

## **BILL ANALYSIS**

Senate Research Center  
89R6192 MLH-D

H.B. 3133  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Explicit deep fake material is a growing concern on social media platforms, and clearer reporting and investigation processes are essential to ensure timely action is taken to protect individuals from being harassed or exploited without their consent. Accordingly, H.B. 3133 requires social media platforms to provide an accessible complaint system for users to report such content. It also requires a social media platform that receives notice of explicit deep fake material on a social media platform to remove reported explicit deep fake material, confirm to the user that the platform is aware of the material within 48 hours after the user submits the notice, conduct investigations, and update users on the status of their complaints.

H.B. 3133 amends current law relating to user reports of explicit deep fake material on social media platforms.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 120, Business & Commerce Code, by adding Section 120.1001, as follows:

Sec. 120.1001. DEFINITIONS. (a) Defines "deep fake generator," "deep fake material," "explicit deep fake material," "intimate parts," "sexual conduct," and "visual material."

SECTION 2. Amends Section 120.101, Business & Commerce Code, as follows:

Sec. 120.101. COMPLAINT SYSTEM. Requires a social media platform to provide an easily accessible complaint system to enable a user to submit a complaint in good faith and track the status of the complaints, including a complaint regarding explicit deep fake material. Makes nonsubstantive changes.

SECTION 3. Amends Section 120.102, Business & Commerce Code, as follows:

Sec. 120.102. PROCESSING OF COMPLAINTS. (a) Creates this subsection from existing text and makes no further changes.

(b) Requires a social media platform that receives notice of explicit deep fake material on the social media platform to remove the content reported by the user as explicit deep fake material; not later than 48 hours after the user submits the notice, confirm to the user that the social media platform is aware of the material; conduct an investigation as required by Section 120.1025; and not later than the seventh day after the date the user submitted the report to the social media platform, provide a written notice to the user updating the user on the status of the social media platform's investigation under Section 120.1025.

SECTION 4. Amends Subchapter C, Chapter 120, Business & Commerce Code, by adding Section 120.1025, as follows:

Sec. 120.1025. INVESTIGATION OF EXPLICIT DEEP FAKE MATERIAL. (a) Requires a social media platform that receives notice of explicit deep fake material on the social media platform to conduct an investigation to determine whether the content reported by the user is explicit deep fake material.

(b) Authorizes a social media platform to collect additional information necessary to complete an investigation under this section.

(c) Requires a social media platform, except as provided by Subsection (d), to complete an investigation under this section not later than the 30th day after the date the user submitted the report to the social media platform.

(d) Requires a social media platform, if the social media platform cannot complete an investigation under this section due to circumstances that are reasonably beyond the social media platform's control, to complete the investigation not later than the 60th day after the date the user submitted the report to the social media platform. Requires the social media platform to provide notice to the user who submitted the report of the anticipated delay not later than 48 hours after the social media platform becomes aware of the circumstances that cause the delay.

(e) Authorizes a social media platform, if the social media platform determines after an investigation under section that the reported material is not explicit deep fake material, to restore the material.

(f) Requires a social media platform, if the social media platform determines after an investigation under this section that the reported material is explicit deep fake material, to implement measures to ensure the same material is not posted on the social media platform again.

SECTION 5. Amends Section 120.103(b), Business & Commerce Code, as follows:

(b) Provides that a social media platform is not required to provide a user with notice or an opportunity to appeal under Subsection (a) (relating to requiring the social media platform to do certain tasks) if the social media platform removed the content under Section 120.102(b) due to a complaint that the content was explicit deep fake material. Makes nonsubstantive changes.

SECTION 6. Effective date: September 1, 2025.