

The Grass May Not Be Greener in Texas: New Bill Seeks to Ban Hemp-Derived THC Products

Article By:

Emily M. Leongini

Kirsten A. Hart

Justin A. Goldberg

Maria Ortega Castro

Despite growing public support, Texas continues its challenges to the legalization of recreational and medical marijuana. On December 5, Texas Lieutenant Governor Dan Patrick announced a bill that would ban all forms of consumable tetrahydrocannabinol (THC) products, including hemp-derived, nonintoxicating products.

Background

In 2018, Congress passed the Agriculture Improvement Act (2018 Farm Bill), which removed hemp and hemp seeds containing less than 0.3% delta-9 THC from the federal schedule of controlled substances, making its cultivation legal. Texas followed suit in June 2019 by amending its own Agriculture Code to allow for the cultivation of hemp meeting federal standards.

The cultivation of hemp skyrocketed across the country following the passing of the 2018 Farm Bill. By 2021, the Texas Department of Agriculture reported it approved over 5,000 acres of land for the production of hemp and issued more than 1,000 producer licenses. Nationally, the sale of hemp-derived cannabinoid raked in over \$1.5 billion in new state tax revenue.

The Bill

Texas Senate Bill 3 would ban all forms of THC. Although the text of Bill 3 is not yet available, a statement released by Governor Patrick's office claims that retailers across the state "exploited" the amended Agriculture Code to "sell life-threatening, unregulated" products with unlimited amounts of THC. In Texas, the lieutenant governor is a very powerful position, and in that role, Governor Patrick also serves as president of the Texas Senate. If enacted, Bill 3 takes effect on September 1, 2025.

Interestingly, Bill 3 comes on the heels of another legislative effort in Texas involving cannabis. However, Texas Senate Bill 1208 provides for the legalization and regulation of recreational marijuana.

Other State Efforts

Many states, including California, Georgia, Oregon, and Wyoming, recently passed or enacted new laws targeting hemp-derived products. Several more states are set to consider [similar legislation](#) in 2025.

© 2025 ArentFox Schiff LLP

National Law Review, Volume XIV, Number 354

Source URL: <https://natlawreview.com/article/grass-may-not-be-greener-texas-new-bill-seeks-ban-hemp-derived-thc-products>