

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 531

BY SENATORS AZINGER, PHILLIPS, CHARNOCK, ROSE,
HELTON, RUCKER, MORRIS, WILLIS, ROBERTS, HAMILTON,
AND TAYLOR

[Passed March 13, 2026; to take effect July 1, 2026]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §5A-3-64, relating to establishment of the First Amendment Preservation Act;
3 providing definitions; prohibiting state contracts with media reliability and bias monitor;
4 requiring written certifications from companies submitting bids that state purchasing
5 contracts are in compliance with the act; clarifying the applicability of the act to state
6 contracts; prohibiting state contracts with foreign adversaries and terrorists as determined
7 by federal law; and providing effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. PURCHASING DIVISION.

§5A-3-64. First Amendment Preservation Act.

1 (a) This section shall be known and may be cited as the First Amendment Preservation
2 Act and is hereby established by the Legislature for the purpose of preventing the state and its
3 agencies from contracting with advertising agencies that use the services of misinformation or
4 disinformation media reliability and bias monitors to ensure that state moneys do not fund
5 viewpoint discrimination and that state funding advertising reaches the broadest possible
6 audience without regard for political ideology or viewpoint.

7 (b) For the purposes of this section:

8 "Agency" means any state department, division, board, commission, institution, or other
9 administrative agency of state government, institutions of higher education using state funds, or
10 any political subdivisions of the state.

11 "Company" means any sole proprietorship, organization, association, corporation,
12 partnership, joint venture, limited partnership, limited liability partnership, limited liability company,
13 or other entity or business association, including all wholly owned subsidiaries, majority owned
14 subsidiaries, or parent companies that exist for the purpose of making a profit or that are nonprofit
15 entities.

16 "Media reliability and bias monitor" means a company whose primary or principal function
17 is rating or ranking news and information sources for the factual accuracy of their content, whether
18 published online, in print, by audio, or digitally, or by broadcasting via radio, television, cable,
19 streaming service, or any other ways news is delivered to the public, or that provide ratings or
20 rankings of news sources based on misinformation, bias, adherence to journalistic standards, or
21 ethics, including, but not limited to, organizations that claim to engage in fact checking or
22 determining overall news accuracy. For purposes of this section, the term "media reliability and
23 bias monitor" does not include a company that only rates media outlets for audience size,
24 viewership, and demographic information, or that monitors media outlets for the purposes of
25 compiling press or video clippings or aggregating news sources.

26 (c) Notwithstanding any other provision of this code to the contrary, an agency may not:

27 (1) Enter into any contract or other agreement with any media reliability and bias monitor
28 for purposes of directing the agency's advertising placements or for use of the agency's
29 programmatic advertising purchases;

30 (2) Enter into any contract or agreement with any advertising or marketing agency that
31 uses the services of a media reliability and bias monitor for purposes of directing the agency's
32 advertising placements or for use of the agency's programmatic advertising purchases; or

33 (3) Enter into any contract with an entity directly or indirectly associated with any person
34 or entity connected to:

35 (A) The list of persons determined to be foreign adversaries by the Secretary of Commerce
36 of the United States under 15 C.F.R. 791.4;

37 (B) The terrorist exclusion list compiled by the Secretary of State of the United States in
38 consultation with the Attorney General of the United States under 8 U.S.C. 1182;

39 (C) The list of countries determined by the Secretary of State of the United States that
40 have repeatedly provided support for acts of international terrorism under 50 U.S.C. 4813(c) and
41 22 U.S.C. 2780(d); and

42 (D) The list of individual and entities designated by, or in accordance with Executive Order
43 13224, issued by the President of the United States on September 23, 2021, or Executive Order
44 13268, issued by the President of the United States on July 2, 2002.

45 (d) Any agency seeking to contract for advertising or marketing services shall require all
46 companies submitting a bid or proposal to provide written certification that the company is neither
47 a media reliability and bias monitor nor planning to use the services of a media reliability and bias
48 monitor for the purposes of the contract or agreement with the agency. Prior to extending,
49 renewing, or otherwise changing or modifying an agreement or contract for advertising or
50 marketing services in effect prior to the effective date of this section, an agency shall obtain written
51 certification from the contractor it is neither a media reliability and bias monitor nor planning to
52 use the services of a media reliability and bias monitor for the purposes of the contract or
53 agreement with the agency.

54 (e) Nothing in this section shall be construed to prevent an agency from contracting for
55 services which aggregate news articles and information relevant to the agency or its constituents
56 or to prevent a company from providing analytical or statistical information on the performance of
57 advertisements placed by an agency.

58 (f) The provisions of this section enacted apply to all policies, contracts, plans, or
59 agreements subject to this section that are delivered, executed, amended, adjusted, or renewed
60 on or after July 1, 2026.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

To take effect July 1, 2026.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2026.

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Governor