

House Bill 581
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
<p>SECTION 1. The heading to Chapter 129B, Civil Practice and Remedies Code, is amended to read as follows: CHAPTER 129B. <u>LIABILITY RELATED TO SEXUAL MATERIAL HARMFUL TO [FOR ALLOWING] MINORS [TO ACCESS PORNOGRAPHIC MATERIAL]</u></p>	<p>SECTION 1. Same as House version.</p>	
<p>SECTION 2. Section 129B.001, Civil Practice and Remedies Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows: (1) <u>"Artificial sexual material harmful to minors" means computer-generated sexual material harmful to minors that was produced, adapted, or modified using an artificial intelligence application or other computer software in which a person is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature.</u> (1-a) "Commercial entity" includes a corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legally recognized business entity.</p>	<p>SECTION 2. Same as House version.</p>	
<p>SECTION 3. The heading to Section 129B.002, Civil Practice and Remedies Code, is amended to read as follows: Sec. 129B.002. <u>PUBLICATION AND CREATION OF MATERIAL HARMFUL TO MINORS.</u></p>	<p>SECTION 3. Same as House version.</p>	
<p>SECTION 4. Section 129B.002, Civil Practice and Remedies Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows: (a-1) <u>A commercial entity that operates an Internet website</u></p>	<p>SECTION 4. Section 129B.002, Civil Practice and Remedies Code, is amended by adding Subsections (a-1) and (a-2) and amending Subsection (b) to read as follows: [FA1(1)] (a-1) <u>Except as provided by Subsection (a-2), a commercial</u></p>	

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with a publicly accessible tool for creating artificial sexual material harmful to minors or otherwise makes publicly available an application for creating sexual material harmful to minors shall use reasonable age verification methods as described by Section 129B.003 to verify an individual attempting to access the tool is 18 years of age or older.

(b) A commercial entity that performs the age verification required by Subsection (a) or (a-1) or a third party that performs the age verification required by Subsection (a) or (a-1) may not retain any identifying information of the individual.

SECTION 5. Section 129B.003(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) A commercial entity required to use reasonable age

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entity that operates an Internet website with a publicly accessible tool for creating artificial sexual material harmful to minors or otherwise makes publicly available an application for creating sexual material harmful to minors shall use reasonable age verification methods as described by Section 129B.003 to verify an individual attempting to access the tool is 18 years of age or older. [FA1(2)]

(a-2) Subsection (a-1) does not apply to a commercial entity that:

(1) includes a prohibition against the generation of artificial sexual material harmful to minors in the entity's terms and conditions or use policies that must be acknowledged before a user is granted access; and

(2) takes affirmative steps to limit the creation of artificial sexual material harmful to minors through technological tools such as training an application or software creating artificial images to identify likely sexual material, providing effective reporting tools, filtering likely sexual material, filtering sexually explicit content generated by artificial intelligence before the material is shown to users, or filtering sexually explicit images from the entity's artificial intelligence dataset before the dataset is used to train the artificial intelligence.

[FA1(3)]

(b) A commercial entity that performs the age verification required by Subsection (a) or (a-1) or a third party that performs the age verification required by Subsection (a) or (a-1) may not retain any identifying information of the individual.

SECTION 5. Same as House version.

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~~verification methods under Section 129B.002 [that knowingly and intentionally publishes or distributes material on an Internet website]~~ or a third party that performs age verification under this chapter shall require an individual to:

- (1) provide digital identification; or
- (2) comply with a commercial age verification system that verifies age using:
 - (A) government-issued identification; or
 - (B) a commercially reasonable method that relies on public or private transactional data to verify the age of an individual.

SECTION 6. Chapter 129B, Civil Practice and Remedies Code, is amended by adding Section 129B.0045 to read as follows:

Sec. 129B.0045. REQUIREMENTS FOR SOURCES OF ARTIFICIAL SEXUAL MATERIAL HARMFUL TO MINORS.

A commercial entity that operates an Internet website with a publicly accessible tool for creating artificial sexual material harmful to minors or otherwise makes publicly available an application for creating artificial sexual material harmful to minors shall ensure that an individual used as a source for the material:

- (1) is 18 years of age or older; and
- (2) has consented to the use of the individual's face and body as a source for the material.

No equivalent provision.

SECTION 6. Chapter 129B, Civil Practice and Remedies Code, is amended by adding Section 129B.0045 to read as follows:

Sec. 129B.0045. REQUIREMENTS FOR SOURCES OF ARTIFICIAL SEXUAL MATERIAL HARMFUL TO MINORS. (a) Except as provided by Subsection (b), a commercial entity that operates an Internet website with a publicly accessible tool for creating artificial sexual material harmful to minors or otherwise makes publicly available an application for creating artificial sexual material harmful to minors shall ensure that an individual used as a source for the material: [FA1(4)]

- (1) is 18 years of age or older; and
- (2) has consented to the use of the individual's face and body as a source for the material.

(b) This section does not apply to a commercial entity described by Section 129B.002(a-2). [FA1(5)]

SECTION __. Section 129B.005(b), Civil Practice and

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Remedies Code, is amended to read as follows:

(b) An Internet service provider, or its affiliates or subsidiaries, a search engine, or a cloud service provider may not be held to have violated this chapter solely for providing access or connection to or from a website or other information or content on the Internet or on a facility, system, or network not under that provider's control, including transmission, downloading, intermediate storage, access software, or other services to the extent the provider or search engine is not responsible for the creation of the content that constitutes sexual material harmful to minors or artificial sexual material harmful to minors. [FA1(6)]

SECTION 7. Section 129B.006(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) A civil penalty imposed under this section for a violation of Section 129B.002, ~~[or] 129B.003, or 129B.0045~~ may be in an amount equal to not more than the total, if applicable, of:

(1) \$10,000 per day that the entity operates an Internet website or makes available an application in violation of the age verification requirements of this chapter;

(2) \$10,000 per instance when the entity retains identifying information in violation of Section 129B.002(b); and

(3) if, because of the entity's violation of the age verification requirements of this chapter, one or more minors accesses sexual material harmful to minors, an additional amount of not more than \$250,000.

SECTION 7. Same as House version.

SECTION 8. This Act takes effect September 1, 2025.

SECTION 8. Same as House version.