

1 AN ACT relating to geoengineering.

2 WHEREAS, "geoengineering" means the intentional manipulation of the
3 environment, through an atmospheric polluting intervention, to effect changes to the
4 earth's atmosphere or surface, including but not limited to the practices of weather
5 modification, solar radiation modification, stratospheric aerosol injection, and cloud
6 seeding; and

7 WHEREAS, geoengineering activities endanger human health and safety and the
8 environment, threaten air, water, soil, and wildlife resources, disrupt agricultural
9 operations, and potentially interfere with aviation, state security, and the economy of the
10 Commonwealth; and

11 WHEREAS, pursuant to the Tenth Amendment of the Constitution of the United
12 States and the inherent right for Kentucky citizens to engage in thoughtful deliberation
13 and determine public policy by voting, the citizens of the Commonwealth do not consent
14 to any unconstitutional actions or efforts made by the federal government or international
15 bodies that release atmospheric contaminants into the Commonwealth's atmosphere
16 through geoengineering, solar radiation modification, cloud seeding, weather
17 modification, or any other means; and

18 WHEREAS, as recognized by the World Meteorological Organization in guidelines
19 it adopted in 2017, weather modification activities should not be undertaken without
20 considering the high levels of uncertainty involved and the potential harm that could
21 result; and

22 WHEREAS, to preserve the safe and healthful uses of the Commonwealth's
23 atmosphere for its people, environment, wildlife, and agriculture, and to improve
24 beneficial climate efforts, it is necessary to prohibit geoengineering, including but not
25 limited to solar radiation modification, and to provide for enforcement and penalties for
26 violative activities;

27 NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 512 IS CREATED TO
READ AS FOLLOWS:

(1) As used in this section:

(a) "Atmospheric contaminant":

1. Means any type of aerosol, biological, nonbiological, or hazardous agent, chaff, chemical, chemical compound, genetically modified agent, metal, radioactive material, substance, vapor, electromagnetic radiation or field, mechanical vibration, particulate of any size, or any air pollutant regulated by the Commonwealth, and any combination thereof; and

2. Does not include:

a. Engine exhaust from an aircraft using unadulterated certified aviation fuel; or

b. Electromagnetic radiation or fields emitted from wireless devices or equipment certified by the Federal Communications Commission;

(b) "Atmospheric polluting intervention" means any manipulation or interference with earth's natural systems or processes by altering atmospheric or environmental conditions by:

1. Stratospheric aerosol injection;

2. Cloud seeding;

3. Solar radiation modification; or

4. The intentional release of an atmospheric contaminant from an airborne source that may have harmful consequences on human health, the environment, or agriculture, excluding any release or emission from a ground-level source, including but not limited to an

industrial or commercial activity or facility, residence, vehicle, or
agricultural operation;

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

(d) "Cloud seeding" means a type of weather modification that attempts to
change the amount or type of precipitation from a cloud by dispersing any
one (1) or more atmospheric contaminants into the air;

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

(f) "Person" means:

1. Any natural person, trust, firm, joint stock company, corporation,
quasi-governmental corporation, nongovernmental organization,
public or private partnership, association, syndicate, club, college, or
university;

2. Any agency, subdivision, or instrumentality of federal, state, or local
government; or

3. Any interstate or international governance body;

(g) "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;

(h) "Release" means any activity that results in the issuance of atmospheric
contaminants such as the emitting, transmitting, discharging, or injecting of
one (1) or more nuclear, biological, chemical, or physical agents into the
ambient atmosphere, whether once, intermittently, or continuously;

1 (i) "Solar radiation modification":

2 1. Means an experiment in the earth's climatic system involving the
 3 release of atmospheric contaminants that reduce the amount of
 4 sunlight reaching the earth's surface through the use of interoperable
 5 ground-based, airborne, space-based, or other facilities; and

6 2. Does not include:

7 a. Ground-level solar energy generating resources; or

8 b. Forestry and vegetation management activities;

9 (j) "Stratospheric aerosol injection" means the release of reflective sulfate or
 10 other aerosol substances in the stratosphere by high-altitude planes,
 11 balloons, high-altitude blimps, artillery, or any other means; and

12 (k) "Weather modification":

13 1. Means the changing, controlling, or interfering with or attempting to
 14 change, control, or interfere with the natural development of cloud
 15 forms, precipitation, barometric pressure, temperature, conductivity or
 16 other electromagnetic or sonic characteristics of the atmosphere; and

17 2. Does not include ground-level wind energy generating resources.

18 (2) A person is guilty of criminal atmospheric pollution when he or she intentionally
 19 or wantonly engages in any atmospheric polluting intervention.

20 (3) Criminal atmospheric pollution shall be a Class D felony. Notwithstanding KRS
 21 534.030 and 534.050, and in addition to any other penalties that may apply, a
 22 person guilty of criminal atmospheric pollution shall pay a civil penalty of not
 23 less than five hundred thousand dollars (\$500,000). Each day that a person
 24 engages in criminal atmospheric pollution shall be considered a separate offense.

25 (4) All peace officers of the Commonwealth shall enforce the requirements of this
 26 section, and any person may make a complaint to any peace officer or local law
 27 enforcement official relating to any suspected violation of this section.

- 1 (5) If any criminal atmospheric pollution has been approved, explicitly or implicitly,
2 by a federal government agency or official, the arresting officer shall issue a
3 notice to the appropriate federal agency or official that the criminal atmospheric
4 pollution intervention cannot lawfully be carried out within or over the
5 Commonwealth.
- 6 (6) This section shall not prohibit or restrict the lawful aerial application of
7 agricultural inputs or products, including but not limited to fertilizers, pesticides,
8 herbicides, fungicides, biological products, or any other crop production
9 materials when conducted in compliance with state and federal law by an
10 applicator licensed under KRS Chapter 217B.