

**SENATE AMENDMENTS**  
**2<sup>nd</sup> Printing**

By: Bhojani, Button, Talarico, Harris Davila, Fairly 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.

ADOPTED

MAY 26 2025

*Latey Shaw*  
Secretary of the Senate

By:

*Joan Huffman*

H.B. No. 3133

Substitute the following for H.B. No. 3133:

By:

*Charles S. Porter*

C.S. H.B. No. 3133

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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 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.

(2) "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.

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

(1) illegal content or activity; ~~[ex]~~

(2) explicit deep fake material; or

1           (3) a decision made by the social media platform to  
2 remove content posted by the user.

3           SECTION 3. Subchapter C, Chapter 120, Business & Commerce  
4 Code, is amended by adding Section 120.1015 to read as follows:

5           Sec. 120.1015. NOTICE OF COMPLAINT SYSTEM AND PROCEDURES.

6           (a) A social media platform shall provide notice on the platform of  
7 the complaint system and procedures described by this subchapter.

8           (b) Notice under this section:

9                   (1) must be clear and conspicuous to a user;

10                   (2) must be written using plain language;

11                   (3) must describe the duties of a social media  
12 platform under Section 120.102;

13                   (4) must describe the process by which a user may  
14 submit a complaint; and

15                   (5) may be provided on another Internet web page to  
16 which a user may navigate through the use of a clear and conspicuous  
17 hyperlink.

18           SECTION 4. Section 120.102, Business & Commerce Code, is  
19 amended to read as follows:

20           Sec. 120.102. PROCESSING OF COMPLAINTS. (a) A social media  
21 platform that receives notice of illegal content or illegal  
22 activity on the social media platform shall make a good faith effort  
23 to evaluate the legality of the content or activity within 48 hours  
24 of receiving the notice, excluding hours during a Saturday or  
25 Sunday and subject to reasonable exceptions based on concerns about  
26 the legitimacy of the notice.

27           (b) A social media platform that receives notice of explicit

1 deep fake material on the social media platform shall:

2 (1) immediately confirm to the user that the social  
3 media platform is aware of the material;

4 (2) remove the content reported by the user and any  
5 known content that is a copy of or identical to the reported content  
6 as explicit deep fake material; and

7 (3) not later than the seventh day after the date the  
8 user submitted the report to the social media platform, provide a  
9 written notice to the user updating the user on the status of the  
10 reported content.

11 SECTION 5. Subchapter C, Chapter 120, Business & Commerce  
12 Code, is amended by adding Section 120.1025 to read as follows:

13 Sec. 120.1025. TREATMENT OF REPORTED CONTENT. (a) If a  
14 social media platform determines that content reported by a user is  
15 not explicit deep fake material, the social media platform may  
16 restore the material.

17 (b) If a social media platform determines that content  
18 reported by a user is explicit deep fake material, the social media  
19 platform shall implement measures to ensure the same material is  
20 not posted on the social media platform again.

21 SECTION 6. Section 120.103(b), Business & Commerce Code, is  
22 amended to read as follows:

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

26 (1) is unable to contact the user after taking  
27 reasonable steps to make contact; [✗]

1           (2) knows that the potentially policy-violating  
2 content relates to an ongoing law enforcement investigation; or  
3           (3) removed the content under Section 120.102(b) due  
4 to a complaint that the content was explicit deep fake material.

5           SECTION 7. The heading to Section 120.151, Business &  
6 Commerce Code, is amended to read as follows:

7           Sec. 120.151. INJUNCTIVE RELIEF [~~ACTION BY ATTORNEY~~  
8 ~~GENERAL~~].

9           SECTION 8. Subchapter D, Chapter 120, Business & Commerce  
10 Code, is amended by adding Section 120.152 to read as follows:

11          Sec. 120.152. DECEPTIVE TRADE PRACTICE. A violation of  
12 this chapter is a deceptive trade practice under Subchapter E,  
13 Chapter 17, and is actionable under that subchapter.

14          SECTION 9. This Act takes effect September 1, 2025.



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 27, 2025**

**TO:** Honorable Dustin Burrows, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3133** by Bhojani (Relating to user reports of explicit deep fake material on social media platforms.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General

**LBB Staff:** JMc, SD, WP, JPE, RStu, LCO, JKe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 23, 2025**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3133** by Bhojani (relating to user reports of explicit deep fake material on social media platforms.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
---

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General

**LBB Staff:** JMc, WP, JPE, RStu, LCO, JKe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 9, 2025**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3133** by Bhojani (Relating to user reports of explicit deep fake material on social media platforms.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
---

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General

**LBB Staff:** JMc, WP, JPE, RStu, LCO, JKe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**April 8, 2025**

**TO:** Honorable Angie Chen Button, Chair, House Committee on Trade, Workforce & Economic Development

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3133** by Bhojani (Relating to user reports of explicit deep fake material on social media platforms.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General

**LBB Staff:** JMc, RStu, LCO, JKe