

By: Holt

H.B. No. 4338

A BILL TO BE ENTITLED

AN ACT

relating to the use of safety management software for children on large social media platforms.

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

SECTION 1. This Act may be cited as Sammy's Law.

SECTION 2. Chapter 509, Business & Commerce Code, as added by Chapter 795 (H.B. 18), Acts of the 88th Legislature, Regular Session, 2023, is amended by adding Subchapter C-1 to read as follows:

SUBCHAPTER C-1. SAFETY MANAGEMENT SOFTWARE FOR SOCIAL MEDIA

Sec. 509.121. DEFINITIONS. In this subchapter:

(1) "Child" means an individual who is under 17 years of age.

(2) "Department" means the Department of Information Resources.

(3) "Large social media platform" means a social media platform to which Chapter 120 applies.

(4) "Third-party safety software provider" means an entity that provides software designed to manage online interactions, content, and account settings for the safety of children.

(5) "User data" means any information needed to have a profile on a large social media platform or content on a large social media platform, including images, video, audio, or text,

1 that is created by or sent to a child on or through the child's
2 account with the platform.

3 Sec. 509.122. REQUIREMENTS FOR LARGE SOCIAL MEDIA
4 PLATFORMS. (a) A large social media platform shall create,
5 maintain, and make available to third-party safety software
6 providers a set of real-time application programming interfaces
7 that allow a child or a parent or legal guardian of a child to
8 delegate permission to a third-party safety software provider to
9 manage the online interactions, content, and account settings of
10 the child on the large social media platform on the same terms as
11 the child.

12 (b) The application programming interfaces must be designed
13 to allow third-party safety software providers to effectively
14 manage and monitor a child's online activities and provide
15 protections against cyberbullying, human trafficking, illegal drug
16 distribution, sexual harassment, and violence.

17 (c) A large social media platform shall establish and
18 implement reasonable policies, practices, and procedures regarding
19 the secure transfer of user data to third-party safety software
20 providers.

21 (d) In the case of a delegation made by a child or a parent
22 or legal guardian of a child under this section, the large social
23 media platform shall disclose to the child and the parent or legal
24 guardian of the child that the delegation has been made and provide
25 a summary of the user data that has been transferred to the
26 third-party safety software provider.

27 Sec. 509.123. IMPLEMENTATION BY DEPARTMENT. The department

1 shall:

2 (1) oversee the implementation of this subchapter;

3 (2) establish guidelines and standards for the
4 application programming interfaces and ensure compliance by large
5 social media platforms;

6 (3) conduct regular audits and assessments to ensure
7 that large social media platforms are in compliance with the
8 requirements of this subchapter; and

9 (4) provide resources and support to parents and legal
10 guardians using third-party safety software services to effectuate
11 the protection of children from dangers including cyberbullying,
12 human trafficking, illegal drug distribution, sexual harassment,
13 and violence on large social media platforms.

14 Sec. 509.124. REPORTING REQUIREMENTS. (a) A large social
15 media platform shall submit an annual report not later than January
16 1 to the department detailing the platform's compliance with the
17 requirements of this subchapter.

18 (b) The department shall submit an annual summary of all
19 reports submitted by large social media platforms under this
20 section not later than February 1 to the governor, the lieutenant
21 governor, the speaker of the house of representatives, and each
22 standing committee of the legislature with primary jurisdiction
23 over large social media platforms highlighting the effectiveness of
24 this subchapter and any areas needing improvement.

25 Sec. 509.125. AUTHENTICATION. The department shall:

26 (1) issue guidance to facilitate the ability of a
27 third-party safety software provider to obtain user data or access

1 in a manner that ensures that a request for user data or access on
2 behalf of a child is a verifiable request; and

3 (2) issue guidance for large social media platforms
4 and third-party safety software providers regarding the
5 maintenance of reasonable safety standards to protect user data.

6 Sec. 509.126. LIMITATION OF LIABILITY. In any civil action
7 other than an action brought by the attorney general under
8 Subchapter D, a large social media platform provider may not be held
9 liable for damages arising out of the transfer of user data to a
10 third-party safety software provider if the large social media
11 platform has in good faith complied with the requirements of this
12 subchapter and the guidance issued by the department under this
13 subchapter.

14 Sec. 509.127. USER DATA DISCLOSURE. A third-party safety
15 software provider may not disclose any user data obtained under
16 this subchapter to another person except:

17 (1) under a lawful request from a governmental body,
18 including for law enforcement purposes or for judicial or
19 administrative proceedings;

20 (2) to the extent that the disclosure is required by
21 law and the disclosure complies with and is limited to the relevant
22 requirements of such law;

23 (3) to the child or a parent or legal guardian of the
24 child who made a delegation under this subchapter and whose data is
25 at issue, with the third-party safety software provider making a
26 good faith effort to ensure that the disclosure includes only the
27 user data necessary for a reasonable parent or guardian to

1 understand that the child is experiencing or is at foreseeable risk
2 to experience harm;

3 (4) in the case of a reasonably foreseeable serious
4 and imminent threat to the health or safety of any individual, if
5 the disclosure is made to a person or persons reasonably able to
6 prevent or lessen the threat; and

7 (5) to a public health authority or other appropriate
8 government authority authorized by law to receive reports of child
9 abuse or neglect.

10 Sec. 509.128. DISCLOSURE REPORTING. A third-party safety
11 software provider that makes a disclosure permitted by this
12 subchapter shall promptly inform the child with respect to whose
13 account the delegation was made and the parent or legal guardian
14 that a disclosure has been or will be made, unless:

15 (1) the third-party safety software provider, in the
16 exercise of professional judgment, believes informing the child or
17 parent or legal guardian would place the child at risk of serious
18 harm; or

19 (2) the third-party safety software provider is
20 prohibited by law from informing the child or parent or legal
21 guardian.

22 Sec. 509.129. CONFLICT WITH OTHER LAW. To the extent of any
23 conflict between this subchapter and another provision of this
24 chapter, this subchapter controls.

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