 demand or copies of documentary material or answers shall not
17 be produced for inspection or copying by anyone other than an
18 authorized employee or agent of the attorney general unless
19 ordered by a court for good cause shown or upon agreement
20 between the person served and the attorney general, nor shall
21 the contents of the documentary material or answers be
22 disclosed to anyone other than an authorized employee or agent
23 of the attorney general or an authorized employee of a state or
24 federal law enforcement agency or in a court in an action
25 relating to a violation of state law.

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H. At any time before the return date of the civil investigatory demand, a petition to set aside the demand, modify the demand or extend the return date may be filed in the district court for Santa Fe county, and the court on a showing of good cause may set aside the demand, modify the demand or extend the return date of the demand.

I. After service of the civil investigative demand on a person, if the person neglects or refuses to comply with the demand, the attorney general may invoke the aid of the court in the enforcement of the demand. In appropriate cases, the court shall issue its order requiring the person to appear and produce the documentary material required in the demand and may, on failure of the person to comply with the order, punish the person for contempt.

J. This section is not applicable to criminal prosecutions.

K. Upon reasonable belief that there has been a violation of the Artificial Intelligence Accountability Act, the attorney general may bring an action in the name of the state to enforce the provisions of that act.

L. A person who violates the provisions of the Artificial Intelligence Accountability Act is liable for a civil penalty in the amount of fifteen thousand dollars (\$15,000) per violation, to be collected in a civil action filed by the attorney general on behalf of the state. In an

1 action brought pursuant to the Artificial Intelligence
2 Accountability Act, the attorney general shall be entitled to
3 all reasonable attorney costs and fees.

4 M. Each day that a covered provider, large online
5 platform or capture device manufacturer is in violation of the
6 Artificial Intelligence Accountability Act shall be deemed a
7 separate violation.

8 N. The attorney general may promulgate rules to
9 implement the provisions of the Artificial Intelligence
10 Accountability Act.

11 **SECTION 8. [NEW MATERIAL] DISSEMINATION OF DECEPTIVE**
12 **SYNTHETIC CONTENT--CIVIL LIABILITY.--**

13 A. A person shall be civilly liable for the
14 dissemination of deceptive synthetic content when the person
15 knows or recklessly disregards that the dissemination is
16 reasonably likely to harass, entrap, defame, extort or
17 otherwise cause financial or reputational harm to the depicted
18 person.

19 B. A depicted person may request that a large
20 online platform take down the deceptive synthetic content using
21 the interface required pursuant to Section 6 of the Artificial
22 Intelligence Accountability Act.

23 C. A person who contends that there has been a
24 violation of the Artificial Intelligence Accountability Act has
25 the right to pursue a private right of action in the district

1 court. This remedy is not exclusive and is in addition to any
2 other remedies prescribed by law or available pursuant to
3 common law.

4 D. A prevailing plaintiff may recover attorney fees
5 and damages equal to the greater of one thousand dollars
6 (\$1,000) per view of or instance of interaction with the
7 deceptive synthetic content or actual damages.

8 E. It is not a defense that the generative
9 artificial intelligence system acted autonomously or that the
10 depicted person consented to the creation of the synthetic
11 content or to the nonpublic dissemination of the synthetic
12 content.

13 F. This section does not apply to the dissemination
14 of deceptive synthetic content if the dissemination is made as
15 part of lawful law enforcement activity; legal proceedings;
16 medical or mental health treatment; lawful sale of goods or
17 services with the commercially obtained full consent of the
18 depicted person; or satire, parody, criticism, commentary,
19 teaching, scholarship, research, education or news reporting
20 where a reasonable person would not believe the synthetic
21 content to accurately represent the depicted person's speech or
22 conduct.

23 G. In a civil action filed pursuant to this
24 section, the court may issue an order to protect the privacy of
25 the plaintiff, including protection by:

(1) allowing the plaintiff to use a pseudonym in any documents filed in the action that will be publicly available;

(2) requiring the parties to the action to redact all of the plaintiff's personal identifying information from any documents filed in the action that will be publicly available or to file such documents under seal; or

(3) issuing a protective order for purposes of discovery in the action, which may include an order indicating that any intimate visual depiction or digital forgery shall remain in the care, custody and control of the court.

SECTION 9. [NEW MATERIAL] EXEMPTIONS.--The Artificial Intelligence Accountability Act does not apply to a product, service, internet website or application that provides exclusively non-user-generated video game, television, streaming, movie or interactive experiences.

SECTION 10. A new section of Chapter 31, Article 18 NMSA 1978 is enacted to read:

"NEW MATERIAL] USE OF GENERATIVE ARTIFICIAL INTELLIGENCE--ALTERATION OF BASIC SENTENCE.--When a separate finding of fact by the district court or a jury shows that a generative artificial intelligence system was used to assist in the commission of a noncapital felony, the basic sentence of imprisonment prescribed for the offense in Section 31-18-15 NMSA 1978 shall be increased by one year and the sentence

1 imposed by this section shall be the first year served and
2 shall not be suspended or deferred."

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