

HOUSE BILL NO. HB0012

Clean Air and Geoengineering Prohibition Act.

Sponsored by: Joint Agriculture, State and Public Lands &
Water Resources Interim Committee

A BILL

for

1 AN ACT relating to environmental quality; prohibiting the
2 release of atmospheric contaminants into the airspace above
3 Wyoming as specified; providing legislative findings;
4 providing definitions; authorizing the director of the
5 department of environmental quality to monitor compliance
6 with this act and issue cease and desist orders as
7 specified; prohibiting retaliation against persons who
8 report violations of this act; providing criminal
9 penalties; providing positions; providing appropriations;
10 requiring rulemaking; making conforming amendments; and
11 providing for an effective date.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

14

1 **Section 1.** W.S. 35-11-2201 through 35-11-2204 are
2 created to read:

4 ARTICLE 22

5 WYOMING CLEAN AIR AND GEOENGINEERING PROHIBITION ACT

7 **35-11-2201. Short title.**

9 This act shall be known and may be cited as the "Wyoming
10 Clean Air and Geoengineering Prohibition Act."

12 **35-11-2202. Legislative findings.**

14 (a) The legislature finds and declares:

16 (i) Federal agencies, international bodies,
17 corporations and research institutions have proposed,
18 studied or in some cases undertaken atmospheric
19 modification experiments intended to alter weather,
20 temperature or solar radiation;

22 (ii) The risks to human health, agriculture,
23 wildlife and environmental safety from atmospheric

1 modification experiments and other atmospheric
2 interventions are not well understood and may have harmful
3 consequences;

4

5 (iii) It is the constitutional duty of state
6 government to safeguard public health, defend private
7 property, protect agricultural integrity and assert state
8 sovereignty over activities conducted within its borders
9 and above its skies under the tenth amendment of the United
10 States constitution;

11

12 (iv) It is the intent of the legislature to
13 prohibit atmospheric modification experiments, protect
14 public health and ensure that the Wyoming department of
15 environmental quality is empowered to monitor and enforce
16 air quality protections.

17

18 **35-11-2203. Definitions.**

19

20 (a) As used in this act:

21

22 (i) "Atmospheric contaminant" means any
23 substance intentionally released into the atmosphere for

1 the purpose of altering climate, weather or solar
2 radiation, including but not limited to sulfates, smart
3 dust, perflouroalkyl and polyfluoroalkyl substances,
4 genetically modified particles, chaff or radioactive
5 materials. "Atmospheric contaminant" shall not mean exhaust
6 from standard aviation using fuels permitted by law,
7 emissions from agricultural or forestry operations
8 permitted by law, fire suppression agents, cloud seeding
9 agents or naturally occurring atmospheric particulates;

10

11 (ii) "Geoengineering" means the deliberate
12 large-scale manipulation of environmental processes to
13 affect climate conditions;

14

15 (iii) "Solar radiation management" means
16 experimental techniques designed to reduce the amount of
17 sunlight reaching the earth's surface through reflective
18 particles or other methods;

19

20 (iv) "Stratospheric aerosol injection" means the
21 release of reflective aerosols into the stratosphere by
22 aircraft, balloons or other means;

23

1 (v) "Weather modification" means any action
2 intended to change or interfere with the natural
3 development of cloud forms, precipitation, barometric
4 pressure, temperature or other atmospheric conditions.
5 "Weather modification" shall not include cloud seeding;

6

7 (vi) "This act" means W.S. 35-11-2201 through
8 35-11-2204.

9

10 **35-11-2204. Atmospheric engineering prohibited;**
11 **exemptions; enforcement; penalties.**

12

13 (a) No person shall intentionally inject, release or
14 disperse by any means any atmospheric contaminant within
15 Wyoming or the airspace above Wyoming for the purpose of
16 altering climate, weather or solar radiation.

17

18 (b) Prohibited activities under this section include,
19 but are not limited to:

20

21 (i) Solar radiation management;

22

23 (ii) Stratospheric aerosol injection;

1

2 (iii) Weather modification;

3

4 (iv) Atmospheric polluting interventions,
5 including dispersal of atmospheric contaminants.

6

7 (c) Nothing in this act shall be construed to
8 prohibit or restrict:

9

10 (i) Commercial aviation or satellite operations;

11

12 (ii) Weather observation and forecasting;

13

14 (iii) Agricultural chemical application
15 conducted pursuant to law;

16

17 (iv) Fire suppression, including the aerial
18 application of fire retardants or water for wildfire
19 management;

20

21 (v) Snowmaking activities that are authorized
22 under a lawfully permitted water right;

23

1 (vi) Cloud seeding authorized by law;

2

3 (vii) Lawful activities expressly authorized by
4 state environmental laws.

5

6 (d) No person shall employ aircraft, drones,
7 balloons, rockets, artillery, space-based platforms or
8 ground-based facilities for the intentional release or
9 dispersal of atmospheric contaminants. This prohibition
10 shall not apply to aviation, space or ground activities
11 unrelated to geoengineering, weather modification or solar
12 radiation management, including commercial, agricultural,
13 research, cloud seeding, defense or emergency operations
14 permitted by state law.

15

16 (e) The director of the department of environmental
17 quality shall:

18

19 (i) Study whether the atmospheric contaminants
20 listed in this act pose a threat to human and environmental
21 health or safety;

22

1 (ii) Monitor all aircraft, drones, balloons or
2 rockets that enter the state's airspace to determine
3 whether atmospheric contaminants are being dispersed;

4

5 (iii) Monitor all space-based platforms above
6 the state and ground-based facilities within the state to
7 determine whether atmospheric contaminants are being
8 dispersed;

9

10 (iv) Petition a court of competent jurisdiction
11 to issue a cease and desist order upon discovery of any
12 prohibited activity under this act.

13

14 (f) The director of the department of environmental
15 quality shall notify the federal government, other states
16 or international entities who are committing prohibited
17 activities under this act and assert that those activities
18 are unlawful within Wyoming pursuant to this act and the
19 tenth amendment to the United States constitution.

20

21 (g) No person shall retaliate against, harass,
22 discipline or discriminate against any person on the basis
23 that the person reported or provided evidence of a

1 suspected violation of this act. Reports made in good faith
2 shall not be considered defamatory, frivolous or
3 retaliatory.

4

5 (h) Notwithstanding W.S. 35-11-901, any person who
6 violates this act:

7

8 (i) For a first offense, commits a felony
9 punishable by imprisonment for not more than two (2) years,
10 a fine of not less than one hundred thousand dollars
11 (\$100,000.00) and not more than five hundred thousand
12 dollars (\$500,000.00), or both; or

13

14 (ii) For a second or subsequent offense, commits
15 a felony punishable by imprisonment for not more than five
16 (5) years, a fine of not less than five hundred thousand
17 dollars (\$500,000.00), or both. Each day where prohibited
18 activity is conducted constitutes a separate offense.

19

20 **Section 2.** W.S. 9-1-905(a)(ii) and (iii), 9-1-906,
21 9-1-907(a) and (d), 9-1-908 and 9-1-909 are amended to
22 read:

23

1 **9-1-905. Cloud seeding; legislative declarations.**

2

3 (a) It is hereby declared that:

4

5 (ii) Although little is known regarding
6 artificial weather modification, research and
7 experimentation regarding cloud seeding shall be
8 encouraged;

9

10 (iii) Although the ultimate use of ~~modification~~
11 cloud seeding methods is speculative, the application of
12 such methods should have proper safeguards and provide
13 sufficient data to protect life, property and public
14 interest.

15

16 **9-1-906. Duty of state engineer to gather information**
17 **relative to cloud seeding in state.**

18

19 The state engineer shall procure, compile and evaluate
20 information relative to ~~weather modification~~ cloud seeding
21 experiments and activities within the state boundaries. ~~The~~
22 ~~term "weather modification" means attempting to change or~~

1 ~~control any of the weather phenomena by chemical,~~
2 ~~mechanical or physical methods.~~

3
4 **9-1-907. Cloud seeding; permit required; issuance;**
5 **duration; fee; report of activities; penalties for**
6 **noncompliance.**

7
8 (a) It is unlawful for anyone to engage in ~~weather~~
9 ~~modification~~ cloud seeding activities except by permit
10 prescribed and issued by the state engineer.

11
12 (d) Any person engaging in a ~~weather modification~~
13 cloud seeding experiment without a permit is guilty of a
14 misdemeanor and upon conviction is subject to a fine not to
15 exceed five thousand dollars (\$5,000.00) or by imprisonment
16 for not more than ninety (90) days.

17
18 **9-1-908. Cloud seeding; authority to receive and**
19 **expend funds; purposes.**

20
21 The state engineer is authorized to receive in the name of
22 the state any funds offered or available from any source,
23 and to expend such funds for the expenses of administering

1 this act and for the encouragement of experimentation in
2 ~~weather modification~~ cloud seeding by the University of
3 Wyoming or any other appropriate state or public agency,
4 either by direct grant, by contract or other cooperative
5 means.

6
7 **9-1-909. Cloud seeding; state not liable for**
8 **activities of private persons or groups.**

9
10 Nothing in W.S. 9-1-905 through 9-1-909 shall be construed
11 to impose or accept any liability or responsibility on the
12 part of the state, the board, or any state officials or
13 employees, for any weather modification or cloud seeding
14 activities of any private person or group, nor to affect in
15 any way any contractual, tortious, or other legal rights,
16 duties or liabilities between any private persons or
17 groups.

18
19 **Section 3.**

20
21 (a) The department of environmental quality is
22 authorized up to two (2) full-time positions for the period
23 beginning July 1, 2026 and ending June 30, 2028 for the

1 purposes of implementing this act. It is the intent of the
2 legislature that the department of environmental quality
3 include these full-time positions in its standard budget
4 for the immediately succeeding fiscal biennium.

5
6 (b) There is appropriated five hundred thousand
7 dollars (\$500,000.00) from the general fund to the
8 department of environmental quality to be expended only for
9 the purpose of funding the positions authorized in
10 subsection (a) of this section. This appropriation shall
11 not be transferred or expended for any other purpose and
12 any unexpended, unobligated funds remaining from this
13 appropriation shall revert as provided by law on June 30,
14 2028. It is the intent of the legislature that this
15 appropriation be included in the standard budget for the
16 department of environmental quality for the immediately
17 succeeding fiscal biennium.

18
19 **Section 4.** The department of environmental quality
20 shall promulgate all rules necessary to implement this act.

21

1 **Section 5.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6 (END)