

1-1 By: Birdwell S.B. No. 1893
 1-2 (In the Senate - Filed March 8, 2023; March 20, 2023, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 13, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 11, Nays 0; April 13, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1893 By: Hughes

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to prohibiting the use of certain social media
 1-24 applications and services on devices owned or leased by
 1-25 governmental entities.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Subtitle A, Title 6, Government Code, is amended
 1-28 by adding Chapter 620 to read as follows:

1-29 CHAPTER 620. USE OF CERTAIN SOCIAL MEDIA APPLICATIONS AND SERVICES
 1-30 ON GOVERNMENTAL ENTITY DEVICES PROHIBITED

1-31 Sec. 620.001. DEFINITIONS. In this chapter:

1-32 (1) "Covered application" means:

1-33 (A) the social media service TikTok or any
 1-34 successor application or service developed or provided by ByteDance
 1-35 Limited or an entity owned by ByteDance Limited; or

1-36 (B) a social media application or service
 1-37 specified by executive order of the governor under Section 620.005.

1-38 (2) "Governmental entity" means:

1-39 (A) a department, commission, board, office, or
 1-40 other agency that is in the executive or legislative branch of state
 1-41 government and that was created by the constitution or a statute,
 1-42 including an institution of higher education as defined by Section
 1-43 61.003, Education Code;

1-44 (B) the supreme court, the court of criminal
 1-45 appeals, a court of appeals, or the Texas Judicial Council or
 1-46 another agency in the judicial branch of state government; or

1-47 (C) a political subdivision of this state,
 1-48 including a municipality, county, or special purpose district.

1-49 Sec. 620.002. DEFINING SECURITY RISK. For purposes of this
 1-50 chapter, a social media application poses a risk to the security of
 1-51 governmental entity information if the application's service
 1-52 provider may be required by a foreign government, or an entity
 1-53 associated with a foreign government, to provide confidential or
 1-54 private personal information collected by the service provider
 1-55 through the application to the foreign government or associated
 1-56 entity without substantial due process rights or similar legal
 1-57 protections.

1-58 Sec. 620.003. PROHIBITION. Subject to Section 620.004, a
 1-59 governmental entity shall adopt a policy prohibiting the
 1-60 installation or use of a covered application on any device owned or

2-1 leased by the governmental entity and requiring the removal of
2-2 covered applications from those devices.

2-3 Sec. 620.004. EXCEPTIONS; MITIGATING MEASURES. (a) A
2-4 policy adopted under Section 620.003 may provide for the
2-5 installation and use of a covered application to the extent
2-6 necessary for:

2-7 (1) providing law enforcement; or

2-8 (2) developing or implementing information security
2-9 measures.

2-10 (b) A policy allowing the installation and use of a covered
2-11 application under Subsection (a) must require:

2-12 (1) the use of measures to mitigate risks to the
2-13 security of governmental entity information during the use of the
2-14 covered application; and

2-15 (2) the documentation of those measures.

2-16 Sec. 620.005. APPLICATIONS IDENTIFIED BY GOVERNOR'S ORDER.

2-17 The governor by executive order may identify social media
2-18 applications or services that pose a similar risk to the security of
2-19 governmental entity information as the service described by Section
2-20 620.001(1)(A).

2-21 SECTION 2. Not later than the 60th day after the effective
2-22 date of this Act, each governmental entity shall adopt the policy
2-23 required by Chapter 620, Government Code, as added by this Act.

2-24 SECTION 3. This Act takes effect immediately if it receives
2-25 a vote of two-thirds of all the members elected to each house, as
2-26 provided by Section 39, Article III, Texas Constitution. If this
2-27 Act does not receive the vote necessary for immediate effect, this
2-28 Act takes effect September 1, 2023.

2-29 * * * * *