

By: Anderson

H.B. No. 3289

Substitute the following for H.B. No. 3289:

By: Smithee

C.S.H.B. No. 3289

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to prohibiting the use of certain social media  
3 applications and services on devices owned or leased by state  
4 agencies.

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

6 SECTION 1. Subtitle B, Title 6, Government Code, is amended  
7 by adding Chapter 674 to read as follows:

8 CHAPTER 674. USE OF CERTAIN SOCIAL MEDIA APPLICATIONS AND SERVICES  
9 ON STATE AGENCY DEVICES PROHIBITED

10 Sec. 674.001. DEFINITIONS. In this chapter:

11 (1) "Prohibited application" means:

12 (A) a social media application or service  
13 included on the list published by the Department of Information  
14 Resources under Section 674.005; or

15 (B) a social media application or service  
16 specified by executive order of the governor under Section 674.004.

17 (2) "State agency" means:

18 (A) a department, commission, board, office, or  
19 other agency that is in the executive or legislative branch of state  
20 government and that was created by the constitution or a statute,  
21 including an institution of higher education as defined by Section  
22 61.003, Education Code; or

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

1 another agency in the judicial branch of state government.

2 Sec. 674.002. PROHIBITION; MODEL POLICY. (a) Subject to  
3 Section 674.003, a state agency shall adopt a policy prohibiting  
4 the installation or use of a prohibited application on any device  
5 owned or leased by the state agency and requiring the removal of  
6 prohibited applications from those devices.

7 (b) The Department of Information Resources and the  
8 Department of Public Safety shall jointly develop a model policy  
9 for state agencies to use in developing the policy required by  
10 Subsection (a).

11 Sec. 674.003. EXCEPTIONS; MITIGATING MEASURES. (a) A  
12 policy adopted under Section 674.002 may include an exception  
13 allowing the installation and use of a prohibited application to  
14 the extent necessary:

15 (1) for providing law enforcement;

16 (2) for developing or implementing information  
17 security measures; or

18 (3) to allow other legitimate governmental uses as  
19 jointly determined by the Department of Information Resources and  
20 the Department of Public Safety.

21 (b) A policy allowing the installation and use of a  
22 prohibited application under Subsection (a) must require:

23 (1) the use of measures to mitigate risks to the  
24 security of state agency information during the use of the  
25 prohibited application; and

26 (2) the documentation of those measures.

27 (c) The administrative head of a state agency must approve

1 in writing the installation and use of a prohibited application  
2 under an exception described by Subsection (a) by employees of the  
3 state agency and report the approval to the Department of  
4 Information Resources.

5 Sec. 674.004. APPLICATIONS IDENTIFIED BY GOVERNOR'S ORDER.  
6 The governor by executive order may identify social media  
7 applications or services that pose a threat to the security of the  
8 state's sensitive information, critical infrastructure, or both.

9 Sec. 674.005. APPLICATION IDENTIFIED BY DEPARTMENT OF  
10 INFORMATION RESOURCES AND DEPARTMENT OF PUBLIC SAFETY. (a) The  
11 Department of Information Resources and the Department of Public  
12 Safety, in consultation with the office of the governor, shall  
13 jointly identify social media applications or services that pose a  
14 threat to the security of the state's sensitive information,  
15 critical infrastructure, or both.

16 (b) The Department of Information Resources shall publish  
17 annually and maintain on the department's publicly accessible  
18 Internet website a list of the prohibited applications identified  
19 under Subsection (a).

20 SECTION 2. Not later than the 60th day after the date the  
21 Department of Information Resources and the Department of Public  
22 Safety make available the model policy required by Section  
23 674.002(b), Government Code, as added by this Act, each state  
24 agency shall adopt the policy required by Section 674.002(a),  
25 Government Code, as added by this Act.

26 SECTION 3. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2023.