

By: Lalani, Longoria, Ordaz, et al.

H.B. No. 2874

Substitute the following for H.B. No. 2874:

By: Button

C.S.H.B. No. 2874

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of provenance data on content shared on social media platforms.

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

SECTION 1. This Act may be cited as the Social Media Content Transparency Act.

SECTION 2. Chapter 120, Business & Commerce Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. PROVENANCE DATA

Sec. 120.081. DEFINITIONS. In this subchapter:

(1) "Artificial intelligence system" means machine learning and related technology that uses data to train statistical models for the purpose of enabling computer systems to perform tasks normally associated with human intelligence or perception, such as computer vision, speech or natural language processing, and content generation.

(2) "Generative artificial intelligence" means an artificial intelligence system designed to emulate the structure and characteristics of provided data to generate derived synthetic digital content, including images, videos, audio, text, and other digital content.

(3) "Provenance data" means metadata on a file that can be used to identify:

(A) the date and place of the file's origin;

1 (B) the method used to generate the file,
2 including whether the file was generated using generative
3 artificial intelligence; or

4 (C) the file's history, including the manner in
5 which the file has been transmitted or stored.

6 Sec. 120.082. CONTENT CREATED ON SOCIAL MEDIA PLATFORM.

7 (a) A social media platform shall attach provenance data to each
8 photo, video, or audio file created on the social media platform or
9 using tools provided by the social media platform, including tools
10 that use generative artificial intelligence.

11 (b) A social media platform shall retain all provenance data
12 attached to a photo, video, or audio file under this section.

13 (c) Provenance data attached to a photo, video, or audio
14 file or retained under this section must:

15 (1) be attached and retained in a manner and format
16 that complies with guidelines or specifications that are:

17 (A) created by an established standard-setting
18 entity in the industry; and

19 (B) widely adopted by other entities in the
20 industry;

21 (2) state whether the photo, video, or audio file has
22 been created or modified using generative artificial intelligence;
23 and

24 (3) if the photo, video, or audio file was created or
25 modified using generative artificial intelligence, state the name
26 of the generative artificial intelligence tool and the name of the
27 person who provides the tool.

1 (d) A social media platform shall provide or contract with a
2 third party to provide a method by which a user may easily access
3 the provenance data attached to a photo, video, or audio file under
4 this section.

5 (e) A social media platform is not required to comply with
6 the provisions of this section if the social media platform
7 provides to the attorney general clear and convincing documentation
8 showing that the social media platform:

9 (1) does not have the technological capacity to comply
10 with the requirements of this section; and

11 (2) is actively taking steps toward obtaining the
12 technological capacity to comply with the requirements of this
13 section.

14 Sec. 120.083. CONTENT POSTED TO SOCIAL MEDIA PLATFORM. (a)
15 A social media platform shall attach provenance data to each photo,
16 video, or audio file posted on the social media platform for which
17 the social media platform can discern the file's provenance data.

18 (b) A social media platform shall retain all provenance data
19 attached to a photo, video, or audio file under this section.

20 (c) Provenance data attached to a photo, video, or audio
21 file or retained under this section must:

22 (1) be attached and retained in a manner and format
23 that complies with guidelines or specifications that are:

24 (A) created by an established standard-setting
25 entity in the industry; and

26 (B) widely adopted by other entities in the
27 industry;

1 (2) state whether the photo, video, or audio file has
2 been created or modified using generative artificial intelligence;
3 and

4 (3) if the photo, video, or audio file was created or
5 modified using generative artificial intelligence, state the name
6 of the generative artificial intelligence tool and the name of the
7 person who provides the tool.

8 (d) A social media platform shall provide or contract with a
9 third party to provide a method by which a user may easily access
10 the provenance data attached to a photo, video, or audio file under
11 this section.

12 (e) A social media platform is not required to comply with
13 the provisions of this section if the social media platform
14 provides to the attorney general clear and convincing documentation
15 showing that the social media platform:

16 (1) does not have the technological capacity to comply
17 with the requirements of this section; and

18 (2) is actively taking steps toward obtaining the
19 technological capacity to comply with the requirements of this
20 section.

21 (f) This section may not be construed to require a social
22 media platform to independently verify the accuracy or authenticity
23 of provenance data provided to the social media platform by a third
24 party or user.

25 (g) A social media platform may not be held liable for
26 inaccurate provenance data attached to a photo, video, or audio
27 file or retained under this section if:

1 (1) the provenance data was provided to the social
2 media platform by a third party or user;

3 (2) the social media platform did not knowingly modify
4 the provenance data;

5 (3) the social media platform relied in good faith on
6 the provenance data provided; and

7 (4) the social media platform has implemented
8 reasonable and appropriate measures to comply with the requirements
9 of this section.

10 SECTION 3. This Act takes effect September 1, 2025.