

By: Shaheen

H.B. No. 1181

A BILL TO BE ENTITLED

AN ACT

1
2 relating to restricting access to pornographic materials on certain
3 websites and creating civil liability for certain actions that
4 allow children to access pornographic materials.

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

6 SECTION 1. Title 6, Civil Practice and Remedies Code, is
7 amended by adding Chapter 129B to read as follows:

8 CHAPTER 129B. LIABILITY FOR ALLOWING CHILDREN TO ACCESS

9 PORNOGRAPHIC MATERIAL

10 Sec. 129B.001. DEFINITION. In this chapter, "pornographic
11 material" means an image, video, or other means of visual display
12 depicting actual or simulated sexual intercourse, deviate sexual
13 intercourse, sexual bestiality, masturbation, sadomasochistic
14 abuse, or lewd exhibition of the genitals, the anus, or any portion
15 of the female breast below the top of the areola.

16 Sec. 129B.002. LIABILITY FOR OWNERS OF INTERNET WEBSITES.

17 (a) In this section, "organization" has the meaning assigned by
18 Section 1.002, Business Organizations Code.

19 (b) An organization that owns an Internet website,
20 including an organization that owns a social media Internet
21 website, must include a mechanism on the website that prevents a
22 user from accessing pornographic material on the website unless the
23 user verifies that the user is 13 years of age or older.

24 (c) An organization may be held liable for damages if the

1 organization does not include a mechanism described by Subsection
2 (b) on the organization's Internet website.

3 Sec. 129B.003. LIABILITY FOR PERSONS WHO UPLOAD
4 PORNOGRAPHIC MATERIAL. A person who uploads pornographic material
5 to an Internet website may be held liable for damages if an
6 individual younger than 13 years of age accesses the material on the
7 website.

8 SECTION 2. Chapter 129B, Civil Practice and Remedies Code,
9 as added by this Act, applies only to a cause of action that accrues
10 on or after the effective date of this Act.

11 SECTION 3. This Act takes effect September 1, 2023.