

Texas Senate Passes Bill to Ban Many Consumable Hemp Products

Texas Senate Approves Sweeping Hemp Ban That Could Outlaw Nearly All THC Products

In a significant move during a special legislative session, the Texas Senate voted 20-9 to advance Senate Bill 5 (SB 5), legislation that would criminalize most consumable hemp products. The bill targets any product containing detectable levels of THC or any cannabinoid other than CBD and CBG—dramatically altering the legal hemp landscape in the state.

Senate Bill 5 Would Make Possession of Most Hemp Products a Criminal Offense

SB 5 imposes strict penalties on those in possession of prohibited hemp products. Under the bill, possessing even small amounts of THC-containing hemp would be a **Class B misdemeanor**, carrying penalties of **up to 180 days in jail** and a **\$2,000 fine**. Only products with two specific cannabinoids—CBD and CBG—would remain legal.

Bill Sponsor Claims Regulation of THC Products Is Ineffective and Inadequate

Senator Charles Perry, who authored the bill, argued on the Senate floor that product manufacturers are exploiting loopholes to market intoxicating hemp products. He insisted that outright prohibition was the only viable regulatory approach. According to Perry, only CBD and CBG are safe due to their non-psychoactive properties.

Critics in the Senate Push for Age Restrictions and Regulation Instead of Prohibition

While some lawmakers support tighter controls, others expressed concern about the bill's harsh criminal penalties. Senator José Menéndez suggested the state adopt age restrictions and mandatory testing requirements instead of banning products outright. However, Perry countered that individuals seeking THC should rely on the state's restrictive **Texas Compassionate Use Program (TCUP)** for medical cannabis access.

Governor Abbott Previously Vetoed Similar Bill and Advocates Regulation Over Bans

Governor Greg Abbott previously vetoed a similar bill SB 3 during the regular legislative session, stating that hemp is a lawful agricultural commodity and should be regulated, not banned. Ahead of the special session, Abbott requested legislation that would:

- Criminalize the sale of hemp products to individuals under 21

- Regulate potency and packaging
- Crack down on synthetic cannabinoids

His position supports adult access to non-intoxicating hemp-based products and moderate levels of THC, particularly when below 3 milligrams per serving.

House Introduces Companion Bill With Indications of Possible Revisions

Rep. Gary VanDeaver introduced House Bill 5 (HB 5), a companion bill identical to the original version of SB 5. However, VanDeaver described the legislation as a “starting point,” suggesting future amendments are likely based on stakeholder input and committee testimony.

Advocacy Groups Mobilize to Call for Amendments and Push for THC Regulation

Advocacy organizations such as the Texas Cannabis Policy Center are urging the public to contact lawmakers and request modifications to HB 5. Director Heather Fazio criticized the Senate’s decision to push a ban, saying it contradicts the governor’s call for responsible regulation. She remains hopeful that the bill could be revised to regulate THC and eliminate criminal penalties for possession.

Additional Cannabis-Related Bills Introduced by Democratic Lawmakers

In response to SB 5, Democratic senators introduced bills that reflect a more lenient approach:

- One bill would regulate the hemp market, allowing adults 21+ to purchase hemp products with up to 5 mg THC per serving.
- Another bill proposes decriminalizing possession of up to 2 ounces of marijuana, allowing home cultivation of up to six plants.

Public Safety Concerns Remain Central as Law Enforcement Voices Support for a Ban

During hearings on SB 5, law enforcement officials testified that they lack the resources to effectively regulate the current hemp market. Many expressed support for a full ban on THC-containing products, citing enforcement difficulties and concerns about intoxicating synthetics.

Governor Abbott Supports Moderate THC Limits But Opposes Blanket Prohibition

Despite past statements against a full ban, Governor Abbott continues to advocate for nuanced reforms. He supports:

- Limiting synthetic cannabinoid content
- Banning products for individuals under 21
- Allowing non-intoxicating products under 3 mg THC

Abbott’s remarks have caused some confusion, as he has used both “3 percent” and “3 milligrams” when discussing allowable THC limits—two very different thresholds.

Additional Hemp Legislation Focuses on Packaging, Marketing, and Consumer Safety

Other newly filed bills aim to tighten packaging and labeling standards:

- **HB 160** would require warning labels on THC-containing hemp products, warning of cannabis poisoning, mental health risks, and developmental concerns.
- **SB 39** seeks to ban packaging that appeals to minors, such as designs shaped like animals or candy. Violations would carry Class A misdemeanor penalties.

Consumer Protections Proposed to Shield Buyers from Mislabeled Products

HB 42, introduced by Rep. Nicole Collier, would protect consumers who purchase mislabeled hemp products in good faith. If a person buys a product labeled as legal hemp that later tests as marijuana, they could avoid prosecution so long as they bought it from an authorized seller.

Broader Cannabis Legalization Bills Continue to Emerge in the Legislature

In addition to hemp reform, broader cannabis legalization is also on the table. Rep. Jessica González introduced HB 195, which would legalize marijuana for adults 21+, allowing possession of 2.5 ounces, including 15 grams of concentrates.

Texans Increasingly Support Regulation Over Prohibition According to New Polling

New polling released by hemp industry stakeholders suggests that most Texans across both parties favor regulating synthetic cannabinoids and prefer buying tested cannabis through state-approved channels rather than unregulated retailers. These findings contrast sharply with the prohibitionist tone of SB 5.

Conclusion: The Future of Texas Hemp Hinges on Legislative Compromise and Public Input

As SB 5 and HB 5 progress through the legislative process, all eyes are on whether lawmakers will heed Governor Abbott's regulatory guidance or push forward with an outright ban that could upend Texas's growing hemp industry. With tens of thousands of jobs and millions in revenue at stake, the final outcome may depend on constituent pressure, industry advocacy, and bipartisan cooperation.

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