

By: González of El Paso

H.B. No. 581

A BILL TO BE ENTITLED

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

1 TO MINORS.

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

5 (a-1) A commercial entity that operates an Internet website  
6 with a publicly accessible tool for creating artificial sexual  
7 material harmful to minors or otherwise makes publicly available an  
8 application for creating sexual material harmful to minors shall  
9 use reasonable age verification methods as described by Section  
10 129B.003 to verify an individual attempting to access the tool is 18  
11 years of age or older.

12 (b) A commercial entity that performs the age verification  
13 required by Subsection (a) or (a-1) or a third party that performs  
14 the age verification required by Subsection (a) or (a-1) may not  
15 retain any identifying information of the individual.

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

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

23 (1) provide digital identification; or  
24 (2) comply with a commercial age verification system  
25 that verifies age using:

26 (A) government-issued identification; or

27 (B) a commercially reasonable method that relies

1 on public or private transactional data to verify the age of an  
2 individual.

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

5 Sec. 129B.0045. REQUIREMENTS FOR SOURCES OF ARTIFICIAL  
6 SEXUAL MATERIAL HARMFUL TO MINORS. A commercial entity that  
7 operates an Internet website with a publicly accessible tool for  
8 creating artificial sexual material harmful to minors or otherwise  
9 makes publicly available an application for creating artificial  
10 sexual material harmful to minors shall ensure that an individual  
11 used as a source for the material:

- 12 (1) is 18 years of age or older; and  
13 (2) has consented to the use of the individual's face  
14 and body as a source for the material.

15 SECTION 7. Section 129B.006(b), Civil Practice and Remedies  
16 Code, is amended to read as follows:

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

20 (1) \$10,000 per day that the entity operates an  
21 Internet website or makes available an application in violation of  
22 the age verification requirements of this chapter;

23 (2) \$10,000 per instance when the entity retains  
24 identifying information in violation of Section 129B.002(b); and

25 (3) if, because of the entity's violation of the age  
26 verification requirements of this chapter, one or more minors  
27 accesses sexual material harmful to minors, an additional amount of

1 not more than \$250,000.

2 SECTION 8. This Act takes effect September 1, 2025.