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HOUSE BILL 158

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Al Park

AN ACT

RELATING TO ADOPTIONS; PROVIDING REQUIREMENTS FOR CERTAIN
ADVERTISEMENTS FOR ADOPTION SERVICES; PROVIDING PENALTIES AND
PRIVATE REMEDIES.

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

SECTION 1. A new section of the Adoption Act is enacted
to read:

"NEW MATERIAL ADVERTISING ADOPTION SERVICES--
REQUIREMENTS--PENALTIES.--

A. A person, other than a person described in
Subsection E of this section, shall not advertise adoption
services unless the advertisement includes the following
statement: "WARNING: (INSERT NAME OF PERSON ADVERTISED) IS
NOT AUTHORIZED OR PERMITTED TO PROVIDE ADOPTION SERVICES WITHIN
NEW MEXICO.". If the advertisement is in print, the required

.183148.2

underscoring material = new
~~bracketed material~~ = delete

1 statement shall be entirely in uppercase letters and in a
2 print size no smaller than that generally used in the
3 advertisement. If the advertisement is spoken, the required
4 statement shall be spoken at the same pace and volume as that
5 generally used in the advertisement.

6 B. A person who violates this section is guilty of
7 a misdemeanor and shall be sentenced in accordance with the
8 provisions of Section 32A-5-42 NMSA 1978.

9 C. A violation of this section constitutes an
10 unfair or deceptive trade practice pursuant to the Unfair
11 Practices Act.

12 D. For purposes of this section, "advertise" means
13 to communicate, market, promote, induce or solicit by public
14 media originating or distributed in New Mexico, including
15 newspapers, periodicals, telephone book listings, outdoor
16 advertising, radio, television or other electronic media.

17 E. This section does not apply to:

18 (1) the department or a person authorized to
19 act on behalf of the department;

20 (2) an agency licensed by the department;

21 (3) an investigator or counselor;

22 (4) an attorney licensed in the state who
23 advertises legal services relating to adoption; or

24 (5) a prospective adoptive parent who is
25 acting alone on the prospective adoptive parent's own behalf

underscored material = new
~~[bracketed material] = delete~~

1 and who has a current, approved pre-placement report as
2 required by the department.

3 F. An advertising, marketing or promotional medium
4 that accepts and publishes or otherwise distributes in good
5 faith an advertisement that does not meet the requirements of
6 this section is not subject to civil or criminal penalties
7 pursuant to this section."