

Hemp Hearing in Texas Senate Expands to Medical Cannabis and Legalization Debates

Sen. Charles Perry Acknowledges Concerns

When Texas state Sen. Charles Perry sat down last week in a packed room at the state Capitol to hear testimony on whether to ban some psychoactive hemp products from being sold in the state, he already knew what was coming.

The Lubbock Republican's 2019 agricultural hemp legislation—a bipartisan, farmer-friendly bill—had opened up the state's hemp industry and, in doing so, touched off a massive new consumable hemp market in Texas as well.

Legislative Intent and Unintended Consequences

Perry had suspected at the time, he said at a Senate committee hearing on Wednesday, that the new law would eventually be exploited by an expansive and unregulated retail market dealing in psychoactive products.

"I told these retailers, 'If you guys screw this up by being cute and getting people high off it, there will be consequences,'" Perry said during a Texas Senate State Affairs Committee interim hearing on consumable hemp on Wednesday. "I'm disappointed, but I'm not surprised that we are here today."

Explosive Growth of the Hemp Market

Following Perry's legislation, retail cannabis dispensaries sprang up by the thousands. Five years after hemp sales were greenlit by state and federal regulators, Texas is home to more than 7,000 registered consumable hemp retail spots selling gummies, candies, drinks, and smokables with low-dose tetrahydrocannabinol (THC), the psychoactive ingredient in marijuana.

Perry emphasized that this was not the intent of the legislation and hinted at stricter regulations when lawmakers convene in their regular session next year. "With statute, we can clean this mess up that the industry chose to do," Perry said.

Hemp vs. Cannabis

Consumable hemp products contain industrial hemp or hemp-derived cannabinoids, including the non-intoxicating cannabidiol (CBD). They may not contain more than 0.3 percent concentration of THC. However, products made with other types of THC—such as delta-8 and THCA—can be produced and sold within the gray area of the law.

Regulatory Efforts and Legal Battles

Absent clear regulations, state health officials' attempts to regulate these products have faced lawsuits and injunctions. Meanwhile, Texas continues to collect taxes and fees from the thriving hemp retail market.

The Debate: Regulation vs. Prohibition

Lawmakers in the hearing struggled to balance constituents' demands for medicinal cannabis products with the rapidly growing market that lacks meaningful regulation. Lt. Gov. Dan Patrick had directed the State Affairs committee to examine the sale of consumable hemp in Texas before lawmakers meet in 2025, including potential bans on delta-8 and delta-9 or stricter regulations.

Public and Industry Reactions

Banning delta products outright saw mixed reactions, with some support from anti-drug advocates and parents but mostly opposition from witnesses. Many argued for better standards and more enforcement resources, rather than a ban.

Retailers' Perspective

Retailers, such as Kyle Arora of Texas Happy Club LLC and Green Genius Supplies in Houston, argued for regulations that align with Texas' pro-business ethos. "We have already paid \$1 million in state taxes, and we are one small fish in a big pond," Arora said.

Medical and Scientific Concerns

Medical and scientific experts warned that products often contain contaminants and higher-than-legal amounts of THC, posing risks to young people and others. Major Mark Melson of the Texas Department of Public Safety highlighted the difficulties in distinguishing legal from illegal cannabis products, complicating law enforcement efforts.

Advocacy for Medical Cannabis

Melissa Mullins, a patient advocate, urged lawmakers to allow dispensaries to open while integrated facilities continue their legal battles. David Bass, president and founder of Texas Veterans for Medical Marijuana, supported common-sense regulations over outright bans.

The Path Forward

Texas lawmakers are considering various measures, such as age limits, childproof packaging, advertising restrictions, strict third-party testing rules, and licensure of retailers. These steps aim to address the unregulated environment while potentially expanding the Compassionate Use Program for medical marijuana.

Broader Implications

State Sen. José Menéndez (D-San Antonio) emphasized the need to address the reality of cannabis demand in Texas. "We need to come to the realization that we opened the door," Menéndez said, advocating for a long conversation about ensuring product safety and access.

The committee plans to meet again to develop new legislation. Perry criticized the retail hemp industry for not supporting regulatory changes earlier and expressed determination to address the current issues.

“This industry knew exactly who they were marketing to and how they were going to get that market opened up,” Perry said. “Now we’ve got their attention.”

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