

Client Alert

UPDATED – Texas SB140: Expanded Regulation of Marketing Texts under Texas Telephone Solicitation Act

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Effective **September 1, 2025**, [Texas Senate Bill 140](#) (SB140) expanded the scope of the [Texas Telephone Solicitation Act](#) (TTSA) to explicitly regulate **marketing via text messaging**, including SMS, MMS, and other digital transmissions. This alert focuses on the implications for businesses that use text messages to promote their goods or services to Texas residents.

Q: Does my business need to register to send marketing texts to Texas residents?

A: In most cases, no. Recent guidance posted on the Texas Secretary of State's [website](#) indicates that businesses are not required to register if they obtain **prior consent** from consumers before sending marketing texts. Because the federal Telephone Consumer Protection Act (TCPA) has long required prior express consent for marketing texts, many organizations already meet this threshold.

If you are unsure whether your current texting practices satisfy TCPA requirements, we recommend confirming with your marketing team or service providers to avoid inadvertently triggering Texas' registration requirements.

If you require prior consent and already submitted an application to register in Texas, you may withdraw it by submitting a [written request](#).

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Q: Beyond registration, what other risks does SB140 create?

A: SB140 meaningfully increases litigation exposure. By categorizing telemarketing violations as **false, misleading, or deceptive acts** under the Deceptive Trade Practices Act (DTPA), the law opens the door to direct consumer lawsuits without any prerequisite agency complaint. This private right of action is similar to the types of consumer lawsuits frequently brought against businesses in California.

The statute also permits plaintiffs to assert claims under both the TTSA and DTPA for the same conduct. Importantly, SB140 clarifies that prior recoveries do not bar subsequent ones, creating the possibility of serial lawsuits and multiple damage awards arising from a single underlying violation. Businesses that rely heavily on text-based marketing should view SB140 as a signal to tighten compliance controls and audit consent practices.

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