January 30, 2025

Chair Joanne Ferrary
490 Old Santa Fe Trail
Santa Fe NM 87501

 Dear Chair Ferrary:

In regards to HB60, the Artificial Intelligence Act, the Software & Information Industry Association (SIIA) has concerns and reservations about the current draft of the bill. SIIA is the principal trade association for companies in the business of information, including its aggregation, dissemination, and productive use. Our members include roughly 375 companies reflecting the broad and diverse landscape of digital content providers and users in academic publishing, education technology, and financial information, along with creators of software and platforms used worldwide, and companies specializing in data analytics and information services.

At SIIA, we believe AI legislation should encourage innovation by focusing only on high-risk uses, promote alignment and consistency across the states by utilizing existing frameworks and national standards. AI legislation should protect consumers and disincentivize bad actors by focusing on those that misuse AI tools to intentionally cause harm to consumers.

SIIA sincerely appreciates the efforts of the New Mexico legislature to undertake legislation regarding artificial intelligence, however, we have serious concerns about the bill as drafted. Firstly, the definition of high-risk artificial intelligence could use refinement. For example, it does not include exemptions "sufficient human review" or "preparatory task," both of which are in the EU AI act. Additionally, the definition of substantial factor is very broad and should be clarified. For example, the definition of substantial factor in the Virginia high-risk AI bill (HB2094) is a factor that (i) is the principal basis for making a consequential decision, (ii) is capable of altering the outcome of a consequential decision, and (iii) generated by an artificial system. While these are two major concerns, SIIA still has remaining concerns about the bill as drafted and would be happy to provide additional guidance and feedback on those.

Thank you for considering our feedback. We are happy to discuss these comments in further detail.

Thank you,

Abigail Wilson
State Policy Manager