

CANNABIS IN TEXAS: WHERE THINGS STAND

What is Cannabis?

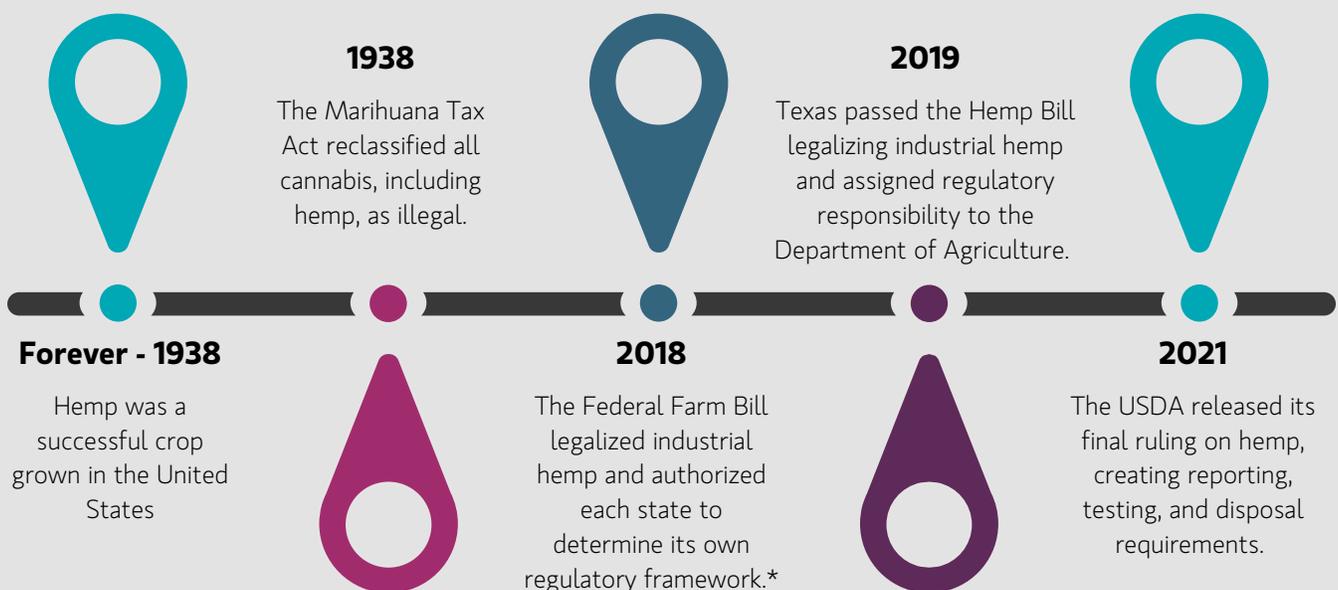
Cannabis is a plant that contains compounds such as THC (tetrahydrocannabinol) and CBD (cannabidiol), which can affect the mind and body when consumed. Both hemp and marijuana are varieties of the cannabis plant, though they are distinct from one another based on the amount of THC they contain (less than 0.3% THC for hemp, greater than 0.3% for marijuana). THC is the psychoactive compound in cannabis that causes the “high.”

Existing Texas Law

In Texas, the Compassionate Use Program authorizes the prescription and use of low-THC CBD oil for use by individuals suffering with specific medical conditions.

Additionally, the 2019 Hemp Bill authorized the production of hemp and hemp-related products. However, loopholes in the law have resulted in an influx of “legal” marijuana products being regulated as hemp, even though they have psychoactive, impairing properties.

How Did We Get Here?



*Hemp is defined as any part of the plant *Cannabis sativa* L containing 0.3% or less Delta-9 THC by dry weight. **The problem starts here: there is no standard way to measure 0.3%, and no explanation of “by dry weight.”**

THC Regulations in Texas

The Department requires testing of hemp crops to ensure plants stay below 0.3% Delta-9 THC. Plant samples are tested no more than 2 weeks before the hemp is harvested.

The Health and Safety Code requires anyone manufacturing consumable hemp products to purchase a license and have products tested for Delta-9 THC. Products containing more than 0.3% Delta-9 THC “by dry weight” are not legal in Texas.

What Are the Loopholes?

Multiple Cannabinoids in the Cannabis Plant

- Current laws make Delta-9 THC illegal, but there are still hundreds of other cannabinoids in the plant, many of which have psychoactive properties.
- For example, Delta-8, is a psychoactive compound found in the cannabis plant.
- Delta-8 products are commonly seen and widely available in smoke shops and gas stations throughout the state. This includes things like gummies, capsules, tinctures, and vape cartridges.



Different Cannabinoids Have Different Properties

- Cannabinoids in the plant have psychoactive properties that behave differently.
- For example, tetrahydrocannabinol acid (THCA) is not psychoactive in its natural state, but converts to psychoactive Delta-9 THC when it is heated through smoking or cooking the plant.
- The federal ruling requires THCA and Delta-9 THC to be measured together to determine the true THC content in unprocessed plants. However, Texas law currently requires only that Delta-9 be measured.

0.3% THC Can Be Different Things in Different Products

- Delta-9 THC is measured in the dried flower of the cannabis plant.
- Dried plant matter is comparatively lightweight, so 0.3% is a very small amount. However, cannabis products aren't always dried plants.
- Sodas, candies, and other edible products are much heavier than the flower; 0.3% of one gummy bear is a significantly larger amount – enough THC to have a considerable psychoactive effect.



What Do We Do?

It is critical that we educate decision makers on loopholes in the law and work with them to fix the problems. Implementing things like compliance checks and marketing regulations will help Texas follow best practices for public health and safety.

Sign up here to get involved with our efforts!

