

BILL ANALYSIS

S.B. 2881
By: Hughes
Trade, Workforce & Economic Development
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that digital service providers should establish controls and default settings for users of the digital service who are known minors. S.B. 2881 seeks to address this issue by requiring a digital service provider to create access and communications controls for user accounts of known minor users of the digital service.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 2881 amends the Business & Commerce Code to require a digital service provider to create access and communications controls for user accounts of known minor users of the digital service in accordance with the bill's provisions. The bill requires the initial default settings for the account of a known minor user of a digital service to be set to do the following:

- limit the amount of time spent using the service to one hour each day;
- prohibit unsolicited messages or communications from unknown users;
- prohibit any comments, likes, or reactions to content posted by a known minor user;
- prohibit the public display of a known minor user's list of friends, contacts, or followers; and
- prohibit the use of algorithms to automate the suggestion, promotion, or ranking of information or content on the digital service.

The bill authorizes a verified parent of a known minor to use parental tools that a digital service provider must create under current law to change the access and communications settings on the minor's user account at any time. The bill requires digital service providers to ensure accounts created on digital services before the bill's effective date comply with these provisions not later than January 1, 2026. These provisions apply to accounts created on digital services on or after the bill's effective date.

S.B. 2881 expands the requirement for parental tools that a digital service provider must create under current law to allow a verified parent to control the known minor's privacy and account settings to include changing the default access and communications settings on the account under the bill's provisions.

S.B. 2881 clarifies that the requirement for a digital service provider that uses algorithms to automate the suggestion, promotion, or ranking of information to known minors on the digital

service to make a commercially reasonable effort to ensure that the algorithm does not interfere with the digital service provider's duty to prevent harm to known minors and to disclose in the digital service provider's terms of service, privacy policy, or similar document, in a clear and accessible manner, an overview of the uses of certain algorithms and personal identifying information, does not apply to the use of algorithms prohibited under the bill's provisions.

EFFECTIVE DATE

September 1, 2025.