Texas | AI Policy Overview

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AI Policy Overview

Texas lawmakers have signaled a willingness to take a leading role in establishing artificial intelligence policies. In 2019, Texas was one of the first states to address deepfakes in electoral campaigns. Texas continued to be a leader in regulating deepfakes in 2023 when lawmakers passed two laws addressing sexual deepfakes. Texas was also a leader when it came to establishing laws surrounding the collection of biometric information from consumers.

Texas lawmakers have also signaled an interest in continuing to establish AI policies and in 2023 lawmakers passed legislation (TX HB 2060) establishing an Artificial Intelligence Advisory Council to assess the need for a state code of ethics for AI in state government, and a review of automated decision systems inventory reports. Additionally, Representative Giovanni Capriglione (R) hosted a series of panel discussions on AI at the Capitol on Oct. 31, 2023.

In April 2024, House Speaker Dade Phelan (R) announced the creation of the House Select Committee on Artificial Intelligence & Emerging Technologies. The committee will submit an initial report no later than May 16, 2024, with a scope of studying the uses of AI in the public and private sectors, the impact on certain industry sectors, considering policies for responsible deployment of AI, and formulating legislative recommendations.

Deepfakes

Texas was one of the first states to address deepfake use in electoral campaigns. In 2019, Texas enacted a law (TX SB 751) that makes it a crime to fabricate a deceptive video with the intent to injure a candidate or influence the outcome of an election and publish the deepfake video within 30 days of an election. The law defines "deepfake video" as "a video, created with the intent to deceive, that appears to depict a real person performing an action that did not occur in reality."

Additionally, Texas enacted two laws in 2023 addressing sexual deepfakes. The first law (TX SB 1361) made it a crime to produce or distribute a deepfake video or image that depicts a person engaged in sexual conduct or shows their intimate parts. The second law (TX HB 2700) made it a crime to possess or view a deepfake video or image depicting a child younger than 18 engaged in sexual conduct.

Facial Recognition

In 2009, Texas was one of the first states to pass a law (TX HB 2278) to prohibit collecting and using the biometric information of consumers for commercial purposes without first providing notice and obtaining consent. The Texas law prohibits selling, leasing, or otherwise disclosing consumers' biometric information

unless an individual has consented to disclose that information for identification purposes in the event of their disappearance or death, disclosure is necessary to complete a financial transaction requested by the individual, or the disclosure is made to a law enforcement agency in response to a warrant. The Texas law applies to retina and iris scans, fingerprints, voiceprints, or a record of an individual's hand or face geometry.

Legislative & Regulatory History

- **2023** - Texas enacted [TX SB 1361](), which makes it a crime to produce or distribute a deepfake video or image that depicts a person engaged in sexual conduct or shows their intimate parts.

- **2023** - Texas enacted [TX HB 2700](), which makes it a crime to view or possess a deepfake depicting an individual under 18 engaged in sexual conduct.

- **2019** - Texas enacted [TX SB 751](), which makes it a crime to fabricate a deceptive video with the intent to injure a candidate or influence the outcome of an election and publish the deepfake video within 30 days of an election.

- **2009** - Texas enacted [TX HB 2278](), which prohibits collecting consumers' biometric information without providing notice and obtaining consent.