

# Senate Judiciary Committee

*Brendan Bunnell 271-4063*

**SB 657-FN**, relative to the oversight of artificial intelligence.

**Hearing Date:** February 17, 2026

**Time Opened:** 2:21 p.m.

**Time Closed:** 2:51 p.m.

**Members of the Committee Present:** Senators Gannon, Abbas, Altschiller and Reardon

**Members of the Committee Absent:** Senator Carson

**Bill Analysis:** This bill:

I. Establishes an artificial intelligence oversight position with the department of justice.

II. Creates a civil right of action for certain uses of artificial intelligence.

III. Creates a study commission to oversee the use of artificial intelligence in the state.

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**Sponsors:**

Sen. Perkins Kwoka

Sen. Rosenwald

Sen. Prentiss

Sen. Long

Sen. Watters

Rep. Simpson

Rep. Telerski

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**Who supports the bill:** 85 individuals signed in support of this bill. For a complete list of those who signed in support please email [Brendan.Bunnell@gc.nh.gov](mailto:Brendan.Bunnell@gc.nh.gov).

**Who opposes the bill:** 6 individuals signed in opposition of this bill. For a complete list of those who signed in opposition please email [Brendan.Bunnell@gc.nh.gov](mailto:Brendan.Bunnell@gc.nh.gov).

**Who is neutral on the bill:** None.

**Summary of the testimony presented:**

**Senator Rebecca Perkins Kwoka (SD-21)**, introduced the bill, explaining that it was meant to begin the dialogue on AI regulation in New Hampshire. The bill was intended to protect New Hampshire residents from the potential consequences of

Artificial Intelligence while serving as a stop-gap preceding future legislative efforts and studies.

- Explained that AI has been integrated into numerous facets of everyday life and shows no potential of slowing down. While she acknowledged that AI can have some productive uses, it can also create many troubles for consumers, businesses, and potential voters.
- Explained that the bill also encouraged the creation of a study commission on the effects of AI, to facilitate future legislative efforts.
- Welcomed the comments and additions of other legislators and of the tech alliance to modify the bill.
- Senator Altschiller asked if it was the intention of this legislation to penalize the use of AI when not disclosed for product or content images.
  - Senator Perkins Kwoka answered that this was correct and that the intention was not to limit the use of AI in all circumstances but to protect businesses from impersonation.
  - The senator also explained that the bill would create a study commission to investigate the use of AI online to influence elections.
- Senator Reardon proposed that the bill include the Department of Employment Security, as that organization is responsible for tracking job openings, job losses, employment, and underemployment. She stated that their Labor Market Relations Bureau might be a better person to have at the table than the Department of Labor, which is currently included in the bill.
- Senator Abbas asked if there might be First Amendment issues present in the bill, focusing on lines 13 through 17 and regarding incorrect publications that might use AI to some degree.
  - Senator Perkins Kwoka said that there were not intended to be any First Amendment issues in the bill, and that she would be happy to work with the senator to address any such issues.
  - Senator Perkins Kwoka pointed out lines 17 to 18 which allowed an affirmative defense reliant on the First Amendment.
- Senator Abbas asked about a hypothetical circumstance like a mailing list where many individuals received undisclosed AI content. He asked whether that would be considered a single violation or multiple separate incidents.

- Senator Perkins Kwoka said that the action taken by the individual to create undisclosed AI content ought to be the single violation in such circumstances.
- Senator Altschiller asked where the line was in representing a point of view and misrepresenting a state or government agency, especially when considering the intentional use of similar templates to government channels in order to appear official.
  - Senator Perkins Kwoka said that it was important that government channels to disseminate facts and undeniable truths, and that it was important that the consumer know which sources were to be trusted.
- Senator Altschiller asked about potential financial damages to the state, citing the potential for AI to be used to impersonate messages from the State Treasurer’s office. She asked if that ought to be included in the bill.
  - Senator Perkins Kwoka replied that there could be room to address this issue, and that it was one potential case of the same kind of deceptive practices that the bill was trying to combat.

**Maura Weston**, a representative of the New England Connectivity and Telecommunications Association, spoke in opposition to the bill. Her organization represents the interests of numerous tech companies including Comcast, Breezeline, and Charter Communications. Ms. Weston clarified that her organization did not oppose all regulation of AI, but that they were opposed to the current bill as written. She argued that the bill was too broad in nature and would bring about many unintended consequences. Ms. Weston expressed that her organization would instead prefer a surgical approach to the issue.

- Explained that the member companies of her organization use AI for customer service content personalization, to develop new products and services, and to manage broadband network connections. She expressed her concern that the definition used in the bill of the “deceptive use of AI” would include these uses.
- Argued that the definition of the “deceptive use of AI” present in the bill was so broad that it captured virtually all uses of AI, including everyday use.
- Expressed confusion over the language used on page 3, section 5078N, which states that “a plaintiff shall not be required to prove actual reliance, only that the use of AI was likely to mislead.” She questioned whether this section stated that no actual harm was required.
- Stated that her organization considered it problematic that one must be sued in order to bear the burden of then asserting an affirmative defense.

- Cautioned against the creation of the position of Artificial Intelligence Analyst in the Attorney General’s office, responsible for monitoring AI use in New Hampshire and its development. Ms. Weston stated that her organization questioned that role’s job description and whether it might have negative impacts on businesses in New Hampshire.
- Encouraged significant stakeholder representation on any study commission created by the bill. She argued that this kind of stakeholder engagement would provide a more positive starting point in these conversations as opposed to jumping to criminalization.
- Stated that the White House has issued an executive order which states that states that regulate AI in an objectionable way could face a freeze on federal funding. New Hampshire is currently receiving 200 million dollars in broadband related funding via the Broadband Equity Access and Deployment program.
- Senator Altschiller asked for clarification on some of the areas where the represented companies were looking for space not to disclose the use of AI, stating that it was fairly clear in her experience when AI was being used in customer service communications.
  - Ms. Weston replied that the companies are not necessarily looking for room to not disclose the use of AI, but that there are circumstances where AI is used that most are unaware of. She highlighted the use of AI to manage home networks and conduct repairs.
  - Ms. Weston stated that it was important to not jump to criminalization on the topic of AI, especially given the unpredictable future of the utilization of the technology and the broad nature of the definitions in the bill. She supported the creation of a study commission with stakeholder involvement as a more effective step.
- Senator Altschiller stated that there is a significant fear of the use of AI by consumers, even as tech companies fear regulation. She asked which definition of use in line 17 it was that necessitated greater room for nondisclosure by the tech companies represented. She stated that the definitions mentioned here seemed to be very basic consumer protections, and asked where these companies needed a space to be left open.
  - Ms. Weston responded that her organization believed that many of the services that their member companies provide are captured by the definition of artificial intelligence system.
  - Ms. Weston stated that it was within definition B and the wording of “or omits disclosure” that her organization took the greatest issue with. She

highlighted the wording of “knowingly creates, alters, disseminates synthetic content that a reasonable person would believe to be authentic,” wondering whether this necessitated the content to be accurate or created by a person. She also highlighted the wording of “material to a transaction or decision,” stating that this did not require harm for legal liability. The primary issue for her organization is the broad nature of these definitions.

- Senator Altschiller referenced comments made about not legislating on AI due to an executive order, and asked whether Ms. Weston was aware that the threat made by the President’s executive order was likely void considering similar executive orders that had faced legal consequences.
  - o Ms. Weston replied that her organization was not opposed to any kind of AI regulation and that her point on the executive order was primarily meant as a note of caution.
  - o Senator Altschiller stated that the executive order was blackmail and that the legislature ought not to respect it.

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