

# **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;

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

30        "Individual" means a natural person;

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

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

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

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

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

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

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

1        (a) An entity may not engage in any form of geoengineering activities within or over the  
2    state of West Virginia. The secretary shall investigate any credible reports of geoengineering  
3    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.

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

**§22-37-4.**

**Penalties.**

1        (a) Any person who violates:

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

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

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

21        (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.