

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

## **House Bill 2202**

BY DELEGATES J. JEFFRIES AND FAST

[Introduced February 10, 2021; Referred to the  
Committee on Government Organization then the  
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §5B-4-1, §5B-4-2, §5B-4-3, and §5B-4-4, all relating to creating the West  
 3 Virginia Intrastate Commerce Improvement Act; and ensuring that businesses,  
 4 organizations and employers doing business in West Virginia are subject to uniform  
 5 nondiscrimination laws and obligations.

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

**ARTICLE 4. WEST VIRGINIA INTRASTATE COMMERCE IMPROVEMENT ACT.**

**§5B-4-1. Short title.**

1 This article shall be known and may be cited as the West Virginia Intrastate Commerce  
 2 Improvement Act.

**§5B-4-2. Purpose.**

1 The purpose of the West Virginia Intrastate Commerce Improvement Act is to improve  
 2 intrastate commerce by ensuring that businesses, organizations and employers doing business  
 3 in West Virginia are subject to uniform nondiscrimination laws and obligations, irrespective of the  
 4 counties, municipalities and other political subdivisions in which they are located or engage in  
 5 business or commercial activity. Such uniform laws will benefit the businesses, organizations and  
 6 employers seeking to do business in our state and will attract new ones to our state.

**§5B-4-3. Prohibited conduct.**

1 (a) No county, municipality or other political subdivision may adopt or enforce a local law,  
 2 ordinance, resolution, rule or policy that creates a protected classification or prohibits  
 3 discrimination on a basis not contained in state law.

4 (b) Any local law, ordinance, resolution, rule or policy adopted before the operative date  
 5 of this article that violates subsection (a) of this section shall be null and void.

**§5B-4-4. Severability.**

1 If any portion of this article is declared invalid, that declaration may not affect the validity  
 2 of the remaining portions.

NOTE: The purpose of this bill is to create the West Virginia Intrastate Commerce Improvement Act ensuring that businesses, organizations and employers doing business in West Virginia are subject to uniform nondiscrimination laws and obligations.

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