

By: Patterson

H.B. No. 2155

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting social media platforms from using certain social media algorithms to target minors.

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

SECTION 1. Section 120.001, Business & Commerce Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a), (1-b), and (3) to read as follows:

(1) "Minor" means a person younger than 18 years of age.

(1-a) "Social media algorithm" means the software used by social media platforms to:

(A) prioritize content; and

(B) direct the prioritized content to a user.

(1-b) "Social media platform" means an Internet website or application that is open to the public, allows a user to create an account, and enables users to communicate with other users for the primary purpose of posting information, comments, messages, or images. The term does not include:

(A) an Internet service provider as defined by Section 324.055;

(B) electronic mail; or

(C) an online service, application, or website:

(i) that consists primarily of news, sports, entertainment, or other information or content that is not

1 user generated but is preselected by the provider; and

2 (ii) for which any chat, comments, or
3 interactive functionality is incidental to, directly related to, or
4 dependent on the provision of the content described by Subparagraph
5 (i).

6 (3) "User-generated content" means content created or
7 shared by a user, including written posts, photographs, graphics,
8 video recordings, or audio recordings.

9 SECTION 2. Subchapter D, Chapter 120, Business & Commerce
10 Code, is amended by adding Section 120.152 to read as follows:

11 Sec. 120.152. CERTAIN ALGORITHMS TARGETING MINORS
12 PROHIBITED; LIABILITY. (a) A social media platform operator is
13 liable to a user who receives user-generated content through a
14 social media algorithm while the user is a minor if the operator
15 knew or had reason to know that the user was a minor.

16 (b) A social media platform operator who violates this
17 section is liable to the user for:

18 (1) actual damages arising from the violation; and

19 (2) \$1,000 for each violation of this section.

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