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H.B. No. 3133

A BILL TO BE ENTITLED

AN ACT

relating to user reports of explicit deep fake material on social media platforms.

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

SECTION 1. Subchapter C, Chapter 120, Business & Commerce Code, is amended by adding Section 120.1001 to read as follows:

Sec. 120.1001. DEFINITIONS. In this subchapter:

(1) "Deep fake generator" means an Internet website or application that allows a user to create or generate deep fake material using software provided by the website or application. The term does not include a separate platform on which deep fake material is posted, sent, or distributed.

(2) "Deep fake material" means visual material, created with the intent to deceive, that appears to depict a real person performing an action that did not occur in reality.

(3) "Explicit deep fake material" means deep fake material that appears to depict a real person engaging in sexual conduct or other conduct resulting in the exposure of the person's intimate parts.

(4) "Intimate parts," "sexual conduct," and "visual material" have the meanings assigned by Section 21.16, Penal Code.

SECTION 2. Section 120.101, Business & Commerce Code, is amended to read as follows:

Sec. 120.101. COMPLAINT SYSTEM. A social media platform

1 shall provide an easily accessible complaint system to enable a
2 user to submit a complaint in good faith and track the status of the
3 complaint, including a complaint regarding:

- 4 (1) illegal content or activity; ~~[or]~~
- 5 (2) explicit deep fake material; or
- 6 (3) a decision made by the social media platform to
7 remove content posted by the user.

8 SECTION 3. Section 120.102, Business & Commerce Code, is
9 amended to read as follows:

10 Sec. 120.102. PROCESSING OF COMPLAINTS. (a) A social media
11 platform that receives notice of illegal content or illegal
12 activity on the social media platform shall make a good faith effort
13 to evaluate the legality of the content or activity within 48 hours
14 of receiving the notice, excluding hours during a Saturday or
15 Sunday and subject to reasonable exceptions based on concerns about
16 the legitimacy of the notice.

17 (b) A social media platform that receives notice of explicit
18 deep fake material on the social media platform shall:

19 (1) remove the content reported by the user as
20 explicit deep fake material;

21 (2) not later than 48 hours after the user submits the
22 notice, confirm to the user that the social media platform is aware
23 of the material;

24 (3) conduct an investigation as required by Section
25 120.1025; and

26 (4) not later than the seventh day after the date the
27 user submitted the report to the social media platform, provide a

1 written notice to the user updating the user on the status of the
2 social media platform's investigation under Section 120.1025.

3 SECTION 4. Subchapter C, Chapter 120, Business & Commerce
4 Code, is amended by adding Section 120.1025 to read as follows:

5 Sec. 120.1025. INVESTIGATION OF EXPLICIT DEEP FAKE
6 MATERIAL. (a) A social media platform that receives notice of
7 explicit deep fake material on the social media platform shall
8 conduct an investigation to determine whether the content reported
9 by the user is explicit deep fake material.

10 (b) A social media platform may collect additional
11 information necessary to complete an investigation under this
12 section.

13 (c) Except as provided by Subsection (d), a social media
14 platform shall complete an investigation under this section not
15 later than the 30th day after the date the user submitted the report
16 to the social media platform.

17 (d) If a social media platform cannot complete an
18 investigation under this section due to circumstances that are
19 reasonably beyond the social media platform's control, the social
20 media platform shall complete the investigation not later than the
21 60th day after the date the user submitted the report to the social
22 media platform. The social media platform shall provide notice to
23 the user who submitted the report of the anticipated delay not later
24 than 48 hours after the social media platform becomes aware of the
25 circumstances that cause the delay.

26 (e) If a social media platform determines after an
27 investigation under this section that the reported material is not

1 explicit deep fake material, the social media platform may restore
2 the material.

3 (f) If a social media platform determines after an
4 investigation under this section that the reported material is
5 explicit deep fake material, the social media platform shall
6 implement measures to ensure the same material is not posted on the
7 social media platform again.

8 SECTION 5. Section 120.103(b), Business & Commerce Code, is
9 amended to read as follows:

10 (b) A social media platform is not required to provide a
11 user with notice or an opportunity to appeal under Subsection (a) if
12 the social media platform:

13 (1) is unable to contact the user after taking
14 reasonable steps to make contact; ~~or~~

15 (2) knows that the potentially policy-violating
16 content relates to an ongoing law enforcement investigation; or

17 (3) removed the content under Section 120.102(b) due
18 to a complaint that the content was explicit deep fake material.

19 SECTION 6. This Act takes effect September 1, 2025.