

By: Birdwell, et al.

S.B. No. 1893

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the use of certain social media applications and services on devices owned or leased by governmental entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 6, Government Code, is amended by adding Chapter 620 to read as follows:

CHAPTER 620. USE OF CERTAIN SOCIAL MEDIA APPLICATIONS AND SERVICES
ON GOVERNMENTAL ENTITY DEVICES PROHIBITED

Sec. 620.001. DEFINITIONS. In this chapter:

(1) "Covered application" means:

(A) the social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited; or

(B) a social media application or service specified by executive order of the governor under Section 620.005.

(2) "Governmental entity" means:

(A) a department, commission, board, office, or other agency that is in the executive or legislative branch of state government and that was created by the constitution or a statute, including an institution of higher education as defined by Section 61.003, Education Code;

(B) the supreme court, the court of criminal appeals, a court of appeals, or the Texas Judicial Council or

1 another agency in the judicial branch of state government; or

2 (C) a political subdivision of this state,
3 including a municipality, county, or special purpose district.

4 Sec. 620.002. DEFINING SECURITY RISK. For purposes of this
5 chapter, a social media application poses a risk to the security of
6 governmental entity information if the application's service
7 provider may be required by a foreign government, or an entity
8 associated with a foreign government, to provide confidential or
9 private personal information collected by the service provider
10 through the application to the foreign government or associated
11 entity without substantial due process rights or similar legal
12 protections.

13 Sec. 620.003. PROHIBITION. Subject to Section 620.004, a
14 governmental entity shall adopt a policy prohibiting the
15 installation or use of a covered application on any device owned or
16 leased by the governmental entity and requiring the removal of
17 covered applications from those devices.

18 Sec. 620.004. EXCEPTIONS; MITIGATING MEASURES. (a) A
19 policy adopted under Section 620.003 may provide for the
20 installation and use of a covered application to the extent
21 necessary for:

22 (1) providing law enforcement; or
23 (2) developing or implementing information security
24 measures.

25 (b) A policy allowing the installation and use of a covered
26 application under Subsection (a) must require:

27 (1) the use of measures to mitigate risks to the

1 security of governmental entity information during the use of the
2 covered application; and

3 (2) the documentation of those measures.

4 Sec. 620.005. APPLICATIONS IDENTIFIED BY GOVERNOR'S ORDER.

5 The governor by executive order may identify social media
6 applications or services that pose a similar risk to the security of
7 governmental entity information as the service described by Section
8 620.001(1)(A).

9 SECTION 2. Not later than the 60th day after the effective
10 date of this Act, each governmental entity shall adopt the policy
11 required by Chapter 620, Government Code, as added by this Act.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2023.