TAXPAYERS PROTECTION ALLIANCE

January 29, 2026

House Commerce and Consumer Affairs Committee
General Court of New Hampshire
107 North Main Street
Concord, NH 03301

Dear Chair Hunt, Vice Chair Potucek, and Members of the Committee:

On behalf of the millions of taxpayers and consumers we represent, the Taxpayers Protection Alliance (TPA) writes to express its support for HB 1124 and its concerns with HB 1658 and HB 1650. HB 1124 takes the proper approach to addressing concerns about AI. HB 1658 and HB 1650 are intended to protect children and empower families—both noble goals—but it fails on both fronts. Moreover, as found by a federal judge in a recent decision, these bills contain unconstitutional provisions that violate the First Amendment.

**HB 1124**

Digital technologies are becoming ever more present in modern life—from public discourse to social interactions to entertainment to business. HB 1124 is significant as a measure that would establish New Hampshire as a leader among states in securing liberty, prosperity, and the economic and other benefits of innovation for its residents.

Proposals to regulate artificial intelligence (AI) have proliferated in state legislatures in recent years. In 2025 alone, state legislatures considered more than 1,000 AI-related bills. Many states have chosen a heavy-handed approach that would stifle innovation and harm consumers, but HB 1124 is a laudable exception. This bill takes the proper approach: it seeks to protect individuals' and entrepreneurs' rights to make the most of their talents and opportunities without foreclosing common-sense consumer protection measures based on tried-and-true principles of existing law. This approach will do much to promote New Hampshire as a place of economic and technological dynamism—for innovators and consumers alike—in the 21st century.

Allowing for the creation of new digital technologies would be a boon to economic liberties, which is a significant recommendation in favor of HB 1124. But digital technologies—especially AI—promise great economic benefits as well. They will power economic dynamism and efficiency, making existing businesses more productive, facilitating the entry of new businesses (and thus promoting innovation and competition), and spurring on the creation of new jobs. These benefits will be enjoyed across industries, as companies reduce logistical bottlenecks, small entrepreneurs use new tools to open new kitchen-table businesses, and healthcare professionals find new cures for old diseases. Consumers will reap the benefits of cheaper and higher-quality goods and services.

In our federalist system, the states are often referred to as laboratories of democracy. By enacting HB 1124, New Hampshire has the chance to demonstrate the salutary results of ensuring the Right to Compute to its residents and entrepreneurs—and thus to serve as a model for other state lawmakers nationwide.

**HB 1658**

Although I will urge the Committee to reject HB 1658, I ought to begin by commending the Committee for its care for children's safety in the digital world. Everyone wishes for children to lead safe and age-appropriate digital lives. The fact that I—and others opposing the bill—do not believe HB 1658 to be the right proposal to protect children does not mean that we wish for children to be left unprotected. Nor do we believe that there is no legislation your committee can bring forward to further that end.

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Today you will hear that legislation requiring app stores to verify the ages of their users is, unavoidably, a threat to privacy. That is true. It would be a mistake to require extensive data collection from children and their parents, which would endanger the very people HB 1658 hopes to protect.

You will also hear that this proposal likely violates the First Amendment. This is also true. A federal court in Texas recently enjoined the enforcement of Texas's app store law. I, like the members of this Committee, am a patriotic American, and I take seriously concerns that even well-intended legislation is likely to violate the Constitution and be, consequently, out of bounds. As a taxpayer advocate, I worry that the enactment of unconstitutional bills will result in taxpayer dollars being senselessly expended during a futile legal defense. The taxpayers of Texas are bearing this fiscal burden, and I would hate to see the taxpayers of New Hampshire be forced to do the same.

For a moment, I will take off my professional hat as an economic and legal analyst and address the Committee instead as a young man who grew up in a digital world and, in general, escaped unscathed. The credit for this goes to my parents and my parents alone. They monitored and managed the devices, websites, and apps to which I had access, many times to my disappointment. It was not easy for them, but they did what they thought right.

The good news is that since my teenage years, parents have gained access to far more extensive digital child-safety tools. In fact, the parental-control suites now available through Apple and Google's app stores are far more extensive than those proposed by HB 1658. The trouble is that, although these tools are wildly effective and simple to use, many parents are unaware of their existence or unsure of how to operate them.

The right regulatory posture is not to impose a sweeping, poorly constructed mandate—which, as you will hear today, is unlikely to succeed in protecting children in the first place—but to educate and empower families to make and enforce sensible, tailored decisions about the wellbeing of children. In this country, the buck of parenting has always stopped at the kitchen table. This principle should not be thrown by the wayside as we consider how best to regulate digital technologies.

**HB 1650**

As we consider how best to protect children in an increasingly online world, two questions must be asked: first, what policies are best capable of protecting children; and second, how can these policies be tailored, given existing technologies, to disrupt the free and open operation of the internet to the least extent. I fear that HB 1650 is a poor answer to both questions. It is unlikely that its proposals will safeguard children in significant fashion, and they are sure to produce myriad unintended consequences that would degrade the usefulness of the internet and endanger the privacy and data security—for children and adults alike.

Laws that require platforms to differentiate between underage and adult users usually function in practice as an age verification mandate. This bill's nebulous age assurance provisions would operate in this way. Age verification mandates (whether explicit or implicit) require users of all ages to offer up sensitive, personal information to online databases as a precondition to using essential everyday digital services. Once given over, this information is liable to hacks, data breaches, and other incidents, which are of particular concern to minors, of whom 25 percent fall victim to identity theft by the time they reach the age of majority. No database is safe: government agencies, schools, large tech platform, third-party age and identity verifiers—all routinely fall victim. Thus, in the name of protecting children, HB 1650 is likely to endanger children, as well as adult users.

Besides its threat to children's privacy, HB 1650's sweeping and imprecise language would pose problems for internet platforms and the smooth functioning of the internet generally. It would cover so broad a swath of online services as to apply to many platforms that present no dangers to underage users. For example, from my read of

the bill's provisions, it could apply to such services as Google Search, forcing New Hampshire residents to submit to an unsafe age verification process before using this most useful, and the most harmless, of services. Moreover, it is impossible to determine what types of content are "reasonably foreseeable emotional distress to a covered minor." All children are different: a news item about geopolitics might be useful and informative to a high school senior, while entirely inappropriate for a first grader; one teenager suffering from anorexia might find generic fitness content distressing, while another—a high school football player, say—might find such content a source of inspiration and an important source as he pursues athletic excellence.

HB 1650 would sprawl out to encompass an eyebrow-raising range of platforms, including those whose services, products, or features have "design elements that are known to be of interest to minors." The bill's approach—which resembles an attempt to do an intricate procedure, like open heart surgery, with a pickaxe—will compound the damage to be inflicted by its poor policies.

Ultimately, the Constitution dooms this bill to be ineffective from the start. Multiple federal courts in California—including U.S. Court of Appeals for the Ninth Circuit—enjoined a similar law enacted in that state. Should HB 1650 become law, it will fall in similar fashion to a judicial injunction. Although advocates often say that age-appropriate design codes can be defended successfully in court, the record shows otherwise.

There are other, better, and more effective ways to ensure children remain safe online, and I would welcome the chance to answer your questions or correspond further with you and your staffs.

**Conclusion**

TPA appreciates the opportunity to contribute to the debates on these important matters and welcomes the opportunity for further communication with members of the Committee as well as staff in the future.

Sincerely,

David Williams
President