

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 514

**FISCAL
NOTE**

By Senator Rucker

[Introduced January 20, 2026; referred
to the Committee on Natural Resources; 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 §22-37-1, §22-37-2, §22-37-3, and §22-37-4, relating to protecting the
3 environment and humans by prohibiting geoengineering activities; providing definitions;
4 and creating penalties for violations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 37. PROHIBITION ON ATMOSPHERIC GEOENGINEERING.

§22-37-1. Legislative findings.

1 The Legislature finds that:

2 (1) Atmospheric polluting activities involving the intentional release of polluting emissions,
3 including weather modification, stratospheric aerosol injection, solar radiation modification, and
4 other forms of geoengineering:

5 (A) Endanger human health and safety and the environment;

6 (B) Threaten air, water, soil, and wildlife resources;

7 (C) Disrupt agricultural operations; and

8 (D) Potentially interfere with aviation, state security, and the economy of the state;

9 (2) Pursuant to the Tenth Amendment of the Constitution of the United States and the
10 inherent right for West Virginia citizens to engage in thoughtful deliberation and determine public
11 policy by voting, the citizens of the state do not consent to any unconstitutional actions or efforts
12 made by the federal government or international bodies that intentionally release polluting
13 emissions into the state's atmosphere, through geoengineering, cloud seeding, weather
14 modification, or any other means; and

15 (3) To preserve the safe and healthful uses of the state's atmosphere for its people,
16 environment, and agriculture, and to improve beneficial climate efforts, it is necessary to prohibit
17 geoengineering and to provide for enforcement and penalties for violative activities.

§22-37-2. Definitions.

1 As used in this article:

2 "Aerosol injection" means the release of reflective sulfate or other aerosol particles in the
3 stratosphere by high altitude planes, tethered balloons, high altitude blimps, artillery, or other
4 means;

5 "Artificial intelligence" or "AI" means systems or machines that mimic human intelligence to
6 perform tasks and that can iteratively improve themselves based on the information they collect;

7 "Atmospheric contaminant" means any type of aerosol, biological, nonbiological, or
8 hazardous agent, chaff, genetically modified agent, metal, radioactive material, vapor,
9 electromagnetic radiation or field, mechanical vibration, particulate of any size, or any air pollutant
10 regulated by the state, and any combination thereof. "Atmospheric contaminant" does not include
11 any engine exhaust from an aircraft using unadulterated certified aviation fuel;

12 "Atmospheric polluting activity" means any deliberate release of an atmospheric
13 contaminant by any human, or by artificial intelligence, or any combination thereof, that occurs in
14 the atmosphere and that may have harmful consequences on human health, the environment, or
15 agriculture;

16 "Chaff" means aluminum-coated silica glass fibers, typically dispersed in bundles
17 containing millions of inhalable fibers, which break apart and fall to the ground;

18 "Cloud seeding" means a type of weather modification that involves the deliberate
19 introduction of various substances into a cloud in order to induce or increase precipitation from the
20 cloud;

21 "Entity" means any individual, trust, firm, joint stock company, corporation, quasi-
22 governmental corporation, nongovernmental organization, partnership, association, syndicate,
23 club, college, university, any agency, subdivision, or instrumentality of federal, state, or local
24 government, or any interstate or international governance body;

25 "Geoengineering" means the intentional manipulation of the environment, through an
26 atmospheric polluting activity, to effect changes to the earth's atmosphere or surface, including but
27 not limited to the practices of weather modification, aerosol injection, and cloud seeding;

"Hazardous" means a substance or physical agent that by its nature is harmful to living organisms, property, or any other valuable interest;

"Individual" means a natural person;

"Maser" means a device using the stimulated emission of radiation by excited atoms to amplify or generate radiation in the microwave range;

"Person" means an individual, business association, financial organization, estate, trust, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity;

"Physical agent" means a source of energy that may cause injury through excessive exposure, including but not limited to radiofrequency, microwave, and other electromagnetic radiation and fields, barometric pressure, temperature, gravity, mechanical vibration, and sound;

"Release" means any activity that results in the issuance of atmospheric contaminants such as the emitting, transmitting, discharging, or injecting of one or more nuclear, biological, chemical, or physical agents into the ambient atmosphere, whether once, intermittently, or continuously;

"Solar radiation modification" means any attempt to reduce global temperatures by reflecting more sunlight into space or allowing more infrared radiation from earth to escape than would naturally occur; and

"Weather modification" means the changing, controlling, or interfering with or attempting to change, control, or interfere with the natural development of cloud forms, precipitation, barometric pressure, temperature, conductivity or other electromagnetic or sonic characteristics of the atmosphere.

§22-37-3. Prohibitions on geoengineering activities; rules.

(a) An entity may not engage in any form of geoengineering activities within or over the state of West Virginia. The secretary shall investigate any credible reports of geoengineering occurring in the state received under this article and shall issue an order to any entity that he or she

4 finds is engaging in geoengineering to immediately cease all geoengineering activities. Upon
5 issuing the order, the secretary shall pursue the imposition of all penalties for engaging in
6 geoengineering authorized under this article and the administrative regulations promulgated
7 hereunder.

8 (b) If any activity that the department has deemed to be geoengineering has been
9 approved, explicitly or implicitly, by the federal government, the department shall issue a notice to
10 the appropriate federal agency that the geoengineering activity cannot lawfully be carried out
11 within or over the state.

12 (c) If the department finds that a foreign state or international body funds, in part or in
13 whole, or engages in any geoengineering activity, the department shall:

14 (1) Provide it with notice that the geoengineering activity cannot lawfully be carried out
15 within or over this state; and

16 (2) Prohibit it from engaging in any atmospheric activities in or above the state.

17 (d) The department shall publish quarterly notices in newspapers of general circulation and
18 shall post notices on the department's website to encourage the public to monitor, measure,
19 document, and report present, potential, and past incidents that may constitute geoengineering
20 activities. An individual who wishes to present evidence of geoengineering may submit to the
21 secretary, by electronic mail or other means of communication, any of the following:

22 (1) Evidentiary photographs, each separately titled as an electronic or hard copy
23 document, and specifying the date, time, location, and direction from which the photograph was
24 taken; and

25 (2) Any other collected samples of video or audio recordings, lab tests, microscopy,
26 spectrometry, metering, and other forms of evidence that the individual may have.

27 (e) Any local or state official who has received information that causes him or her to
28 suspect geoengineering activity is occurring shall report that information to the commissioner
29 within 24 hours of receiving it.

(f) The department shall investigate reports of excessive electromagnetic radiation or fields caused by human activity in any part of the spectrum, including but not limited to radiofrequency, microwave, maser, infrared, laser, and ionizing radiation to ensure that they are not the result of violations of the requirements of this article or the legislative rules promulgated hereunder.

§22-37-4.**Penalties.**

(a) Any person who violates:

(1) Any provisions of this article, except as provided in subsection (2) of this subsection, or fails to perform any duties imposed by this article, or who violates any determination, permit, rule, or order of the department promulgated pursuant thereto shall be liable for a civil penalty not to exceed the sum of \$25,000 for each day during which such violation or failure continues. Additionally, the person concurrently may be enjoined from any violations as provided in this article; or

(2) Any provision of this article relating to noise, or who fails to perform any relevant determination, permit, administrative regulation, or order of the department promulgated pursuant to this article is subject to a civil penalty not to exceed \$5,000 and an additional civil penalty not to exceed \$5,000 for each day during which such violation continues. Additionally, the person concurrently may be enjoined from any violations as hereinafter provided in this article.

(b) Any person who knowingly violates this article, knowingly provides false information in any document filed or required to be maintained under this article, or who knowingly renders inaccurate any monitoring device or method, or tampers with a water supply, water purification plant, or water distribution system so as to knowingly endanger human life, is guilty of a felony, and upon conviction thereof, shall be punished by a fine not to exceed \$25,000, imprisonment for a term of not less than one year and not more than five years, or by both fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate offense.

(1) The secretary may issue an order requiring compliance within a specified time-period or

22 may commence a civil action in a court of competent jurisdiction for any person who: (i) engages in
23 generation, treatment, storage, transportation, or disposal of hazardous waste in violation of the
24 hazardous waste management provisions of this article or contrary to a permit, order, or rule
25 issued or promulgated under this article; or (ii) fails to provide information or to meet reporting
26 requirements required by terms and conditions of a permit or administrative regulations
27 promulgated pursuant to this article. The violator is subject to a civil penalty not to exceed \$25,000
28 for each day during which the violation continues, and in addition, may be enjoined from any
29 violation in a court of competent jurisdiction.

30 (2) Any person who knowingly is engaged in generation, treatment, storage,
31 transportation, or disposal of hazardous waste in violation of this article or contrary to a permit,
32 order, or administrative regulation issued or promulgated under this article, or knowingly makes a
33 false statement, representation, or certification in an application for or form pertaining to a permit
34 or in a notice or report required by the terms and conditions of an issued permit, shall be guilty of a
35 felony, and upon conviction thereof, shall be punished by a fine not to exceed \$25,000 for each day
36 of violation, or by imprisonment for a term of not less than one year and not more than five years,
37 or by both fine and imprisonment, for each separate violation. Each day upon which a violation
38 occurs shall constitute a separate offense.

39 (3) Nothing contained in this section shall abridge the right of any person to recover actual
40 compensatory damages resulting from any violation.

41 (4) Any person who violates any provision of this article to which no express penalty
42 provision applies, except as provided in this article, or who fails to perform any duties imposed by
43 this article, or who violates any determination or order of the cabinet promulgated pursuant thereto
44 shall be liable for a civil penalty not to exceed the sum of \$1,000 for said violation and an additional
45 civil penalty not to exceed \$1,000 for each day during which the violation continues, and in
46 addition, may be concurrently enjoined from any violations as hereinafter provided in this article.

47 (5) The Circuit Court of Kanawha County shall hold concurrent jurisdiction and venue of all

48 civil and injunctive actions instituted by the Attorney General on behalf of the state for the
49 enforcement of the provisions of this article or the orders and administrative regulations of the
50 department promulgated pursuant to this article.

51 (6) In addition to any other penalties that may apply, any person who knowingly engages in
52 geoengineering activities in violation of this article shall be guilty of a felony and subject to a civil
53 penalty of not less than \$500,000. Each day that a person knowingly engages in geoengineering
54 activities shall constitute a separate offense.

NOTE: The purpose of this bill is to ban geoengineering activities in this state and provide for penalties for engaging in such activities.

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