

Amend CSSB 441 (house committee report) as follows:

(1) On page 6, line 17, strike "The change in law made by this Act" and substitute "Chapter 98B, Civil Practice and Remedies Code, as amended by this Act,".

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 120, Business & Commerce Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. PROVENANCE DATA

Sec. 120.081. DEFINITIONS. In this subchapter:

(1) "Artificial intelligence system" means machine learning and related technology that uses data to train statistical models for the purpose of enabling computer systems to perform tasks normally associated with human intelligence or perception, such as computer vision, speech or natural language processing, and content generation.

(2) "Generative artificial intelligence" means an artificial intelligence system designed to emulate the structure and characteristics of provided data to generate derived synthetic digital content, including images, videos, audio, text, and other digital content.

(3) "Provenance data" means information on a file that can be used to identify:

(A) the date and place of the file's origin;

(B) the method used to generate the file, including whether the file was generated using generative artificial intelligence; or

(C) the file's history, including the manner in which the file has been transmitted or stored.

Sec. 120.082. CONTENT CREATED ON SOCIAL MEDIA PLATFORM. A social media platform shall attach provenance data to each photo, video, or audio file created using tools provided by the social media platform that use generative artificial intelligence.

Sec. 120.083. CONTENT POSTED TO SOCIAL MEDIA PLATFORM. (a) A social media platform shall attach provenance data to each photo, video, or audio file posted on the social media platform for which:

(1) the social media platform can discern the file's

provenance data; and

(2) the file's provenance data states that the photo, video, or audio file was created or modified using generative artificial intelligence.

(b) This section may not be construed to require a social media platform to independently verify the accuracy or authenticity of provenance data provided to the social media platform by a third party or user.

(c) A social media platform is not liable for inaccurate provenance data attached to a photo, video, or audio file or retained under this subchapter if:

(1) the provenance data was provided to the social media platform by a third party or user;

(2) the social media platform did not knowingly modify the provenance data;

(3) the social media platform relied in good faith on the provenance data provided; and

(4) the social media platform has implemented reasonable and appropriate measures to comply with the requirements of this subchapter.

Sec. 120.084. REQUIREMENTS OF PROVENANCE DATA. (a) Provenance data attached to a photo, video, or audio file or retained under this subchapter must:

(1) be attached and retained in a manner and format that complies with guidelines or specifications that are:

(A) created by an established standard-setting entity in the industry; and

(B) widely adopted by other entities in the industry;

(2) state that the photo, video, or audio file has been created or modified using generative artificial intelligence; and

(3) state the name of the generative artificial intelligence tool and the name of the person who provides the tool.

(b) Provenance data attached to a photo, video, or audio file or retained under this subchapter may not include any personal identifying information, as that term is defined in Section 509.001, as added by Chapter 795 (H.B. 18), Acts of the 88th

Legislature, Regular Session, 2023, unless a user consents to the inclusion of the user's own information.

Sec. 120.085. RETENTION AND DISPLAY OF PROVENANCE DATA.

(a) A social media platform shall retain all provenance data attached to a photo, video, or audio file under this subchapter.

(b) A social media platform shall provide or contract with a third party to provide a method by which a user may easily access the provenance data attached to a photo, video, or audio file under this subchapter.

(c) A social media platform is not required to comply with the provisions of this subchapter if the social media platform provides to the attorney general clear and convincing documentation showing that the social media platform:

(1) does not have the technological capacity to comply with the requirements of this subchapter; and

(2) is actively taking steps toward obtaining the technological capacity to comply with the requirements of this subchapter.