

By: Hughes

S.B. No. 1860

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of laws protecting minors from harmful material on digital services.

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

SECTION 1. Section 509.002(b), Business & Commerce Code, as added by Chapter 795 (H.B. 18), Acts of the 88th Legislature, Regular Session, 2023, is amended to read as follows:

(b) This chapter does not apply to:

(1) a state agency or a political subdivision of this state;

(2) a financial institution or data subject to Title V, Gramm-Leach-Bliley Act (15 U.S.C. Section 6801 et seq.);

(3) a covered entity or business associate governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services, 45 C.F.R. Parts 160 and 164, established under the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.), and the Health Information Technology for Economic and Clinical Health Act (Division A, Title XIII, and Division B, Title IV, Pub. L. No. 111-5);

(4) a small business as defined by the United States Small Business Administration on September 1, 2024;

(5) an institution of higher education or a private school, as that term is defined by Section 5.001, Education Code;

1 (6) a digital service provider who processes or
2 maintains user data in connection with the employment, promotion,
3 reassignment, or retention of the user as an employee or
4 independent contractor, to the extent that the user's data is
5 processed or maintained for that purpose;

6 (7) an operator or provider regulated by Subchapter D,
7 Chapter 32, Education Code, that primarily provides education
8 services to students or educational institutions;

9 (8) a person subject to the Family Educational Rights
10 and Privacy Act of 1974 (20 U.S.C. Section 1232g) that:

11 (A) operates a digital service; and

12 (B) primarily provides education services to
13 students or educational institutions;

14 (9) a digital service provider's provision of a
15 digital service that facilitates e-mail or direct messaging
16 services, if the digital service facilitates only those services;
17 or

18 (10) a digital service provider's provision of a
19 digital service that:

20 (A) primarily functions to provide a user with
21 access to news, sports, commerce, or content primarily generated or
22 selected by the digital service provider; and

23 (B) allows chat, comment, or other interactive
24 functionality that is incidental to the digital service.

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