

By: Anderson

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) "Covered application" means:

12 (A) the social media service TikTok or any  
13 successor application or service developed or provided by ByteDance  
14 Limited or an entity owned by ByteDance Limited; 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. Subject to Section 674.003, a  
3 state agency shall adopt a policy prohibiting the installation or  
4 use of a covered application on any device owned or leased by the  
5 state agency and requiring the removal of covered applications from  
6 those devices.

7 Sec. 674.003. EXCEPTIONS; MITIGATING MEASURES. (a) A  
8 policy adopted under Section 674.002 may provide for the  
9 installation and use of a covered application to the extent  
10 necessary for:

11 (1) providing law enforcement; or  
12 (2) developing or implementing information security  
13 measures.

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

16 (1) the use of measures to mitigate risks to the  
17 security of state agency information during the use of the covered  
18 application; and

19 (2) the documentation of those measures.

20 Sec. 674.004. APPLICATIONS IDENTIFIED BY GOVERNOR'S ORDER.  
21 The governor by executive order may identify social media  
22 applications or services that pose a similar risk to the security of  
23 state agency information as the service described by Section  
24 674.001(1)(A).

25 SECTION 2. Not later than the 60th day after the effective  
26 date of this Act, each state agency shall adopt the policy required  
27 by Chapter 674, Government Code, as added by this Act.

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