

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

Introduced

### House Bill 2933

BY DELEGATES KESSINGER, HARDY, D. JEFFRIES,  
PINSON, J. PACK, SUMMERS, L. PACK, HAYNES, BROWN,  
HANSHAW (MR. SPEAKER), AND MAZZOCCHI

[Introduced March 05, 2021; Referred to the  
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §5A-3-62, relating to creating the Anti-Discrimination Against Israel Act.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3. PURCHASING DIVISION.**

**§5A-3-62. Anti-Discrimination Against Israel Act.**

1 (a) This section shall be known as the "Anti-Discrimination Against Israel Act".

2 (b) A public entity may not enter into a contract with a company to acquire or dispose of  
3 services, supplies, information technology, or construction unless the contract includes a written  
4 certification that the company is not currently engaged in, and will not for the duration of the  
5 contract, engage in a boycott of goods or services from Israel or territories under its control that  
6 constitutes an integral part of business conducted or sought to be conducted within the state of  
7 West Virginia. This section shall not apply to contracts with a total potential value of less than  
8 \$100,000 dollars or to contractors with less than 10 employees.

9 (c) As used in this section, the following terms shall mean:

10 (1) "Boycott Israel" and "boycott of the State of Israel", mean engaging in refusals to deal,  
11 terminating business activities, or other actions that are intended to discriminate against, inflict  
12 economic harm, or otherwise limit commercial relations specifically with the State of Israel or  
13 territories under its control, or persons or entities doing business in the State of Israel or territories  
14 under its control. A company's statement that it is participating in boycotts of the State of Israel  
15 or territories under its control, or that it has taken the boycott action at the request, in compliance  
16 with, or in furtherance of calls for a boycott of the State of Israel or territories under its control,  
17 shall be considered to be conclusive evidence that a company is participating in a boycott of the  
18 State of Israel or territories under its control, provided however, that a company that has made no  
19 such statement may still be considered to be participating in a boycott of the State of Israel or  
20 territories under its control if other factors warrant such a conclusion. At no time shall the "State  
21 of Israel" be construed to be inconsistent with any provision of federal law, including, but not

22 limited to 50 U.S.C. Sections 4602, 4605 or 4607, as amended;

23 (2) "Company", any for-profit or not-for-profit organization, association, corporation,  
24 partnership, joint venture, limited partnership, limited liability partnership, limited liability company,  
25 or other entity or business association, including all wholly owned subsidiaries, majority-owned  
26 subsidiaries, parent companies, or affiliates of those entities or business associations; and

27 (3) "Public entity", the state of West Virginia, or any political subdivision thereof, including  
28 all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of  
29 the state, created by or in accordance with state law or regulations.

30 (d) Any contract which fails to comply with the provisions of this section shall be void  
31 against public policy.

32 (e) Notwithstanding any other provision in this article to the contrary, the provisions of this  
33 section shall apply to all spending units of state government including those otherwise excluded  
34 from applicability under §5A-3-1 of this code.

35 (f) The director of the purchasing division or the designee thereof may promulgate rules  
36 to implement the provisions of this act so long as they are consistent with this section and do not  
37 create any exceptions to it.

38 (g) The provisions of this section shall become effective on July 1, 2022.

NOTE: The purpose of this bill is to create the Anti-Discrimination Against Israel Act.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.