



TEXAS
Health and Human
Services

**Texas Department of State
Health Services**

Consumable Hemp Program Updates

Presentation to the Senate Committee on Health and Human Services

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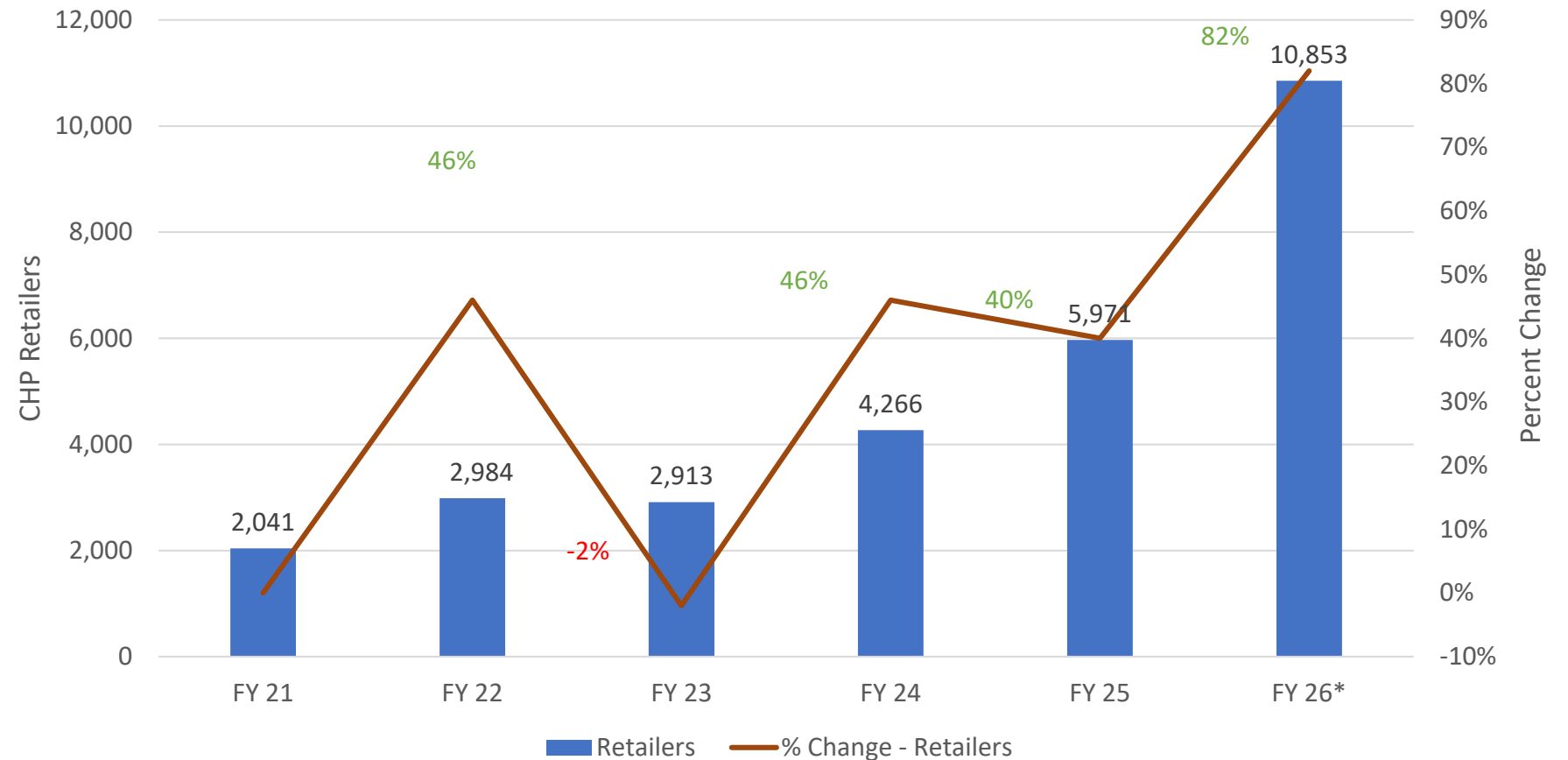
July 2026

Overview

- DSHS established the Consumable Hemp Program (CHP) in 2019 following passage of HB 1325.
- Initial rules became effective in August 2020.
- DSHS licenses Consumable Hemp Manufacturers and registers Consumable Hemp Retailers.
- Texas Agriculture Code, Sec 121.001 Definition of Hemp:
 - “the plant Cannabis sativa L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.”
 - This same definition is used in the Consumable Hemp Program statute, Health & Safety Code, Chapter 443.



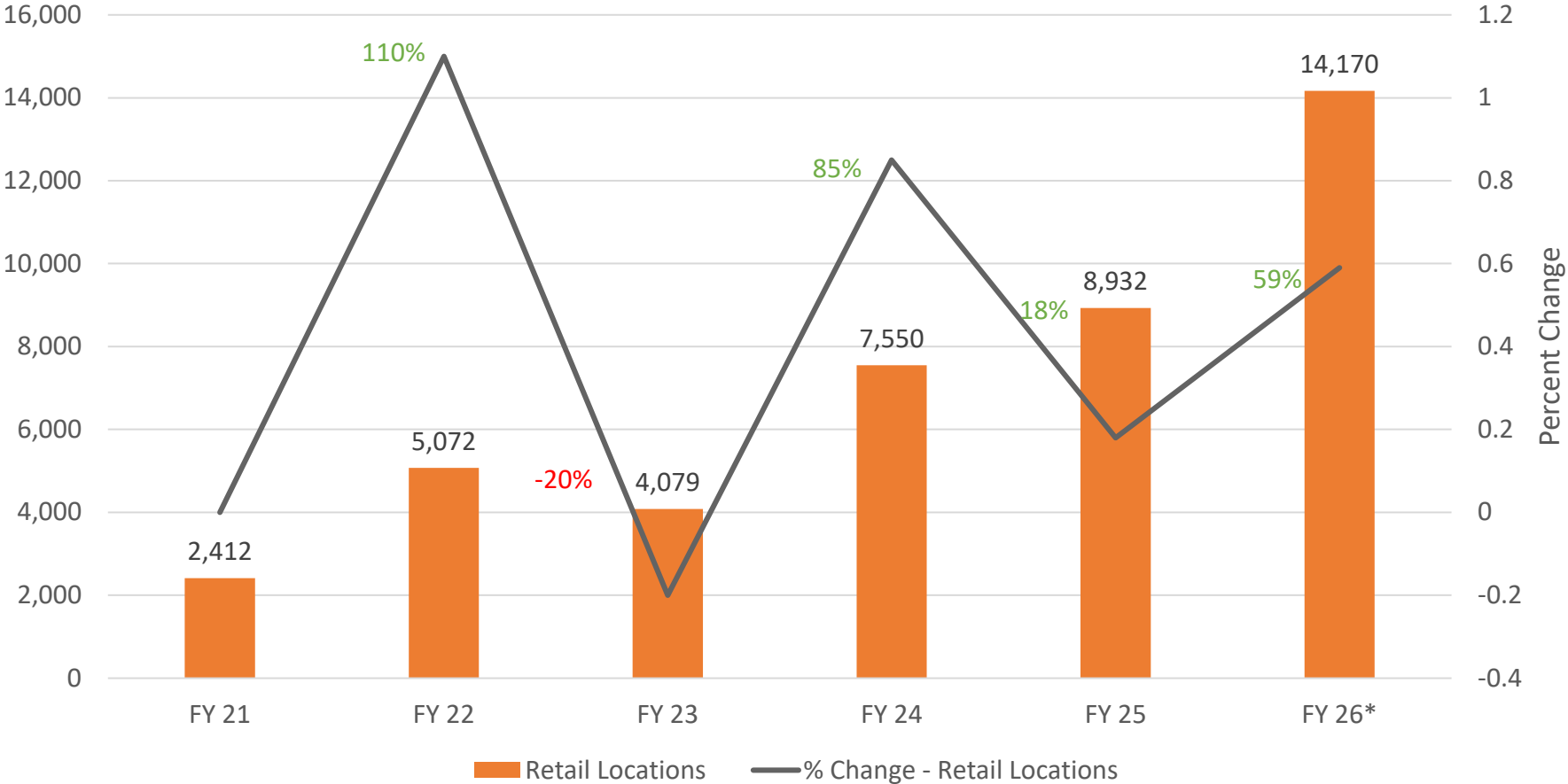
CHP Retailer Growth, FY 20 – FY 26



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*As of June 18, 2026

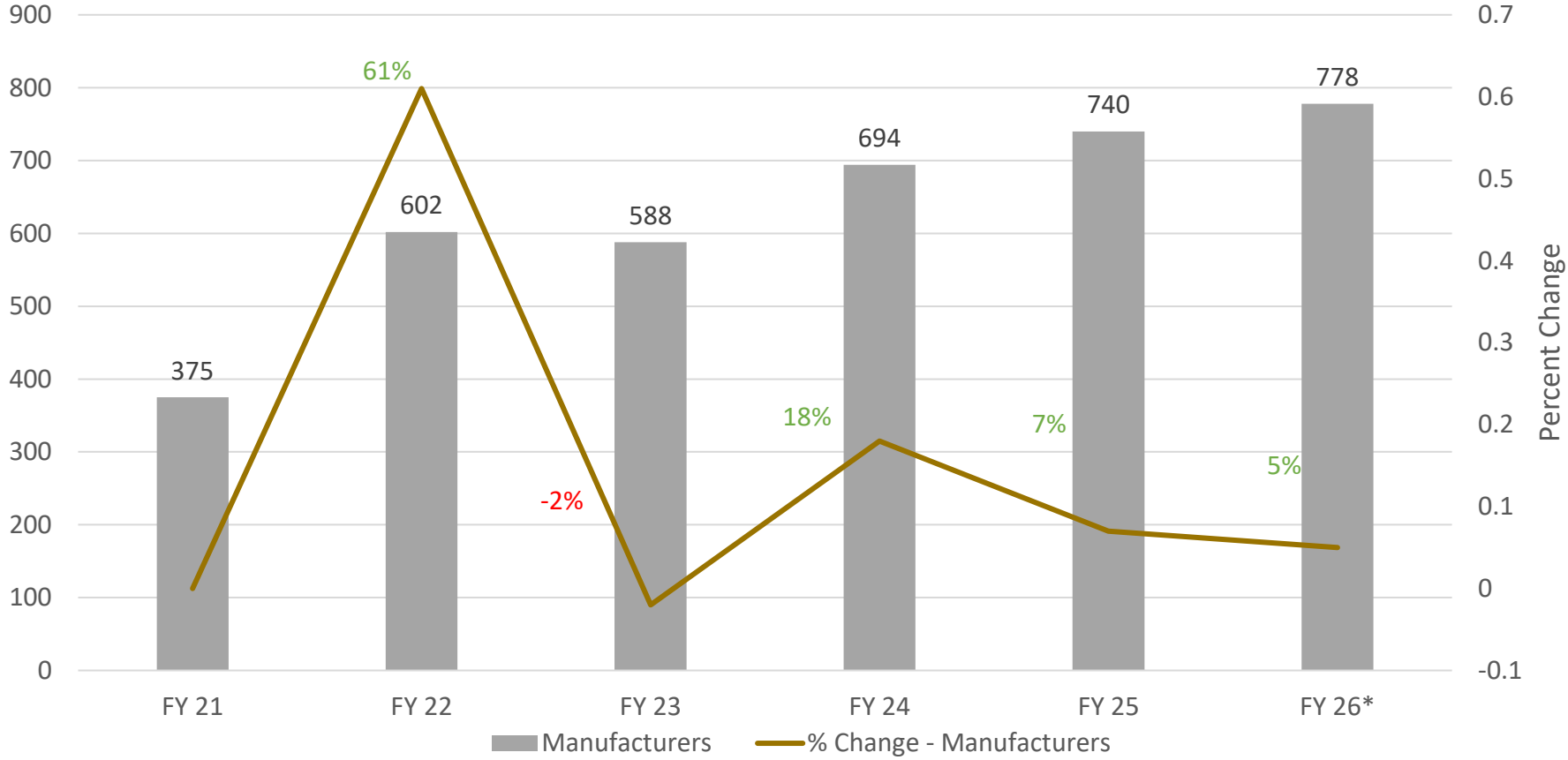
CHP Retail Locations Growth, FY 20 – FY 26



*As of June 18, 2026



CHP Manufacturers Growth, FY 20 – FY 26



*As of June 18, 2026



Executive Order GA-56

- In September 2025, Governor Abbott issued Executive Order GA-56, which charged DSHS to take actions to protect public health, safety, and welfare related to the consumable hemp product industry.
- Governor Abbott directed DSHS to:
 - Immediately begin rulemaking to prohibit sales to minors and to require age verification upon sale; and
 - Review DSHS rules to revise testing requirements, fees, labeling requirements and recordkeeping requirements.
- GA-56 also required DSHS to coordinate with TABC on enforcement issues.



GA-56: Rulemaking

- DSHS enacted emergency rules prohibiting the sale of consumable hemp to anyone under the age of 21.
- DSHS adopted additional long-term rules related to labeling, testing, inspections, and fees, on March 31, 2026.
- DSHS is currently enforcing the rules adopted on March 31, 2026, including:
 - Age-gating;
 - Inclusion of THC-A in the total delta-9 THC amount;
 - Labeling requirements; and
 - Updated fee amounts.



GA-56: DSHS Coordination with TABC

- DSHS and TABC immediately began collaboration after GA-56 was issued.
- Efforts are focused on harnessing TABC agents on age-gating inspection and enforcement activities.
- TABC is assisting with the following at TABC and DSHS licensed locations:
 - Unannounced and complaint-based inspections to verify age-gating verification and operating with a state-issued registration/license, compliance with labeling requirements, and
 - Sting operations to verify proper age-gating verification.



CHP Inspector Status

- Inspectors: Seven
 - With this FTE capacity, CHP inspection frequency is every 6 – 7 years.
- Current DSHS fees contemplate moving to a two-year inspection frequency.
 - FTEs needed to move to a two-year inspection frequency: 23 additional
 - The associated cost is about \$3.6 Million annually.
- In the 90th session, DSHS will request appropriation of additional CHP fee revenue and an increase to the FTE cap.



Additional CHP Developments

- A long-standing case related to the definition of hemp was recently settled by the Texas Supreme Court in 2026.
 - Final adjudication of the *Sky Marketing* case occurred on June 5, 2026.
 - DSHS is updating the Texas Schedule of Controlled Substances to restore provisions previously enjoined by lower Texas courts.
 - This updated is expected in the July 10, 2026, edition of the *Texas Register*.
- DSHS is also monitoring the upcoming federal hemp definition changes in November.
 - The new federal definition aligns with the total THC definition in current DSHS rules per GA-56.





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Thank you

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