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Sen. Perry Calls on Agencies to Close Hemp Loopholes, Comply with Federal Regulations

LUBBOCK, TX – Last Friday, Texas State Senator Charles Perry, formally requested that the Texas Department of Agriculture (TDA) and the Texas Department of State Health Services (DSHS) update state hemp rules to comply with federal regulations.

Under federal regulations finalized during the first Trump administration, legal hemp must be tested for total delta-9 THC, which includes both THC and its precursor, THCA. Texas law, however, remains unclear, and some argue only requires testing for delta-9 THC. This lack of clarity has created “loopholes” in state law which have allowed retail stores to sell marijuana masquerading as hemp that would be illegal to harvest in all 50 states per federal regulations.

“Congress authorized states to permit the production of hemp, and the USDA acting at Congress’ direction, set out the specific requirements that states must follow,” said Perry. “One of those requirements is that all hemp must be tested for total delta-9 THC.”

TDA regulates hemp. Perry’s letter calls for updated rules to ensure that any material claiming to be hemp adheres to federal standards regarding total delta-9 THC. ([Read letter here](#))

DSHS regulates consumable hemp products. Perry’s letter calls for updated rules to ensure that any material claiming to be hemp that is contained within a consumable hemp product adheres to federal standards regarding total delta-9 THC. ([Read letter here](#))

“To be clear, these requested changes are narrowly tailored and they are designed to find common ground on this issue,” Perry added. “Here’s the truth: we have debated what types of products should or should not be sold in this state, and I have no doubt that debate will continue in the 90th Legislative Session, but no one should have any problem with the state complying with regulations adopted under Subtitle G “Hemp Production” of the 2018 Farm Bill.”

“To the THC retailers that testified countless times during the 89th Legislative Session that they simply wanted to sell products that ‘comply with federal law,’ well here’s your opportunity to do just that,” Perry continued. “At a minimum, Texas has an obligation to ensure consumable hemp products only contain hemp, as that term is defined by the USDA.”

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