

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Introduced**

## **House Bill 4866**

By Delegates Ridenour, Butler, Martin, Anders, Dillon,  
Hillenbrand, Kump, Coop-Gonzalez, White, Kimble,  
and T. Howell

[Introduced January 28, 2026; referred to the  
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §55-22-1, §55-22-2, §55-22-3, §55-22-4, §55-22-5, §55-22-6, §55-22-7, §55-  
3 22-8, and §55-22-9, relating to creating the West Virginia Public Participation Protection  
4 Act; specifying applicability to certain speech; causes of action related to freedom of  
5 speech activities; creating exceptions; authorizing motions to dismiss under certain  
6 circumstances; establishing procedures for civil actions; authorizing attorney's fees and  
7 certain sanctions; and providing for severability.

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

## **ARTICLE 22. WEST VIRGINIA PUBLIC PARTICIPATION PROTECTION ACT.**

### **§55-22-1. Short title.**

1 This article may be cited as the "West Virginia Public Participation Protection Act."

### **§55-22-2. Purpose.**

1 The purpose of this article is to safeguard the exercise of constitutional rights of speech,  
2 press, petition, assembly, or association, including digital and online expression, against meritless  
3 lawsuits intended to chill public participation. This article shall be broadly construed and applied  
4 liberally to protect participation in public affairs and deter abusive litigation. This article is  
5 procedural in nature and applies to all actions, whether pending or future.

### **§55-22-3. Definitions.**

1 As used in this article:

2 "Exercise of the right of association" means a communication between individuals who join  
3 together to collectively express, promote, pursue, or defend common interests.

4 "Exercise of the right of free speech" means a communication made in connection with a  
5 matter of public concern, including through digital or online platforms.

6 "Exercise of the right to petition" means a communication in or pertaining to a  
7 governmental proceeding.

8 "Matter of public concern" includes issues related to health or safety; environmental,

economic, or community well-being; government; public officials or public figures; or goods, products, or services in the marketplace.

"Communication" includes making or submitting a statement or document in any form or medium, whether public or private, including information-gathering and preparation for expressive works.

**§55-22-4. Applicability; exceptions.**

(a) This article applies to a cause of action asserted against a person based on:

(1) The person's exercise of the right of free speech, right to petition, or right of association on a matter of public concern;

(2) Digital or online expression, including social media postings, blogs, or internet publications;

(3) Consumer commentary, ratings, or reviews of businesses, products, or services; or

(4) Information gathering or preparation for expressive works, whether or not published.

(b) This article does not apply to:

(1) Enforcement actions brought by the State of West Virginia or a political subdivision for violation of law; or

(2) Contractual disputes only if they do not involve matters of public concern or participation.

**§55-22-5. Special motion to dismiss.**

(a) A defendant may file a special motion to dismiss within 60 days after service of the complaint or other pleading.

(b) Filing of the motion shall automatically stay all proceedings and discovery. Discovery may be permitted only upon a clear and convincing showing of necessity and only as to issues directly relevant to the motion.

(c) The court shall hold a hearing on the motion within 45 days after its filing and shall issue a ruling within 30 days after the hearing.

**§55-22-6. Burden of proof.**

- 1           (a) The moving party shall first establish that this article applies to the claim.
- 2           (b) If established, the responding party shall demonstrate a probability of prevailing on the
- 3 merits with admissible evidence.
- 4           (c) The court shall dismiss the claim if the responding party fails to meet this burden.

**§55-22-7. Appeal.**

- 1           An order granting or denying a motion to dismiss under this article is immediately
- 2 appealable as of right. All proceedings, including discovery, remain stayed during the pendency of
- 3 the appeal.

**§55-22-8. Attorney's fees and sanctions.**

- 1           (a) A prevailing movant shall recover full attorney's fees, costs, and litigation expenses.
- 2           (b) If the court finds that the action was brought in bad faith or with intent to chill protected
- 3 expression, the court shall impose additional sanctions, which shall include treble costs or civil
- 4 penalties.
- 5           (c) If the court determines that a motion under this article was filed without good cause, the
- 6 responding party may recover reasonable attorney's fees and costs.

**§55-22-9. Severability.**

- 7           If any provision of this article or its application is held invalid, the remainder of the article or
- 8 application to other persons or circumstances is not affected.

NOTE: The purpose of this bill is to create the West Virginia Public Participation Protection Act. The Act applies to certain causes of action where protection of freedom of speech is concerned.

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