

Texas House Votes to Ban Intoxicating Hemp Products

Game Over in Texas? House Approves Bill to Ban Intoxicating Hemp Products

The Texas House has taken a decisive step toward dismantling a massive slice of the state's hemp industry. In a contentious May 21 session, lawmakers approved an amendment that would reinstate a full ban on hemp-derived intoxicating cannabinoids like delta-8 and delta-10 THC—effectively ending a five-year legal market and pushing Senate Bill 3 one step closer to the governor's desk.

Rep. Tom Oliverson, R-Cypress, who offered the amendment to restore language from the original Senate-passed version of the bill. That language would prohibit the manufacture, sale, and possession of any consumable hemp products containing intoxicating cannabinoids—except for non-psychoactive compounds like CBD or CBG.

Oliverson, a board-certified anesthesiologist, made his stance clear: regulation wasn't enough. Prohibition, he argued, was the only path forward.

A Blow to a Billion-Dollar Industry

Senate Bill 3, which passed the Senate in March by a 24-7 vote, has emerged as the most aggressive legislative effort to clamp down on hemp-derived THC since Texas legalized industrial hemp in 2019. If enacted, it would criminalize the production or sale of any hemp product that induces intoxication. That includes popular compounds like delta-8 THC, delta-10 THC, and THC-O, which many consumers use for pain, anxiety, sleep, and PTSD.

The legislation threatens an estimated \$8 billion industry in Texas that supports more than 50,000 jobs and includes more than 6,000 businesses. Many of these businesses specialize in producing or selling consumables and inhalables that contain hemp-derived cannabinoids now in the crosshairs of the proposed law.

Under S.B. 3, violating the proposed prohibition could carry third-degree felony charges, including manufacturing, possessing with intent to distribute, or falsifying lab results for intoxicating hemp products. Conviction could lead to 2 to 10 years in prison and fines up to \$10,000—a dramatic escalation from the current misdemeanor classification for possessing small amounts of cannabis.

Veterans and Health Advocates Speak Out

The House passed Oliverson's amendment by a vote of **88-53**, before advancing the full bill **95-44**. Lawmakers approved the third reading the following day, sending the legislation back to the Senate for final approval before it lands on Gov. Greg Abbott's desk.

Much of the floor debate centered around the needs of veterans, many of whom use hemp-derived THC products to manage PTSD and chronic pain. Despite a limited low-THC medical cannabis program in Texas—known as the Texas Compassionate Use Program (TCUP)—many veterans say that program is inaccessible or ineffective.

Rep. Gene Wu, D-Houston, criticized the bill as a return to outdated drug-war politics.

Wu warned that banning these products would likely push people toward more harmful alternatives like alcohol or opioids.

Rep. Josey Garcia, D-San Antonio, the first active-duty female veteran to serve in the Texas House, said her office received hundreds of messages from veterans asking the legislature to protect access to hemp-derived THC.

Garcia condemned what she called a “bait-and-switch” tactic—claiming to support veterans while making criminals out of those who use cannabis to quiet their nightmares.

Opponents Warn of Economic and Public Safety Risks

Lukas Gilkey, CEO of Austin-based brand Hometown Hero, one of the largest manufacturers of delta-8 and delta-9 hemp products in the state, said his company is already preparing to file a lawsuit against the state should the bill become law.

Industry leaders argue that prohibition will not eliminate demand for THC products—it will just push consumers into the unregulated black market, where products are less safe and quality control is virtually nonexistent.

Winstanley emphasized that states like Massachusetts and Colorado have shown that *regulated cannabis markets* can protect consumers while curbing illicit sales. Texas, he argued, is moving in the opposite direction.

Supporters Say Law Closes Dangerous Loopholes

Proponents of the bill say that Texas lawmakers never intended to allow psychoactive hemp products when they passed **House Bill 1325** in 2019, which legalized hemp following the 2018 federal Farm Bill.

Rep. David Lowe, R-North Richland Hills, an Army veteran and bill supporter, said his personal experience with PTSD did not justify the need for THC.

What’s Next?

With the House and Senate versions of the bill nearing reconciliation, the legislation is now poised for final approval in the upper chamber. If the Senate concurs and Gov. Abbott signs it into law, it could take effect later this year, immediately upending the state’s hemp market and triggering legal battles.

The outcome of those legal challenges may set a national precedent. Other states like Virginia, Tennessee, and Louisiana have also cracked down on hemp-derived THC—but few have enacted felony-level penalties like those in S.B. 3.

Whether viewed as a necessary public health safeguard or a misguided overreach, Senate Bill 3 represents a pivotal moment for cannabis in Texas. It could redefine the state’s hemp economy, shut down thousands of small businesses, and reshape the national conversation about hemp-derived THC.

And for the thousands of Texans especially veterans—who depend on these products for relief, the stakes couldn't be higher.

Stay tuned as the Senate takes up the final version of S.B. 3.

The future of legal THC in Texas may soon be decided—not by voters, but by lawmakers.

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