

1-1 By: Parker S.B. No. 2358  
1-2 (In the Senate - Filed March 10, 2023; March 23, 2023, read  
1-3 first time and referred to Committee on Business & Commerce;  
1-4 April 26, 2023, reported favorably by the following vote: Yeas 11,  
1-5 Nays 0; April 26, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Schwertner</u>	X		
1-9	<u>King</u>	X		
1-10	<u>Birdwell</u>	X		
1-11	<u>Campbell</u>	X		
1-12	<u>Creighton</u>	X		
1-13	<u>Johnson</u>	X		
1-14	<u>Kolkhorst</u>	X		
1-15	<u>Menéndez</u>	X		
1-16	<u>Middleton</u>	X		
1-17	<u>Nichols</u>	X		
1-18	<u>Zaffirini</u>	X		

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to security procedures for digital applications that pose  
1-22 a network security risk to state agencies.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 2054, Government Code, is amended by  
1-25 adding Subchapter S to read as follows:

1-26 SUBCHAPTER S. DIGITAL APPLICATION SECURITY PROCEDURES

1-27 Sec. 2054.621. DEFINITIONS. In this subchapter:

1-28 (1) "Digital application" means an Internet website or  
1-29 application that is open to the public, allows a user to create an  
1-30 account, and enables a user to communicate with other users by  
1-31 posting information, comments, messages, images, or video. The  
1-32 term does not include:

1-33 (A) an Internet service provider, as defined by  
1-34 Section 324.055, Business & Commerce Code;

1-35 (B) e-mail; or

1-36 (C) an online service, application, or Internet  
1-37 website:

1-38 (i) that consists primarily of news,  
1-39 sports, entertainment, or other content preselected by the provider  
1-40 that is not user generated; and

1-41 (ii) for which any chat, comment, or  
1-42 interactive functionality is incidental to, directly related to, or  
1-43 dependent on provision of the content described by Subparagraph  
1-44 (i).

1-45 (2) "Network security" has the meaning assigned by  
1-46 Section 2059.001.

1-47 (3) "User" means a person who posts, uploads,  
1-48 transmits, shares, or otherwise publishes or receives content  
1-49 through a digital application.

1-50 Sec. 2054.622. DIGITAL APPLICATION SECURITY RISK LIST. The  
1-51 department shall:

1-52 (1) compile, maintain, and annually update a list of  
1-53 digital applications that create a network security risk to state  
1-54 agencies;

1-55 (2) limit or prohibit the placement and use of digital  
1-56 applications on the list under Subdivision (1) on:

1-57 (A) state-owned cell phones, computers, and  
1-58 other communication devices; and

1-59 (B) personal communication devices of state  
1-60 agency employees that are used in the agency's office or other  
1-61 workplace; and

2-1 (3) post the list under Subdivision (1) on a publicly  
2-2 accessible web page on the department's Internet website.

2-3 Sec. 2054.623. DIGITAL APPLICATION SECURITY MODEL POLICY  
2-4 FOR STATE AGENCIES. The department shall develop, maintain, and  
2-5 periodically update a model policy for state agencies to use under  
2-6 Section 2054.624 in limiting or prohibiting the placement and use  
2-7 on communication devices of the digital applications included on  
2-8 the list compiled under Section 2054.622.

2-9 Sec. 2054.624. STATE AGENCY DIGITAL APPLICATION SECURITY  
2-10 POLICY. (a) Each state agency shall develop, implement, and  
2-11 periodically update a policy limiting or prohibiting the placement  
2-12 and use of digital applications included on the list compiled under  
2-13 Section 2054.622 on:

2-14 (1) state-owned cell phones, computers, and other  
2-15 communication devices; and

2-16 (2) personal communication devices of state agency  
2-17 employees that are used in the agency's office or other workplace.

2-18 (b) Each state agency shall submit to the department a copy  
2-19 of the policy required under Subsection (a) and updates to the  
2-20 policy.

2-21 (c) The department:

2-22 (1) may offer recommendations for improvements to  
2-23 submitted policies;

2-24 (2) shall retain each copy and update submitted under  
2-25 Subsection (b); and

2-26 (3) shall notify each member of the legislature and  
2-27 the governor when a state agency submits a policy or update.

2-28 Sec. 2054.625. DISCLOSURE EXEMPTION. The model policy and  
2-29 state agency policies developed under this subchapter are exempt  
2-30 from disclosure under Chapter 552.

2-31 Sec. 2054.626. RULEMAKING AUTHORITY. The department may  
2-32 adopt rules to implement this subchapter.

2-33 SECTION 2. (a) As soon as practicable after the effective  
2-34 date of this Act, but not later than January 1, 2024, the Department  
2-35 of Information Resources shall develop the digital application  
2-36 security risk list and model policy as required by Subchapter S,  
2-37 Chapter 2054, Government Code, as added by this Act.

2-38 (b) A state agency is not required to comply with Section  
2-39 2054.624, Government Code, as added by this Act, until May 1, 2024.

2-40 SECTION 3. This Act takes effect September 1, 2023.

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