

HB 1154-FN - AS INTRODUCED

2026 SESSION

26-2623

07/08

HOUSE BILL            ***1154-FN***

AN ACT                restricting the texting of unsolicited advertisements, including political campaigns.

SPONSORS:            Rep. W. Thomas, Hills. 12; Rep. Rung, Hills. 12; Rep. B. Boyd, Hills. 12

COMMITTEE:          Commerce and Consumer Affairs

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ANALYSIS

This bill restricts the use of texting for unsolicited advertisements and creates criminal and civil penalties for violations.

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Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT                restricting the texting of unsolicited advertisements, including political campaigns.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 New Paragraph; Criminal Code; Breaches of the Peace and Related Offenses; Harassment.

2 Amend RSA 644:4 by inserting after paragraph IV the following new paragraphs:

3            V. As used in paragraphs VI-VIII:

4            (a) "Unsolicited advertisement" means any material advertising the commercial  
5 availability or quality of any property, goods, services, or political candidate's message that is  
6 transmitted to any person without that person's prior express invitation or permission, in writing or  
7 otherwise.

8            (b) "Benefit conferred" means where one party receives a tangible or intangible benefit,  
9 advantage, or gain because of the actions or services provided by another party. In regard to  
10 unsolicited political campaign text messages, this shall include, but not be limited to the celebrity  
11 endorser, the candidate, the political campaign or political action committee; the advertising or  
12 public relations agency, and/or the platform company used to facilitate contributions to the political  
13 campaigns and political committees.

14            VI. It shall be unlawful for any person to:

15            (a)(1) Use any telephone, computer, or other device to send an unsolicited advertisement  
16 to another telephone, whether through automated message or text message, without first receiving  
17 permission from the intended recipient, unless:

18            (A) The unsolicited advertisement is from a sender with an established business  
19 relationship with the recipient;

20            (B) The sender obtained the recipient's phone number through voluntary  
21 communication of such number within the context of such an established business relationship; or

22            (C) A directory, advertisement, or site on the Internet to which the recipient  
23 voluntarily agreed to make available its number for public distribution.

24            (2) Any such unsolicited advertisement shall contain a notice allowing the recipient  
25 to opt out of any future advertisements. The notice shall include a domestic contact telephone  
26 number for the recipient to transmit such a request to the sender and a cost-free mechanism for the  
27 recipient to transmit such a request pursuant to the notice to the sender of the unsolicited  
28 advertisement.

29            (b) Use multiple origination telephone numbers in order to evade detection or to defeat a  
30 recipient's ability to block or opt out of the unsolicited advertisement.

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1           (c) Which a benefit has been conferred, use previously stored recipients' telephone  
2 numbers in multiple campaigns of unsolicited advertisements after the person has received an opt-  
3 out notification from the recipient.

4           VII. A person shall be guilty of a class B felony if the person violates RSA 644:4, VI, under  
5 circumstances involving repeated, unsolicited advertisements without the recipient's prior express  
6 consent, and/or a civil penalty of not less than \$250 and not more than \$2,000 per incident.

7           VIII. Any person aggrieved because of the gross negligence or willful misconduct in violation  
8 of any provision of RSA 644:4 may initiate an action against any person or entity for which because  
9 of the unsolicited advertisement, a benefit conferred results.

10          2 Effective Date. This act shall take effect July 1, 2027.

**HB 1154-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT restricting the texting of unsolicited advertisements, including political campaigns.

**FISCAL IMPACT:**

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
<b>Expenditures*</b>	Indeterminable			
<i>Funding Source</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

\*Expenditure = Cost of bill      \*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	Indeterminable			
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	Indeterminable			

**METHODOLOGY:**

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: [https://gencourt.state.nh.us/lba/Budget/Fiscal\\_Notes/JudicialCorrectionalCosts.pdf](https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf)

**AGENCIES CONTACTED:**

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association