



*Jim Justice*  
*Governor of West Virginia*

March 27, 2024

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
State Capitol Complex  
Building 1, Suite 157-K  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 5338

Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 5338, relating to Safe Harbor for Cybersecurity Programs.

The bill—meant to create a safe harbor for companies trying to maintain best practices in their cybersecurity frameworks—is certainly well-intentioned; however, the final language in the bill created unintended consequences which require a veto of this legislation. Specifically, one unintended effect of the bill would be to immunize international entities such as TikTok from lawsuit, when West Virginians' personal information and data are shared against our citizens' wishes. The potential for bad actors to abuse this law and to harm our citizens is unfortunately real.

This was not the Legislature's intent. My Office worked with Legislative staff during this bill review period to confirm this would be the unfortunate effect of the final enrolled bill. We stand ready to work with the bill's sponsors and the stakeholders involved to help craft a bill that will help our State's businesses and protect our citizens.

For the reasons stated above, I hereby disapprove and return Enrolled Committee Substitute for House Bill 5338.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Justice".

Jim Justice  
Governor

**OFFICE OF THE GOVERNOR**

cc: The Honorable Craig Blair  
President of the Senate

The Honorable Roger Hanshaw  
Speaker of the House of Delegates