

Delta-8 Hemp vs. Texas Medical Cannabis: Legislative Showdown

Texas Faces Showdown Over Medical Cannabis and Hemp Regulations

In 2020, Jack Stinnett, a Marble Falls resident, received life-changing news: the lump on his neck was diagnosed as tongue and mouth cancer. Stinnett, an active 60-year-old who regularly cycled more than 60 miles a day, quickly enrolled at MD Anderson Cancer Center in Houston. There, he endured five and a half rounds of chemotherapy and 33 radiation treatments, which caused him to lose over 100 pounds, along with his appetite and sense of taste.

Desperate for relief, Stinnett turned to Texas' medical marijuana program. With a prescription, he found a solution for his nerve pain and regained some of his lost appetite and sleep. "It helped with my appetite and sleep. This Compassionate Care Act, in my opinion, helps like no other," Stinnett said. "We just need politicians to get out of the way."

Stinnett's story reflects the successes of the **Texas Compassionate Use Program**, but the state's medical marijuana program faces its biggest existential challenge yet. Strict regulations on who qualifies for medical cannabis, what products are allowed, and where they can be stored have limited the program's reach. Meanwhile, demand for hemp-derived products like **delta-8** and **delta-9** THC, which are easier to access, continues to grow.

The Regulatory Battle Between Medical Cannabis and Hemp

A showdown is brewing in Texas between the regulated medical marijuana industry and the booming, largely unregulated hemp market. Both sides are vying for the attention of state lawmakers who will soon decide the future of these industries.

In states like Colorado and California, where both medical and recreational marijuana are legal, tighter restrictions on hemp products have been implemented. The goal is to limit access to hemp-based products and impose more health and safety accountability on the industry. Now, similar discussions are taking place in Texas.

Senator **Charles Perry**, who was instrumental in the passage of Texas' 2019 agricultural hemp bill, is now seeking to reverse some of its effects. Perry voiced concerns last week during a **State Affairs Committee** hearing, suggesting that Texas might need to ban the sale of consumable hemp products entirely. "If you can't regulate it, control it, and enforce it, you just don't allow it to happen," Perry said.

Perry and other lawmakers are particularly focused on consumable THC products that resemble everyday drinks, making it difficult for law enforcement, teachers, and even parents to tell the difference between a regular beverage and one infused with THC.

Legislative Action and Delta-8 Ban

Lt. Gov. **Dan Patrick** has also set his sights on **delta-8 THC** products. He issued a legislative directive for the upcoming session, urging lawmakers to regulate intoxicating hemp products and ban delta-8, which has grown in popularity for its legal accessibility and mild psychoactive effects. Delta-8 and delta-9 products, while legal due to the low concentration of THC, have become increasingly controversial in Texas.

Patrick's call to action aligns with an ongoing case filed by the **Texas Department of State Health Services** (DSHS) with the state's **Supreme Court**, seeking to classify delta-8 as an illegal substance. While the court has yet to make a final ruling, delta-8 remains legal for now, adding to the tension between hemp advocates and lawmakers.

Lukas Gilkey, CEO and co-founder of **Hometown Hero**, a major player in the hemp market, has expressed concern that banning hemp-derived cannabinoids could devastate the industry. "Any bans or excessive legislation of hemp-derived cannabinoids, as suggested by Lt. Gov. Dan Patrick and others, will negatively impact an industry that has an \$8 billion economic impact, pays \$1.6 billion in annual wages, and supports more than 50,000 workers," Gilkey said.

Hemp's Role in Veteran Care

For veterans like **David Bass**, a retired U.S. Army veteran diagnosed with PTSD, Texas' **Compassionate Use Program** has been a lifeline. Bass, a vocal supporter of medical marijuana, also recognizes the importance of hemp products like delta-8 for veterans. Bass's organization, **Texas Veterans for Medical Marijuana**, remains neutral on a delta-8 ban because so many veterans rely on it.

"Of course, your typical consumer perceives it as the same product, and if it is cheaper, easier to access, and equally as effective, then I can't fault anybody," Bass said. While medical cannabis requires a prescription, delta-8 and delta-9 THC products can be bought at gas stations and retail shops without restrictions.

The Hemp Boom and Unregulated Access

The rapid growth of the hemp market in Texas can be traced back to the 2019 agricultural hemp legislation, which was intended to open up opportunities for Texas farmers. Since then, the hemp industry has exploded, with more than 7,000 registered consumable hemp retailers across the state selling products like gummies, candies, and vape cartridges that contain low doses of THC.

These hemp products are widely available and sold without age restrictions or rigorous testing requirements. The contrast is stark compared to Texas' medical marijuana program, which is highly regulated and difficult to access. With only three medical dispensaries serving the entire state, many patients—including veterans—turn to the easier-to-access hemp market for relief.

"Thousands of veterans in Texas now use hemp products and have chosen them over the Compassionate Use Program because they are easier to access and less expensive," Bass said. Some organizations, like **Hometown Hero**, even have vending machines with delta-8 products installed in **Veterans of Foreign Wars (VFW)** facilities.

Health Concerns and Legal Uncertainty

The **U.S. Food and Drug Administration (FDA)** has warned about the potential dangers of unregulated hemp products, which can cause side effects like hallucinations, vomiting, and anxiety. Despite these warnings, the products remain popular and accessible in Texas, leaving many questioning how to balance

consumer safety with economic growth.

In 2021, the Texas Department of State Health Services tried to ban delta-8, but a legal challenge by a hemp grower put the brakes on the ban. The lawsuit is still working its way through the courts, leaving delta-8 in legal limbo for the time being.

The Future of Medical Cannabis in Texas

As the Texas legislature gears up for its next session, the medical marijuana industry is pushing for reforms to make the **Compassionate Use Program** more accessible. Industry leaders like **Shawn Collins**—a 9/11 survivor who uses medical marijuana for PTSD—believe that expanding the program is the key to ensuring its survival.

“It’s a miracle drug; it’s literally been life-changing,” Collins said. However, he acknowledged that the program’s regulatory hurdles have driven patients to the delta-8 market instead.

Medical cannabis companies, like **Good Blend** and **Texas Original**, are also advocating for legislative changes. **Nico Richardson**, CEO of Texas Original, explained that patients are seeking smokeable cannabis products, but the state only allows edible or oil-based alternatives.

“If we don’t expand the conditions and allow a broader range of products, the medical marijuana industry in Texas could crumble,” Richardson said.

A Looming Showdown

The Texas legislature faces tough decisions in the months ahead. Medical marijuana proponents argue that an expanded program would provide safer, regulated alternatives to hemp products. At the same time, hemp industry leaders warn that overregulation could cripple a sector that has become vital to the state’s economy.

Both sides agree on one point: the future of cannabis in Texas is at a critical juncture, and how lawmakers choose to regulate the industry will have lasting consequences for patients, businesses, and consumers alike.

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