

BILL ANALYSIS

Senate Research Center
89R31519 MLH-D

C.S.H.B. 3133
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State Affairs
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Committee Report (Substituted)

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.

(Original Author's/Sponsor's Statement of Intent)

C.S.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 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 Subchapter C, Chapter 120, Business & Commerce Code, by adding Section 120.1015, as follows:

Sec. 120.1015. NOTICE OF COMPLAINT SYSTEM AND PROCEDURES. (a) Requires a social media platform to provide notice on the platform of the complaint system and procedures described by Subchapter C (Complaint Procedures).

(b) Provides that notice under this section is required to meet certain criteria and is authorized to be provided on another Internet web page to which a user may navigate through the use of a clear and conspicuous hyperlink.

SECTION 4. 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 immediately confirm to the user that the social media platform is aware of the material, remove the content reported by the user and any known content that is a copy of or identical to the reported content as explicit deep fake material, 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 reported content.

SECTION 5. Amends Subchapter C, Chapter 120, Business & Commerce Code, by adding Section 120.1025, as follows:

Sec. 120.1025. TREATMENT OF REPORTED CONTENT. (a) Authorizes a social media platform, if the social media platform determines that content reported by a user is not explicit deep fake material, to restore the material.

(b) Requires a social media platform, if the social media platform determines that content reported by a user is explicit deep fake material, to implement measures to ensure the same material is not posted on the social media platform again.

SECTION 6. 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 7. Amends the heading to Section 120.151, Business & Commerce Code, to read as follows:

Sec. 120.151. INJUNCTIVE RELIEF.

SECTION 8. Amends Subchapter D, Chapter 120, Business & Commerce Code, by adding Section 120.152, as follows:

Sec. 120.152. DECEPTIVE TRADE PRACTICE. Provides that a violation of this chapter is a deceptive trade practice under Subchapter E (Deceptive Trade Practices and Consumer Protection), Chapter 17 (Deceptive Trade Practices), and is actionable under that subchapter.

SECTION 9. Effective date: September 1, 2025.