

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 413

**FISCAL
NOTE**

By Senator Rucker

[Introduced January 15, 2026; referred
to the Committee on Banking and Insurance; and
then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §47-29-1, §47-29-2, §47-29-3, §47-29-4, §47-29-5, and §47-29-6, relating to
3 the Transactional Gold and Silver Act; providing legislative intent; defining terms;
4 recognizing gold specie and silver specie as legal tender in the state; setting out duties of
5 the State Treasurer's Office; providing for rulemaking; creating an implementation date and
6 reporting requirements; and making certain transactions tax exempt.

Be it enacted by the Legislature of West Virginia:

ARTICLE 29. TRANSACTIONAL GOLD AND SILVER ACT.

§47-29-1. Legislative intent.

1 The Legislature finds that several states have enacted legislation to recognize
2 transactional gold and silver. The use of gold and silver as a medium of exchange has a historical
3 basis in fostering economic stability and individual liberty. Article I, Section 10 of the Constitution of
4 the United States Constitution allows for states to declare gold and silver legal tender for use in
5 payment of debts, taxes, fees, and other obligations.

6 Recognizing gold and silver as legal tender promotes economic justice by allowing citizens
7 of every economic stratus access to the ability to preserve their wealth by hedging against inflation
8 with precious metals. Establishing a mechanism for the use of precious metals in transactions
9 enhances West Virginia's economic resilience. Allowing the use of gold and silver as legal tender
10 provides individuals and business within the state an alternative option for preserving and
11 exchanging wealth.

§47-29-2. Definitions.

1 As used in this section:

2 "Bullion depository" means an entity providing vault facilities within the United States for
3 the storage of gold bullion and silver bullion that:

4 (1) Complies with the prescribed London Bullion Market Association or equivalent best
5 practice guidelines;

6 (2) Provides accounts that:

7 (A) Hold gold bullion and silver bullion; and

8 (B) Allow account holders to buy, sell, save, or spend gold bullion and silver bullion.

9 "Central bank digital currency":

10 (1) Means digital currency, a digital medium of exchange, or a digital monetary unit of
11 account that is:

12 (A) Issued by any of the following:

13 (i) The Board of Governors of the United States Federal Reserve System;

14 (ii) The United States;

15 (iii) A state of the United States;

16 (iv) A foreign country or jurisdiction;

17 (v) An intergovernmental organization; or

18 (vi) A government, agency, agent, instrumentality, central bank, or other entity of an entity
19 referenced in this subdivision; and

20 (B) Either:

21 (i) Made directly available to a consumer; or

22 (ii) Processed or validated directly by an issuer referenced in subsection (1)(A) of this
23 definition; and

24 (2) Does not include digital assets that are:

25 (A) Backed by legal tender or government treasuries; and

26 (B) Issued by a qualified entity.

27 "Depository agent" means a private entity authorized by the State Treasurer to operate a
28 bullion depository or perform related services under this article.

29 "Electronic payment system" means an electronic platform or payment system that
30 enables participating vendor to receive and process a payment from an account holder of a bullion
31 depository using gold specie or silver specie held in a the bullion depository as the basis for

payment transaction.

"Gold bullion" and "silver bullion"

(1) Means, as applicable, refined precious gold or silver metal that is:

(A) In any shape or form; and

(B) Valued primarily based on its metal content and not on its form or function; and

(2) Includes, as applicable, gold coin and silver coin.

"Gold coin" and "silver coin" means, as applicable, gold or silver metal that is:

(1) In bars or other physical forms certified at least:

(A) For gold metal, 99.5 percent pure; and

(B) For silver metal, 99.9 percent pure; and

(2) Coined, stamped, or imprinted with its weight and purity.

"Gold specie" and "silver specie" means, as applicable, gold or silver bullion that:

(1) Has intrinsic value; and

(2) Is used or intended for use as money.

"Governing authority" means

"Legal tender" means a recognized medium of exchange for payment of debts, taxes, fees,

and other obligations.

"Person" includes:

(1) A natural person;

(2) Any type or form of corporation, company, partnership, proprietorship, association, or

other legal entity; and

(3) A government, governmental subdivision or agency, governing authority, or other body

politic.

"Social credit scoring system" Means a system of recordkeeping, data collection, or

scoring that:

(1) Evaluates, monitors, or ranks an individual's or entity's behavior, beliefs, associations,

or compliance with government or corporate standards; and

(2) Conditions access to service, benefits, or opportunities based on an evaluation, monitoring, or ranking referenced in subsection (1) of this definition.

"Transactional gold and silver" means a representation, in the exact units of metal in fractional troy ounces or gram, of physical gold, silver, or bullion that:

(1) May be transferred through electronic or written instructions by the owner;

(2) May be used to make or receive payments, or to transfer value, within this state or between parties who consent to its use; and

(3) Is fully backed by specie held in a qualified depository and redeemable on demand by the holder in the underlying gold or silver specie or bullion.

§47-29-3. Gold specie and silver specie legal tender in this state.

(a) Gold specie and silver specie are recognized as legal tender by West Virginia.

(b) Gold specie and silver specie may be used for payment of:

(1) Debts between private parties, if the parties mutually agree to the use of the specie; and

(2) Taxes, fees, and other obligations owed to the state or a governing authority.

(c) No person shall be required to accept gold specie or silver specie as payment.

§47-29-4. Duties of State Treasurer's Office; rulemaking.

(a) The State Treasurer's Office may:

(1) Operate the bullion depository directly or contract with a depository agent; and

(2) Contract with a private entity to develop or operate any electronic payment system.

(b) The State Treasurer's Office shall promulgate rules in accordance with §29A-3-1 *et seq.* of this code that:

(1) Designate or establish one or more bullion depositories for the secure storage of gold bullion and silver bullion to facilitate transactions under this article.

(2) Authorize and approve one or more electronic payment systems to facilitate transactions under this article; and

(3) Are otherwise necessary to implement this article.

(c) The States Treasurer's Office shall:

(1) Ensure that a bullion depository is:

(A) Secure;

(B) Transparent to account holders; and

(C) Accessible for use by any person.

(2) Ensure that each authorized and approved electronic payment system:

(A) Is reliable; and

(B) Complies with applicable state and federal laws.

(3) Any depository agent or contracted entity operates in the best interests of the citizens of the state of West Virginia and the account holders of any designated or established bullion depository.

(4) Regularly verify:

(A) The amount of gold bullion and silver bullion held by the designated or established bullion depository; and

(B) That the designated or established bullion depository is in compliance with applicable state and federal laws.

(5) Ensure that each authorized and approved electronic payment system and any participating vendors are:

(A) Authorized to do business in this state; and

(B) Compliant with state and federal money transmittal laws.

(6) Ensure that appropriate fraud prevention measures are implemented by:

(A) The designated or established bullion depository;

(B) Any depository agent contracted entity;

(C) Each authorized and approved electronic payment system; and

(D) Each participating vendor of an authorized and approved electronic payment system.

(6) (7) Ensure the privacy of the bullion depository's account holders and the participants of each authorized and approved electronic payment system, which shall include that, at a minimum, transaction information shall not, except to the extent the State Treasurer's Office deems necessary to enforce and effectuate this article be shared with any person other than the account holder or participant without proper court authorization; or used in any sort of social credit scoring system.

(d) A bullion depository designated or established by the State Treasurer's Office under this section shall have a contractual relationship with each electronic payment system that is authorized and approved by the State Treasurer's Office to provide services for deposits of gold bullion and silver bullion as provided by the rules promulgated in subsection (b).

(e) For each deposit made in a bullion depository designated or established by the State Treasurer's Office, the bullion depository shall insure the deposit under an all-risk insurance policy issued by a nongovernmental operated insurer for 100 percent of the full replacement value of the deposit.

(f) A deposit made in a bullion depository designated or established by the State Treasurer's Office shall:

(1) Be the sole property of the account holder; and

(2) Not be subject to appropriations by any state in the United States without due process of law.

§47-29-5. Implementation date; reports; not to be in certain circumstances.

(a) The State Treasurer's Office shall implement the provisions of this article by July 1, 2027.

(b) By July 1 of each year the State Treasurer's Office shall submit a report to the Legislature that includes:

(1) The status and operations of the designated or established bullion depository;

(2) The implementation and usage of authorized and approved electronic payment

7 systems; and

8 (3) The economic impact of recognizing gold specie and silver specie as legal tender.

9 (c) Nothing in this article shall be construed as authorizing central bank digital currency or
10 transactional gold and silver to be used by the state, any of its subdivisions, or other public entity
11 as a mechanism for surveillance, social scoring, behavioral conditioning, or any form of social or
12 economic control.

§47-29-6. Tax exempt.

1 (a) The exchange of one type or form of legal tender for another type or form of legal
2 tender shall not give rise to tax liability.

3 (b) The purchase, sale, or exchange of any type of specie shall not give rise to any tax
4 liability.

NOTE: The purpose of this bill is to create the Transactional Gold and Silver 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.