

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 426

BY SENATORS BLAIR (MR. PRESIDENT) AND WOELFEL

[Originating in the Committee on the Judiciary;

reported on January 25, 2023]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5A-6B-4a, relating to regulating, restricting, or banning high-risk technology
3 platforms, services, applications, programs, or products on government networks,
4 devices, and systems; adding legislative findings related to national security threats and
5 threats to critical state government networks and infrastructure posed by untrustworthy
6 and high-risk platforms, services, applications, programs, or products; authorizing the
7 Chief Information Security Officer to identify high-risk platforms, services, applications,
8 programs, and products and to develop statewide standards regulating their use on
9 government networks, devices, and systems; requiring certain government entities to
10 adopt and enforce those standards; and authorizing the promulgation of legislative and
11 emergency rules to facilitate the purpose of this section.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6B. CYBER SECURITY PROGRAM.

§5A-6B-4a. High-risk platforms, services, applications, programs, and products.

1 (a) The Legislature hereby finds and declares that it is in the best interest of the citizens
2 of West Virginia and to national security to enact measures designed to safeguard against
3 untrustworthy and high-risk technology and to block such technology from interfering with or
4 damaging critical state networks and infrastructure. The use of certain information and
5 communication technologies and services can create opportunities for foreign adversaries to
6 exploit vulnerabilities and take adverse action against the United States or allies, which could
7 directly or indirectly affect the safety and security of West Virginia citizens, and such use also
8 create opportunities for adversaries to exploit vulnerabilities and take adverse action against state
9 or local government networks and infrastructure within or connected to West Virginia. As the
10 threat landscape evolves, West Virginia shall work in cooperation with the federal government to
11 implement appropriate safeguards to defend government networks in West Virginia and in the
12 United States from foreign technology threats.

13 (b) Notwithstanding the provision of §5A-6B-1(b) of this code, all state agencies, including
14 without limitation agencies within the executive, legislative, and judicial branches, all constitutional
15 officers, local government entities as defined by §7-1-1 or §8-1-2 of this code, county boards of
16 education as defined by §18-1-1 of this code, and all state institutions of higher education as
17 defined by §18B-1-2 of this code, shall enforce statewide standards developed by the Chief
18 Information Security Officer regarding high-risk technology platforms, services, applications,
19 programs, or products. Additionally, all government entities subject to this subsection must be
20 consistent with those standards and any other applicable state or federal law, restrict, remove,
21 ban or otherwise block access to high-risk technology platforms, services, applications, programs,
22 or products on all government systems, services, networks, devices, or locations. For purposes
23 of this subsection, high-risk technology platforms, services, applications, programs, or products
24 are those designated as such in the Statewide Cybersecurity Standard published and maintained
25 by the Chief Information Security Officer, and shall include TikTok.

26 (c) The Secretary of the Department of Administration may propose rules for legislative
27 approval in accordance with the provisions of §29A-3-1 et seq. of this code and may also
28 promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code when necessary
29 to facilitate completion of the duties imposed on the Chief Information Security Officer and
30 enforcement of the standards referenced in this section.