

1-1 By: Hughes S.B. No. 1626  
1-2 (In the Senate - Filed February 25, 2025; March 11, 2025,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 April 14, 2025, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 14, 2025,  
1-6 sent to printer.)

|      |                    |     |     |        |     |
|------|--------------------|-----|-----|--------|-----|
| 1-7  | COMMITTEE VOTE     |     |     |        |     |
| 1-8  |                    | Yea | Nay | Absent | PNV |
| 1-9  | Hughes             | X   |     |        |     |
| 1-10 | Paxton             | X   |     |        |     |
| 1-11 | Bettencourt        | X   |     |        |     |
| 1-12 | Birdwell           | X   |     |        |     |
| 1-13 | Hall               | X   |     |        |     |
| 1-14 | Hinojosa of Nueces | X   |     |        |     |
| 1-15 | Middleton          | X   |     |        |     |
| 1-16 | Parker             |     |     | X      |     |
| 1-17 | Perry              | X   |     |        |     |
| 1-18 | Schwertner         |     |     | X      |     |
| 1-19 | Zaffirini          |     |     | X      |     |

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1626 By: Paxton

1-21 A BILL TO BE ENTITLED  
1-22 AN ACT

1-23 relating to censorship of or certain other interference with  
1-24 digital expression, including expression on social media platforms  
1-25 or through electronic mail messages.  
1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-27 SECTION 1. The legislature finds that:  
1-28 (1) although H.B. 20, as passed by the 87th  
1-29 Legislature, 2nd Called Session, 2021, clearly applies to social  
1-30 media platforms only in their role as common carriers in  
1-31 facilitating public forums for public debate, the legislation has  
1-32 been misunderstood to apply more broadly and therefore requires  
1-33 clarification;  
1-34 (2) an effective state remedy for social media  
1-35 censorship is essential because:  
1-36 (A) the federal government has massively used the  
1-37 dominant social media platforms to abridge the freedom of speech;  
1-38 (B) the combination of qualified immunity  
1-39 impeding damages for past censorship and doctrinal limits on  
1-40 injunctions against the breadth of future censorship leaves Texans  
1-41 and other Americans without adequate judicial remedies for federal  
1-42 censorship;  
1-43 (C) dominant common carriers, especially when  
1-44 given exaggerated dominance by federal privilege, pressure, and  
1-45 coordination, must be available to persons of all points of view,  
1-46 without discrimination; and  
1-47 (D) the public square, which is now mainly on the  
1-48 Internet and is enabled by the dominant social media platforms,  
1-49 must be available to persons of all points of view, without  
1-50 discrimination;  
1-51 (3) damages are necessary for violations of H.B. 20  
1-52 because, even though private enforcement of the legislation has  
1-53 never been enjoined, the platforms subject to the legislation have  
1-54 never complied with it;  
1-55 (4) the First Amendment to the U.S. Constitution bars  
1-56 the federal government from "abridging" the freedom of speech or of  
1-57 the press, not merely coercing or otherwise "prohibiting" it;  
1-58 (5) states have a structurally essential role, dating  
1-59 back to the Sedition Act of 1798, of protecting individuals from  
1-60 federal censorship; and

2-1 (6) since H.B. 20 was originally enacted:

2-2 (A) abundant evidence has come to light that the  
2-3 federal government has massively used dominant social media  
2-4 platforms to abridge the freedom of speech;

2-5 (B) it has become clear that common carrier  
2-6 legislation like H.B. 20 is the only sort of legal mechanism that  
2-7 can promptly and effectively prevent federal censorship through the  
2-8 social media platforms; and

2-9 (C) this state has a compelling and even  
2-10 existential interest in adopting this law to prevent the federal  
2-11 threat to the freedom of speech.

2-12 SECTION 2. Section 120.001(1), Business & Commerce Code, is  
2-13 amended to read as follows:

2-14 (1) "Social media platform" means an Internet website  
2-15 or application that is open to the public, allows a user to create  
2-16 an account, and enables users to communicate with other users for  
2-17 the primary purpose of posting information, comments, messages, or  
2-18 images. The term does not include:

2-19 (A) an Internet service provider as defined by  
2-20 Section 324.055;

2-21 (B) electronic mail, including direct messaging  
2-22 or other electronically conveyed mail; or

2-23 (C) an online service, application, or website:

2-24 (i) that:

2-25 (a) consists primarily of news,  
2-26 sports, entertainment, or other information or content that is not  
2-27 user generated but is preselected by the provider; or

2-28 (b) primarily provides banking,  
2-29 financial, transportation, or sales services, services related to  
2-30 the playing or creation of video games, or another service that is  
2-31 not a communications service; and

2-32 (ii) for which any chat, comments, or  
2-33 interactive functionality is incidental to, directly related to, or  
2-34 dependent on the provision of the content or service described by  
2-35 Subparagraph (i).

2-36 SECTION 3. Section 143A.004(c), Civil Practice and Remedies  
2-37 Code, is amended to read as follows:

2-38 (c) This chapter applies only to a social media platform  
2-39 that functionally has more than 65 ~~50~~ million active users in the  
2-40 United States in a calendar month.

2-41 SECTION 4. Section 143A.005, Civil Practice and Remedies  
2-42 Code, is amended to read as follows:

2-43 Sec. 143A.005. LIMITATION ON EFFECT OF CHAPTER;  
2-44 INTERPRETATION OF CHAPTER. (a) This chapter does not subject a  
2-45 social media platform to damages or other legal remedies to the  
2-46 extent the social media platform is protected from those remedies  
2-47 under federal law.

2-48 (b) This chapter does not apply to a social media platform's  
2-49 newsfeed, the platform's own homepage, or any other service that  
2-50 is:

2-51 (1) intended to convey a particularized message where  
2-52 the likelihood is great that such a message would be understood by  
2-53 the viewer;

2-54 (2) not a common carrier service;

2-55 (3) not strongly analogous to a common carrier  
2-56 service; or

2-57 (4) not primarily providing transmission of users'  
2-58 expression.

2-59 (c) Nothing in this chapter may be interpreted to permit a  
2-60 social media platform to discriminate in the carriage of users'  
2-61 expression by disseminating the platform's own commentary or  
2-62 expression in a manner that delays or otherwise diminishes the  
2-63 visibility of a user's expression, or delays or otherwise denies  
2-64 equal access to a user's expression, or otherwise censors a user's  
2-65 expression, on the basis of viewpoint in violation of this chapter.

2-66 SECTION 5. Section 143A.007(b), Civil Practice and Remedies  
2-67 Code, is amended to read as follows:

2-68 (b) If the user proves that the social media platform  
2-69 violated this chapter with respect to the user, the user is entitled

to recover:

(1) declaratory relief under Chapter 37, including costs and reasonable and necessary attorney's fees under Section 37.009; ~~and~~

(2) injunctive relief;

(3) either:

(A) actual damages; or

(B) at the election of the user, statutory damages in the amount of:

(i) \$100,000 if the user or the user's expression was censored in violation of Section 143A.002; or

(ii) \$1,000 if the user's ability to receive another person's expression was censored in violation of Section 143A.002; and

(4) reasonable and necessary attorney's fees.

SECTION 6. Section 143A.007(b), Civil Practice and Remedies Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2025.

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