

AN ACT

relating to the creation of artificial sexual material harmful to minors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 129B, Civil Practice and Remedies Code, is amended to read as follows:

CHAPTER 129B. LIABILITY RELATED TO SEXUAL MATERIAL HARMFUL TO [~~FOR ALLOWING~~] MINORS [~~TO ACCESS PORNOGRAPHIC MATERIAL~~]

SECTION 2. Section 129B.001, Civil Practice and Remedies Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Artificial sexual material harmful to minors" means computer-generated sexual material harmful to minors that was produced, adapted, or modified using an artificial intelligence application or other computer software in which a person is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature.

(1-a) "Commercial entity" includes a corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legally recognized business entity.

SECTION 3. The heading to Section 129B.002, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 129B.002. PUBLICATION AND CREATION OF MATERIAL HARMFUL

TO MINORS.

SECTION 4. Section 129B.002, Civil Practice and Remedies Code, is amended by adding Subsections (a-1) and (a-2) and amending Subsection (b) to read as follows:

(a-1) Except as provided by Subsection (a-2), a commercial entity that operates an Internet website with a publicly accessible tool for creating artificial sexual material harmful to minors or otherwise makes publicly available an application for creating sexual material harmful to minors shall use reasonable age verification methods as described by Section 129B.003 to verify an individual attempting to access the tool is 18 years of age or older.

(a-2) Subsection (a-1) does not apply to a commercial entity that:

(1) includes a prohibition against the generation of artificial sexual material harmful to minors in the entity's terms and conditions or use policies that must be acknowledged before a user is granted access; and

(2) takes affirmative steps to limit the creation of artificial sexual material harmful to minors through technological tools such as training an application or software creating artificial images to identify likely sexual material, providing effective reporting tools, filtering likely sexual material, filtering sexually explicit content generated by artificial intelligence before the material is shown to users, or filtering sexually explicit images from the entity's artificial intelligence dataset before the dataset is used to train the artificial

1 intelligence.

2 (b) A commercial entity that performs the age verification
3 required by Subsection (a) or (a-1) or a third party that performs
4 the age verification required by Subsection (a) or (a-1) may not
5 retain any identifying information of the individual.

6 SECTION 5. Section 129B.003(b), Civil Practice and Remedies
7 Code, is amended to read as follows:

8 (b) A commercial entity required to use reasonable age
9 verification methods under Section 129B.002 [~~that knowingly and~~
10 ~~intentionally publishes or distributes material on an Internet~~
11 ~~website~~] or a third party that performs age verification under this
12 chapter shall require an individual to:

13 (1) provide digital identification; or

14 (2) comply with a commercial age verification system
15 that verifies age using:

16 (A) government-issued identification; or

17 (B) a commercially reasonable method that relies
18 on public or private transactional data to verify the age of an
19 individual.

20 SECTION 6. Chapter 129B, Civil Practice and Remedies Code,
21 is amended by adding Section 129B.0045 to read as follows:

22 Sec. 129B.0045. REQUIREMENTS FOR SOURCES OF ARTIFICIAL
23 SEXUAL MATERIAL HARMFUL TO MINORS. (a) Except as provided by
24 Subsection (b), a commercial entity that operates an Internet
25 website with a publicly accessible tool for creating artificial
26 sexual material harmful to minors or otherwise makes publicly
27 available an application for creating artificial sexual material

1 harmful to minors shall ensure that an individual used as a source
2 for the material:

3 (1) is 18 years of age or older; and

4 (2) has consented to the use of the individual's face
5 and body as a source for the material.

6 (b) This section does not apply to a commercial entity
7 described by Section 129B.002(a-2).

8 SECTION 7. Section 129B.005(b), Civil Practice and Remedies
9 Code, is amended to read as follows:

10 (b) An Internet service provider, or its affiliates or
11 subsidiaries, a search engine, or a cloud service provider may not
12 be held to have violated this chapter solely for providing access or
13 connection to or from a website or other information or content on
14 the Internet or on a facility, system, or network not under that
15 provider's control, including transmission, downloading,
16 intermediate storage, access software, or other services to the
17 extent the provider or search engine is not responsible for the
18 creation of the content that constitutes sexual material harmful to
19 minors or artificial sexual material harmful to minors.

20 SECTION 8. Section 129B.006(b), Civil Practice and Remedies
21 Code, is amended to read as follows:

22 (b) A civil penalty imposed under this section for a
23 violation of Section 129B.002, ~~[or]~~ 129B.003, or 129B.0045 may be
24 in an amount equal to not more than the total, if applicable, of:

25 (1) \$10,000 per day that the entity operates an
26 Internet website or makes available an application in violation of
27 the age verification requirements of this chapter;

1 (2) \$10,000 per instance when the entity retains
2 identifying information in violation of Section 129B.002(b); and

3 (3) if, because of the entity's violation of the age
4 verification requirements of this chapter, one or more minors
5 accesses sexual material harmful to minors, an additional amount of
6 not more than \$250,000.

7 SECTION 9. This Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I certify that H.B. No. 581 was passed by the House on April 24, 2025, by the following vote: Yeas 146, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 581 on May 28, 2025, by the following vote: Yeas 133, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 581 was passed by the Senate, with amendments, on May 22, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor