

HB 1618-FN - AS INTRODUCED

2026 SESSION

26-2644

08/06

HOUSE BILL            ***1618-FN***

AN ACT                prohibiting solar radiation modification, weather modification, and other polluting atmospheric interventions.

SPONSORS:            Rep. Litchfield, Rock. 32; Rep. Mattson, Ches. 18; Rep. Drew, Hills. 19; Rep. Granger, Straf. 2; Rep. DeVito, Rock. 8; Rep. DeRoy, Straf. 3; Rep. McGrath, Rock. 40; Rep. Reinfurt, Hills. 29; Rep. Mehegan, Merr. 12

COMMITTEE:          Science, Technology and Energy

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ANALYSIS

This bill establishes a regulatory process to prohibit solar radiation modification (SRM), geoengineering, or other atmospheric interventions involving the release of pollutants within the state, providing penalties for violations. This bill requires reports of such violations to be made to the New Hampshire county sheriffs or deputized New Hampshire citizens to enforce the provisions.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 prohibiting solar radiation modification, weather modification, and other polluting atmospheric interventions.

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

1 1 Short Title. This act shall be known and may be cited as "The Clean Air Preservation Act."

2 2 Purpose.

3 I. Currently, RSA 12-F:1 provides that any department or agency of the state may engage in  
4 and undertake experimentation in the techniques and methods for weather modification, and may  
5 cooperate therein with the federal government, with authorized agencies of other states, and with  
6 interested persons and organizations. Weather modification experimentation is known to involve  
7 the use of chemical compounds and technologies.

8 II. New Hampshire RSA 125 states that it is necessary to aggressively reduce emissions of  
9 sulfur dioxide (SO<sub>2</sub>) and other criteria pollutants due to adverse impacts on human health and the  
10 ecosystem. The department of environmental services acknowledges adverse health and  
11 environmental effects of SO<sub>2</sub> including harm to the human respiratory system and that elevated  
12 concentrations of SO<sub>2</sub> in the atmosphere can react with other compounds to form small particles  
13 that contribute to particulate matter pollution, reduce visibility and cause regional haze. SO<sub>2</sub> can  
14 harm bees and other pollinators, animals, and aquatic life. SO<sub>2</sub> harms trees and forests, damages  
15 foliage and decreases plant growth by causing acid rain. Acid rain decreases soil quality and reduces  
16 the yield from agriculture, farming, and gardening.

17 III. Attempts to alter atmospheric conditions through weather modification, solar radiation  
18 modification (SRM) and other weather manipulation methods involve the release of pollutants into  
19 the atmosphere. These pollutants fall to earth in precipitation causing harm to human health and  
20 damaging New Hampshire's natural resources. The Congressionally Mandated Research Plan and  
21 an Initial Research Governance Framework Related to Solar Radiation Modification outlines the  
22 coordination of federally funded research into Solar Radiation Modification (SRM). Scientific  
23 dimensions of SRM include the use of interoperable ground-based, airborne, and space-based  
24 facilities. Per the Center for International Environmental Law, "Solar Radiation Modification (SRM)  
25 technologies are dangerous and do not have any role to play in our common future." It is therefore  
26 the intention of the general court to prohibit SRM as further set forth by the terms and provisions of  
27 this act.

28 IV. The general court finds it necessary to prohibit SRM, weather modification  
29 experimentation and other polluting weather interventions or experiments in New Hampshire under  
30 the following provisions of the New Hampshire constitution:

- 1 (a) Part 1, article 1. Equality of men; origin and object of government.
- 2 (b) Part 1, article 2. Natural rights.
- 3 (c) Part 1, article 7. State sovereignty.

4 3 Atmospheric Experiments and Interventions. RSA 12-F is repealed and reenacted to read as  
5 follows:

6 CHAPTER 12-F

7 ATMOSPHERIC EXPERIMENTS AND INTERVENTIONS

8 12-F:1 Definitions. In this chapter:

9 I. "Air national guard" means the New Hampshire air national guard (NH ANG), a reserve  
10 component of the United States Air Force. As state militia units, the units in the NH ANG are not  
11 in the normal United States Air Force chain of command. They are under the jurisdiction of the  
12 governor of New Hampshire through the office of the state adjutant general unless they are  
13 federalized by order of the President of the United States. In the event that NH ANG is federalized,  
14 the governor shall form a state guard under RSA 111 to defend New Hampshire airspace.

15 II. "Apparatus" means ground-based, airborne, or space-based equipment, facilities,  
16 instruments, machinery, or tools used for purposes related to weather engineering, weather  
17 experimentation, or weather monitoring.

18 III. "Artificial intelligence" (AI) refers to a field of science and technology encompassing  
19 systems and tools that can perform tasks typically requiring human intelligence, such as learning,  
20 reasoning, pattern recognition, and decision-making, often through computational techniques like  
21 machine learning and neural networks. AI operates within defined parameters to analyze, predict,  
22 and execute actions based on complex datasets, with applications ranging from healthcare and  
23 genomics to military systems and public policy.

24 IV. "Atmospheric activity" means any deliberate polluting activity conducted by any  
25 iteration of human, machine learning or artificial intelligence, or any combination thereof, that  
26 occurs in the atmosphere and may have harmful consequences upon health, the environment or  
27 agriculture.

28 V. "Cloud seeding" is a type of weather modification that attempts to change the amount or  
29 type of precipitation by dispersing chemicals such as silver iodide (AgI), carbon dioxide (CO<sub>2</sub> in the  
30 form of dry ice), or tri-methyl aluminum (TMA) into the air by means of aircraft or ground  
31 generators.

32 VI. "Entity" means any of the following:

- 33 (1) Individual.
- 34 (2) Trust.
- 35 (3) Firm.
- 36 (4) Joint stock company.
- 37 (5) Corporation, including a quasi-governmental corporation.

- 1 (6) Nongovernmental organization (NGO).
- 2 (7) Public or private partnership.
- 3 (8) Association.
- 4 (9) Syndicate.
- 5 (10) Municipality or municipal agency.
- 6 (11) Program.
- 7 (12) Fire district.
- 8 (13) Fund.
- 9 (14) Club.
- 10 (15) Nonprofit agency.
- 11 (16) Commission.
- 12 (17) University, college, or academic institution.
- 13 (18) Department or agency of this state.
- 14 (19) The Federal Government or any interstate or international governance or
- 15 instrumentality thereof, including foreign, domestic and mercenary armed services or region within
- 16 the United States.
- 17 (20) Artificial intelligence.

18 VII. "Geoengineering" means the intentional alteration or manipulation of the environment,  
19 involving the release of nuclear, biological, chemical, trans-biological, electromagnetic radiation or  
20 other physical agents or pollutants that effect changes to Earth's atmosphere or surface and is  
21 inclusive of weather modification, solar radiation modification (SRM), stratospheric aerosol injection  
22 (SAI), marine cloud brightening (MCB), cirrus cloud thinning (CCT), and cloud seeding.

23 VIII. "Hazard" means a process, substance or physical agent by its nature that is harmful to  
24 living organisms generally or to property or another interest of value.

25 IX. "Intervention" means the act of interfering with weather processes or altering  
26 atmospheric or environmental conditions by releasing pollutants by methods including but not  
27 limited to, SRM, stratospheric aerosol injection (SAI), marine cloud brightening (MCB), cirrus cloud  
28 thinning (CCT), weather modification, cloud seeding, or outdoor pollution dispersion modeling.

29 X. "Machine learning" means the process in which a machine can learn on its own without  
30 being explicitly programmed.

31 XI. "Physical agent" means an agent, other than a substance, including, without limitation,  
32 radiofrequency/microwave (RF/MW) and other electromagnetic radiation and fields, barometric  
33 pressure, temperature, gravity, kinetic or de facto weaponry, mechanical vibration and sound.

34 XII. "Pollutant" means any solid, liquid, gaseous or thermal irritant, contaminant or  
35 substance, including smoke, vapor, soot, fumes, aerosol, acid, alkalis, chemicals, chemical  
36 compounds, artificially produced electric fields, magnetic fields, electromagnetic fields,

1 electromagnetic pulse (EMP), sound waves, sound pollution, light pollution, microwaves and all  
2 artificially produced ionizing or nonionizing radiation or waste.

3 XIII. "Pollution" means the discharge, dispersal, deposition, release, seepage, migration or  
4 escape of pollutants.

5 XIV. "Release" means any activity that results in the issuance of contaminants such as the  
6 emitting, transmitting, discharging or injecting of one or more nuclear, biological, trans-biological,  
7 chemical or physical agents into the ambient atmosphere, whether once, intermittently or  
8 continuously.

9 XV. "Sheriff" means a New Hampshire sheriff, with the authority to enforce laws in the  
10 State.

11 XVI. "Solar radiation modification (SRM)" means an experiment in the earth's climatic  
12 system involving the release of pollutants that reduces the amount of sunlight reaching the earth's  
13 surface. Scientific dimensions of SRM include the use of interoperable ground-based, airborne, and  
14 space-based facilities.

15 XVII. "State guard" means a state defense force in addition to, and distinct from, the New  
16 Hampshire national guard as defined by RSA 111.

17 XVIII. "Weather engineering" means the deliberate manipulation or alteration of the  
18 environment for the purpose of changing the weather or climate by artificial means, typically  
19 involving the deliberate release of pollutants in the atmosphere via cloud seeding, for small-scale,  
20 large-scale and global-scale alteration of the environment.

21 XIX. "Weather modification" means changing, controlling or interfering with or attempting  
22 to change, control or interfere with the natural development of cloud forms, precipitation, barometric  
23 pressure, temperature, conductivity or other electromagnetic or sonic characteristics of the  
24 atmosphere.

25 12-F:2 No person or entity shall engage in solar radiation modification (SRM) in New  
26 Hampshire, including through the use of an aircraft, balloon, space-based platform, ground  
27 generators, or interoperable ground-based facility.

28 12-F:3 Violative Activity.

29 I. A county sherriff shall immediately issue a cease-and-desist order when an unlawful  
30 polluting atmospheric intervention is suspected. The cease-and-desist order under this section shall  
31 have the weight of a court order and any violation shall be punished in accordance with section 12-  
32 F:5.

33 12-F:4 Notice to Cease Federal or Foreign-Approved Programs.

34 I. Government and armed forces projects must meet all the requirements of this chapter. If  
35 an activity deemed a hazard by this act has been approved, explicitly or implicitly, by the federal  
36 government, the sheriff shall issue a notice to the appropriate federal agency that the activity cannot  
37 lawfully be carried out within or over the state of New Hampshire.

1 II. County sheriffs shall determine whether violations have occurred and, if they deem  
2 necessary, shall refer potentially prohibited activity to the air national guard or state guard. The  
3 county sheriffs and air national guard shall develop a policy to determine the process for assessment  
4 of violations, referral to the national guard, and what the enforcement procedure is, within 90 days  
5 after the effective date of this chapter.

6 III. If deemed necessary, the New Hampshire air national guard may interdict, document  
7 identification tail numbers, secure photographic evidence, sample aerosolized effluents or  
8 particulates, utilize mass spectrometers and other appropriate scientific instrumentation, and  
9 engage with aircraft violating this section to escort them to the nearest airport for investigation,  
10 securing of evidence, and documentation of the violation.

11 IV. Random aircraft fuel and equipment checks shall be performed from time to time by  
12 county sheriffs, deputies, or the department of environmental services to ensure compliance with  
13 this chapter.

14 12-F:5 Penalties and Enforcement. An entity or individual who engages in a polluting  
15 atmospheric intervention or any entity or individual who uses an unmarked or unidentified aircraft  
16 or other vehicle or facility to carry out stratospheric aerosol injection (SAI), geoengineering, weather  
17 modification, cloud-seeding or other polluting atmospheric intervention:

18 I. Has committed a felony and shall pay a fine of not less than \$500,000 or be imprisoned for  
19 not more than 2 years, or both;

20 II. Shall be guilty of a separate offense for each day during which violative activity has been  
21 conducted, repeated, or continued; and

22 III. Shall be deemed in violation, and subject to the penalties of RSA 125-C, RSA 125-D, and  
23 RSA 125-I, and other applicable pollution laws of the state of New Hampshire.

24 IV. Each county sheriff shall deputize and train volunteer New Hampshire citizens to assist  
25 with the enforcement of this chapter.

26 V. A county sheriff or their deputy shall investigate reports of SRM or radiation pollution to  
27 ensure compliance with the requirements of this chapter or the rules adopted in furtherance of this  
28 chapter.

29 12-F:6 Investigatory Findings. As established in this act, scientific dimensions of SRM include  
30 the use of interoperable ground-based, airborne, and space-based facilities involving the release of  
31 pollutants including electromagnetic radiation.

32 I. Communications facilities shall be subject to evaluation by an independent licensed  
33 radiofrequency (RF) engineer paid for by the facility owner. Evaluation shall document  
34 wavelengths, modulation characteristics and rates, intensities and concentrations, directionalities,  
35 reflection and duration specifications of any type of electromagnetism to be deployed or potentially  
36 emitted, intentionally or inadvertently, during the activity. Facility owner shall provide a detailed  
37 description of current purposes and future capabilities of facilities, including public, private and

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1 foreign affiliates and potential uses of artificial intelligence. The RF engineer shall provide findings  
2 in a report to be submitted to the county sheriff and the department of environmental services. The  
3 radiation signal strength metered at the reported location is not to exceed -75 dBm (decibel-  
4 milliwatt) for any frequency or channel band specified by a transmitting entity's FCC transmission  
5 license. If signal strength metered by the RF engineer is in excess of -75 dBm, the facility operator  
6 has 30 days to achieve compliance without disruption to performance of personal wireless services.  
7 County sheriffs and the department of environmental services shall perform random testing from  
8 time to time to ensure facility compliance with this chapter. Failure to comply will result in a fine of  
9 not more than \$50,000 per day for each day the facility is out of compliance. Deliberate falsification  
10 or altering of information related to this section shall constitute a violation of this chapter.

11 4 Cross Reference Removed; Variances; Powers of Zoning Board of Adjustment. Amend RSA  
12 674:33, VII to read as follows:

13 VII. Neither a special exception nor a variance shall be required for a collocation or a  
14 modification of a personal wireless service facility~~[, as defined in RSA 12-K:2]~~.

15 5 Cross Reference Removed; Powers to Review Site Plans. Amend RSA 674:44, V to read as  
16 follows:

17 V. Site plan review shall not be required for a collocation or a modification of a personal  
18 wireless service facility~~[, as defined in RSA 12-K:2]~~.

19 6 Repeal. The following are repealed:

20 I. RSA 12-K, relative to the deployment of personal wireless service facilities.

21 II. RSA 676:13, relative to building permits for person wireless service facilities.

22 7 Effective Date. This act shall take effect January 1, 2027.

**HB 1618-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT prohibiting solar radiation modification, weather modification, and other polluting atmospheric interventions.

**FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.**

<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(s)</i>	None			
<b>Expenditures*</b>	\$0	Indeterminable Increase \$380,000+	Indeterminable Increase \$627,000+	Indeterminable Increase \$635,000
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</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>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	\$0	\$0	\$0

**METHODOLOGY:**

This bill prohibits solar radiation modification, geoengineering, cloud seeding, and other atmospheric interventions involving the release of pollutants in New Hampshire. It repeals and reenacts RSA 12-F to establish new definitions, prohibited activities, enforcement responsibilities for county sheriffs, coordination with the Department of Environmental Services and the Air National Guard, and penalties for violations.

The Department of Environmental Services (DES) states this bill assigns the Department several new responsibilities, including participation in “random aircraft fuel and equipment checks” and assisting county sheriffs with determining whether prohibited atmospheric activities have occurred. DES notes this bill does not define what constitutes an aircraft fuel inspection,

what testing methods should be used, how frequently such inspections would be required, or which pollutants are expected to be sampled under the bill's definition of "atmospheric interventions." The DES also explains that the enforcement statutes referenced in the bill (RSA 125-C, 125-D, and 125-I) currently apply only to stationary sources of air pollution. DES states they are unaware of any activities described in the bill occurring in NH, therefore the DES does not know if enforcement will be necessary.

To implement the requirements of this bill, DES states it would need one full-time Compliance Officer (13-1040 COMPLIANCE OFFICERS-4) beginning January 1, 2027. This position would coordinate with county sheriffs, collect and process fuel and equipment samples, document potential violations, and manage analytical results. The estimated costs include sampling supplies, testing costs, and related operating expenses. DES estimates the cost of this position to be \$114,000 in FY 2027 (partial year), \$121,000 in FY 2028, and \$125,000 in FY 2029. It is assumed these costs would be General Fund expenditures.

The Department of Justice (DOJ) states the bill is likely to generate new enforcement actions, potential criminal prosecutions, and civil litigation involving federal agencies, regulated entities, or telecommunications operators. The Department explains that its existing budget and staffing cannot absorb these responsibilities. To meet the anticipated workload, DOJ estimates it would require three unclassified attorneys and two paralegals (23-2010 PARALGLS-LGL ASSTS-4, SOC23-04), beginning January 1, 2027 to handle legal reviews, enforcement actions, and courtroom litigation.

<b>Positions Requested by DOJ</b>	<b>FY 2027 (Part-Year)</b>	<b>FY 2028</b>	<b>FY 2029</b>
Unclassified Attorney x 3	\$215,000	\$414,000	\$414,000
Paralegal x 2	\$51,000	\$92,000	\$96,000
<b>Total Salary, Benefits and Operating Expenses</b>	<b>\$266,000</b>	<b>\$506,000</b>	<b>\$510,000</b>

The combined estimated cost for these positions is \$266,000 in FY 2027, \$506,000 in FY 2028, and \$510,000 in FY 2029. DOJ notes that other litigation-related expenditures remain indeterminable but may be significant.

This bill does not authorize nor fund the requested positions. However, if the positions are authorized, it is assumed the costs for FY 2028 and FY 2029 would be included in the Departments FY 2028 and FY 2029 budget requests.

The Department of Military Affairs and Veterans Services reports no fiscal impact. No additional positions or funding are required to meet the responsibilities outlined in the bill.

The New Hampshire Association of Counties states the county costs are indeterminable. The frequency and complexity of enforcement activities by county sheriffs cannot be predicted, and therefore any additional personnel or operating costs cannot be estimated at this time.

Lastly, 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:**

Department of Environmental Services, Department of Justice, Department of Military Affairs and Veterans Services, New Hampshire Association of Counties, Judicial Branch, Judicial Council, Department of Corrections, and New Hampshire Municipal Association