

CHAPTER 270
HB 143 - FINAL VERSION

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2025 SESSION

25-0332
09/11

HOUSE BILL **143**

AN ACT criminalizing and creating a private right of action for the facilitation, encouragement, offer, solicitation, or recommendation of certain acts or actions through a responsive generative communication to a child.

SPONSORS: Rep. Harvey-Bolia, Belk. 3; Rep. Osborne, Rock. 2; Rep. Pauer, Hills. 36; Rep. Peternel, Carr. 6; Rep. Terry, Belk. 7; Rep. Thibault, Merr. 25; Rep. Creighton, Hills. 30; Sen. McGough, Dist 11

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill criminalizes and creates a private right of action for the facilitation, encouragement, offer, solicitation, or recommendation of certain acts or actions through a responsive generative communication to a child.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT criminalizing and creating a private right of action for the facilitation, encouragement, offer, solicitation, or recommendation of certain acts or actions through a responsive generative communication to a child.

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

1 270:1 New Paragraph; Endangering Welfare of Child; Responsive Generative Communication.

2 Amend RSA 639:3 by inserting after paragraph III the following new paragraph:

3 III-a.(a) For the purposes of prosecution under this section, an owner or operator of a computer
4 online service, Internet service, or bulletin board service, including a provider of an artificial intelligence
5 (AI) chat program, large language model artificial intelligence bot, chat bot, character AI, or other
6 computer application, the sole purpose of which is to provide responsive open-ended generative
7 communication through the use of artificial intelligence, commits the offense of endangering the welfare of
8 a child if the owner or operator knows at the time that they direct the communication to the child that the
9 communication is made with the intent to facilitate, encourage, offer, solicit, or recommend that the child
10 imminently engage in:

11 (1) Sexually explicit conduct.

12 (2) The production or participation in the production of a visual depiction of such conduct.

13 (3) The illegal use of drugs or alcohol.

14 (4) Acts of self-harm or suicide.

15 (5) Any crime of violence against another person.

16 (b) This paragraph shall not apply to:

17 (1) A cloud service provider, or a provider of a telecommunications service or an
18 information service, as defined in 47 U.S.C. section 153, with respect to the provision of content created
19 by or supplied on behalf of another person; or

20 (2) Any product, service, website, or application that provides an AI chat program or
21 character that is integral or incidental to a video game, television, streaming, movie, or other similar
22 interactive experience.

23 270:2 New Section; Enforcement; Responsive Generative Communication with Children. Amend
24 RSA 507 by inserting after section 8-j the following new section:

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1 507:8-k Enforcement Action for Solicitation of Children Through Responsive Generative
2 Communication.

3 I. Any owner or operator of a computer online service, Internet service, or bulletin board service,
4 including a provider of an artificial intelligence (AI) chat program, large language model artificial
5 intelligence bot, chat bot, character AI, or other computer application, the sole purpose of which is to
6 provide responsive open-ended generative communication through the use of artificial intelligence, shall
7 be liable to a child, parent of such child, or next friend of such child if the owner or operator knows at the
8 time that they direct the communication to the child that the communication is made with the intent to
9 facilitate, encourage, offer, solicit, or recommend that the child imminently engage in:

10 (a) Sexually explicit conduct.

11 (b) The production or participation in the production of a visual depiction of such conduct.

12 (c) The illegal use of drugs or alcohol.

13 (d) Acts of self-harm or suicide.

14 (e) Any crime of violence against another person.

15 II. The attorney general may bring an action against an owner or operator that violates this
16 section for damages proximately caused to a child, as provided in paragraph III, or for appropriate
17 injunctive relief. Prior to initiating such action, the attorney general shall provide the owner or operator
18 with written notice of each alleged violation and the factual basis thereof, and shall give the owner or
19 operator 90 days to provide assurances satisfactory to the attorney general that the owner or operator has
20 cured the violations and has taken adequate steps to prevent future violations. If such assurances
21 satisfactory to the attorney general are provided, the attorney general shall not initiate an action against
22 the owner or operator for such violations. The attorney general shall have the sole right of action for a
23 violation of this section.

24 III. An owner or operator of such service shall be liable to a child, or the parent or next friend of
25 the child, for damages proximately caused by a violation of paragraph I, but in no instance liable for an
26 amount less than liquidated damages in the amount of \$1,000 per violation.

27 IV. This section shall not apply to:

28 (a) A cloud service provider, or a provider of a telecommunications service or an information
29 service, as defined in 47 U.S.C. section 153, with respect to the provision of content created by or
30 supplied on behalf of another person; or

31 (b) Any product, service, website, or application that provides an AI chat program or
32 character that is integral or incidental to a video game, television, streaming, movie, or other similar
33 interactive experience.

270:3 Effective Date. This act shall take effect January 1, 2026.

Approved: August 01, 2025
Effective Date: January 01, 2026