

1 SENATE BILL 68

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Heather Berghmans

10 AN ACT

11 RELATING TO TECHNOLOGY; ENACTING THE ARTIFICIAL INTELLIGENCE
12 GOVERNMENT USE ACT; REQUIRING PUBLIC BODIES TO ESTABLISH
13 POLICIES AND TRAINING PROGRAMS FOR THE USE AND IMPLEMENTATION
14 OF ARTIFICIAL INTELLIGENCE, AUTOMATED DECISION TOOLS AND
15 TECHNOLOGY RESOURCES.

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

18 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
19 cited as the "Artificial Intelligence Government Use Act".

20 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
21 Artificial Intelligence Government Use Act:

22 A. "artificial intelligence" means an engineered or
23 machine-based system that varies in its level of autonomy and
24 that can, for explicit and implicit objectives, infer from the
25 input that it receives how to generate outputs that can

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1 influence physical or virtual environments;

2 B. "automated decision tool" means a system or
3 service that uses artificial intelligence and has been
4 specifically developed and marketed or specifically modified to
5 make a decision or generate a score, label, prediction or
6 recommendation that is a basis or partial basis to make a
7 decision;

8 C. "consequential decision" means a decision that
9 has a material, legal or similarly significant effect on the
10 provision or denial of, or the cost or terms of, the following
11 goods or services to a person:

- 12 (1) education enrollment;
- 13 (2) employment or an employment opportunity;
- 14 (3) a financial or lending service;
- 15 (4) housing;
- 16 (5) health care service;
- 17 (6) insurance; or
- 18 (7) legal service;

19 D. "cybersecurity" means acts, practices or systems
20 that eliminate or reduce the risk of loss of critical assets,
21 loss of sensitive information or reputational harm as a result
22 of a cyberattack or breach within an organization's network;

23 E. "employee" means a person employed by a public
24 body;

25 F. "nonpublic data" means confidential information

1 that is legally protected from public disclosure, including
2 disclosure pursuant to an Inspection of Public Records Act
3 request;

4 G. "public body" means:

5 (1) a state agency, a board, a bureau, a
6 commission, a department, a district or an instrumentality of
7 the state; or

8 (2) a county, a municipality, the governing
9 body of a charter school, a school district, the New Mexico
10 school for the deaf, the New Mexico school for the blind and
11 visually impaired or a public post-secondary educational
12 institution; and

13 H. "technology resource" means hardware,
14 infrastructure, personnel or software used to automate office
15 activities, for electronic or telecommunication or to process
16 or store information.

17 **SECTION 3. [NEW MATERIAL] ARTIFICIAL INTELLIGENCE AND**
18 **AUTOMATED DECISION TOOLS--POLICIES.--**

19 A. A public body shall establish a policy regarding
20 the authorized uses of artificial intelligence and automated
21 decision tools and technology resources by employees.

22 B. An artificial intelligence and automated
23 decision tool policy or a technology resource policy
24 established by a public body shall:

25 (1) specifically address the security

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procedures for the use of such tools and resources with regard to maintaining the security of nonpublic data;

(2) define the authorized use of artificial intelligence and automated decision tools for the public body;

(3) require an authorized human employee to make a final consequential decision in the course of the employee's employment, regardless of what the artificial intelligence or automated decision tool recommends; and

(4) prohibit the use of a public body's artificial intelligence and automated decision tools and technology resources to intentionally override or avoid the security or system integrity procedures of the public body other than in the course of a security or system test within the scope of the employee's regular job duties or as authorized by the public body's designated security officer.

C. An executive, judicial or legislative agency, board, bureau, commission, department or instrumentality of the state shall make its artificial intelligence, automated decision tool and technology resources policies available to the public upon request.

SECTION 4. [NEW MATERIAL] TRAINING.--A public body shall train its employees on:

A. its policies regarding cybersecurity and employee use of artificial intelligence, automated decision tools and technology resources; and

B. the appropriate use of artificial intelligence and automated decision tools in making decisions of any type.

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

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