

January 16, 2026

Representative Debra DeSimone
Chair, House Committee on
Children and Family Law
11 Providence Hill Road
Atkinson, New Hampshire 03811

Representative Kimberly Rice
Vice Chair, House Committee on
Children and Family Law
9 Hickory Street
Hudson, New Hampshire 03051

Representative Melissa Litchfield
46 Eleanor's Way
Brentwood, New Hampshire 03833-6005

RE: Letter in Opposition to New Hampshire HB 1460-FN

Dear Chair DeSimone, Vice Chair Rice, and Representative Litchfield:

On behalf of the advertising industry, we write to oppose New Hampshire HB 1460.¹ We provide this letter to offer our non-exhaustive list of concerns about this bill. HB 1460 would prohibit the sale of location and other sensitive data regarding children, but it is misaligned with existing New Hampshire law because it departs from the statute's "known child" standard and uses the undefined term "location data" rather than the established concept of "precise geolocation data." Accordingly, we ask you to decline to advance the bill as drafted out of the House Committee on Children and Family Law ("Committee").

As the nation's leading advertising and marketing trade associations, we collectively represent thousands of companies across the country. These companies range from small businesses to household brands, advertising agencies, and technology providers. Our combined membership includes more than 2,000 companies that power the commercial Internet, which accounted for nearly 20 percent of total U.S. gross domestic product ("GDP") in 2024.² By one estimate, approximately 18.8% of New Hampshire jobs in 2024 were related to the ad-subsidized Internet, a share projected to increase to 20.4% by 2029.³ Our group has more than a decade's worth of hands-on experience it can bring to bear on matters related to consumer privacy and controls. We would welcome the opportunity to engage with the Committee further on the points we discuss in this letter.

I. Harmonization Across New Hampshire's Privacy Laws Would Foster Consistency and Clarity for Consumers and Businesses

If enacted, HB 1460 would amend RSA 507-H:6 to add a new controller duty: "Not sell the location and other sensitive data regarding children."⁴ While the goal of protecting data

¹ New Hampshire HB 1460-FN (2026 Session), located [here](#) (hereinafter, "HB 1460").

² S&P Global, THE ECONOMIC IMPACT OF ADVERTISING ON THE US ECONOMY, 2024-2029 at 4 (Aug. 2025), located at https://theadcoalition.com/wp-content/uploads/2025/08/TAC_SP-Global-Final-Report_August-2025.pdf.

³ *Id.* at 15-16.

⁴ HB 1460 §1.

collected from children is broadly shared, HB 1460, as drafted, cuts across the structure New Hampshire just adopted in the New Hampshire Data Privacy Act (“NHDPA”) and risks creating a confusing, costly “two-track” privacy regime. The Committee should instead focus its efforts on harmonizing the bill with the NHDPA which consistently uses “known child” as the standard, aligned to trigger heightened obligations for children’s data.⁵ That approach provides New Hampshire business and parents more certainty and would help ensure data about children is appropriately safeguarded. By contrast, a flat prohibition on selling data “regarding children,” without the inclusion of any knowledge-based standard, risks creating conflict and confusion for businesses and consumers interpreting the different provisions in the NHDPA. Harmonizing HB 1460 with the existing “known child” standard would preserve strong protections while maintaining the defined terms the legislature has already chosen.

HB 1460 also departs from established statutory definitions by prohibiting the sale of “location data” rather than “precise geolocation data,” a term already defined and treated as sensitive under NHDPA.⁶ “Location data” is undefined and would create ambiguity. Using the existing definition of “precise geolocation data,” and cross-referencing the NHDPA’s definition of “sensitive data,” would ensure consistency and clarity for business’s making every effort to comply. Without these changes, HB 1460 would contribute to a patchwork of differing privacy standards within New Hampshire law, increasing costs for businesses and consumers without providing commensurate privacy benefits.

* * *

We and our members strongly support meaningful privacy protections for consumers. We believe, however, that HB 1460 will not further meaningful consumer protections in New Hampshire. As currently drafted, the bill would create conflicting terms that do not align with the New Hampshire Data Privacy Act causing confusion and undue compliance burdens around location data and children’s privacy. We therefore respectfully ask the Committee to decline to advance HB 1460 as proposed. We would welcome the opportunity to engage further and work with you to craft a workable privacy framework that benefits New Hampshire consumers and businesses alike.

⁵ N.H. Rev. Stat. Ann. § 507-H:6(I)(d) (stating: “A controller shall: Not process sensitive data concerning a consumer without obtaining the consumer's consent, or, in the case of the processing of sensitive data concerning a known child, without processing such data in accordance with COPPA...”).

⁶ N.H. Rev. Stat. Ann. § 507-H:1(XX), (XXVIII).



Thank you in advance for your consideration of this letter.

Sincerely,

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CC: Members of the New Hampshire House Committee on Children and Family Law

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