

**House Bill 3133**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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 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; [øf]

(2) explicit deep fake material; or

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

SENATE VERSION (CS)

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. Same as House version.

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No equivalent provision.

SECTION 3. Section 120.102, Business & Commerce Code, is amended to read as follows:  
Sec. 120.102. PROCESSING OF COMPLAINTS. (a) A social media platform that receives notice of illegal content or illegal activity on the social media platform shall make a good faith effort to evaluate the legality of the content or activity within 48 hours of receiving the notice, excluding hours during a Saturday or Sunday and subject to reasonable exceptions based on concerns about the legitimacy of the notice.  
(b) A social media platform that receives notice of explicit deep fake material on the social media platform shall:

SENATE VERSION (CS)

SECTION 3. Subchapter C, Chapter 120, Business & Commerce Code, is amended by adding Section 120.1015 to read as follows:  
Sec. 120.1015. NOTICE OF COMPLAINT SYSTEM AND PROCEDURES. (a) A social media platform shall provide notice on the platform of the complaint system and procedures described by this subchapter.  
(b) Notice under this section:  
(1) must be clear and conspicuous to a user;  
(2) must be written using plain language;  
(3) must describe the duties of a social media platform under Section 120.102;  
(4) must describe the process by which a user may submit a complaint; and  
(5) may be provided on another Internet web page to which a user may navigate through the use of a clear and conspicuous hyperlink.

SECTION 4. Section 120.102, Business & Commerce Code, is amended to read as follows:  
Sec. 120.102. PROCESSING OF COMPLAINTS. (a) A social media platform that receives notice of illegal content or illegal activity on the social media platform shall make a good faith effort to evaluate the legality of the content or activity within 48 hours of receiving the notice, excluding hours during a Saturday or Sunday and subject to reasonable exceptions based on concerns about the legitimacy of the notice.  
(b) A social media platform that receives notice of explicit deep fake material on the social media platform shall:

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(1) remove the content reported by the user as explicit deep fake material;  
(2) not later than 48 hours after the user submits the notice, confirm to the user that the social media platform is aware of the material;  
(3) conduct an investigation as required by Section 120.1025; and

(4) not later than the seventh day after the date the user submitted the report to the social media platform, provide a written notice to the user updating the user on the status of the social media platform's investigation under Section 120.1025.

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

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

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

(c) Except as provided by Subsection (d), a social media platform shall complete an investigation under this section

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

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

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

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

Sec. 120.1025. TREATMENT OF REPORTED CONTENT.

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not later than the 30th day after the date the user submitted the report to the social media platform.

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

(e) If a social media platform determines after an investigation under this section that the reported material is not explicit deep fake material, the social media platform may restore the material.

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

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

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

- (1) is unable to contact the user after taking reasonable steps to make contact; [or]
- (2) knows that the potentially policy-violating content relates to an ongoing law enforcement investigation; or

SENATE VERSION (CS)

(a) If a social media platform determines that content reported by a user is not explicit deep fake material, the social media platform may restore the material.

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

SECTION 6. Same as House version.

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<p>(3) removed the content under Section 120.102(b) due to a complaint that the content was explicit deep fake material.</p>		
<p>No equivalent provision.</p>	<p>SECTION 7. The heading to Section 120.151, Business &amp; Commerce Code, is amended to read as follows: Sec. 120.151. <u>INJUNCTIVE RELIEF</u> [<del>ACTION BY ATTORNEY GENERAL</del>].</p>	
<p>No equivalent provision.</p>	<p>SECTION 8. Subchapter D, Chapter 120, Business &amp; Commerce Code, is amended by adding Section 120.152 to read as follows: <u>Sec. 120.152. DECEPTIVE TRADE PRACTICE. A violation of this chapter is a deceptive trade practice under Subchapter E, Chapter 17, and is actionable under that subchapter.</u></p>	
<p>SECTION 6. This Act takes effect September 1, 2025.</p>	<p>SECTION 9. Same as House version.</p>	