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FISCAL IMPACT REPORT

BILL NUMBER: Senate Bill 192

SHORT TITLE: Data Broker Privacy Act

SPONSOR: Cervantes

LAST ORIGINAL
UPDATE: _____ **DATE:** 2/13/2026 **ANALYST:** Hanika-Ortiz

REVENUE* (dollars in thousands)

Type	FY26	FY27	FY28	FY29	FY30	Recurring or Nonrecurring	Fund Affected
Fee Revenue and Fines		Indeterminate but minimal gain	Recurring	Data Broker Privacy Fund			

Parentheses indicate revenue decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

Regulation and Licensing Department
 Department of Information Technology

Agency or Agencies That Were Asked for Analysis but did not Respond

Economic Development Department
 New Mexico Attorney General

SUMMARY

Synopsis of Senate Bill 192

Senate Bill 192 (SB192) establishes the Data Broker Privacy Act to regulate entities that collect and trade in the personal data of New Mexico consumers. The bill exempts from the definition of “data broker” businesses subject to federal privacy laws. Under the bill, the Economic Development Department (EDD) would register data brokers and collect fees, maintain a registry with their information, and establish a one-stop data deletion tool for consumers. Data brokers who fail to register with EDD or fail to comply with a consumer’s request are fined \$200 per day. Annually, data brokers would report number of deletion requests, response times, and requests denied. Every three years, data brokers would be required to obtain an independent audit.

Last, the bill requires EDD to maintain a registry of data brokers, promulgate rules that set and collect fees and impose fines, and use fund proceeds for administration and enforcement.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

The bill creates a fund at the EDD that is non-reverting yet subject to appropriation by the legislature. The fund consists of appropriations and fines but does not specifically include “fees.”

The bill exempts fees from the Administrative Procedures Act which will allow EDD to adjust fees administratively without rulemaking. This will help raise revenue quickly to cover operations.

Registration fees, as well as fines for noncompliance, may not be sufficient to maintain both the registry and online deletion mechanism or tool. If EDD can share security and legal resources with Department of Information Technology and New Mexico Attorney General, the impact on resource needs may be less. In the end, revenue will depend on how many data brokers register.

SIGNIFICANT ISSUES

A data broker is the term for companies that collect and sell personal information gathered from public records, online web browsing, and other consumer actions. The information can be taken without the consumer’s consent and then made available for purchase. The bill defines a “consumer” as one who buys, leases or contracts for household goods or services in *New Mexico*.

The bill would regulate the conduct of data brokers that occurs inside the state. As reference, there are approximately 500 data brokers registered in California, a state with 40 million people.

The online deletion mechanism or tool allows a consumer to request deletion of their personal information through a single request that goes out to all registered data brokers. The bill would also require data brokers to annually disclose their data collection practices, including whether they collect information on minor children, precise geolocations, or reproductive healthcare.

PERFORMANCE IMPLICATIONS

The Regulation and Licensing Department (RLD) says SB192 is structured to avoid conflict with federal privacy and financial-regulatory regimes by excluding entities subject to the Fair Credit Reporting Act (FCRA) for consumer reporting companies, or the Gramm-Leach-Bliley Act (GLBA) for financial institutions.

ADMINISTRATIVE IMPLICATIONS

RLD says SB192 compliments existing consumer-privacy and data-protection efforts.

AHO/sgs/dw/sgs