

# I'm a retired cop. Texas' proposed hemp ban would only create more problems.

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**By Retired Lt. Diane Goldstein**

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Lawmakers have wasted little time prioritizing a misguided measure that would take the state backward.

State Sen. Charles Perry, R-Lubbock, recently introduced Senate Bill 3, a proposal to ban the sale of all consumable hemp products in Texas, except for medical marijuana and products exclusively containing cannabidiol, or CBD. Lt. Gov. Dan Patrick says the legislation is necessary to halt the sale of products containing THC — the intoxicating ingredient in marijuana — following reports of certain products being sold with THC concentrations above the legal limit in Texas.

As a career law enforcement official, I understand the desire to protect the public, and especially our youth. But this bill would only stand in the way of upholding public health and safety.

In 2018, the U.S. Congress passed the federal Farm Bill, making it legal to grow industrial hemp, defined as cannabis containing delta-9 THC levels of 0.3% or less. Texas lawmakers in 2019 allowed the sale of consumable hemp products using the same THC threshold.

Many retailers abide by state law. But the vagueness of state law and the weakness of its enforcement regime have also allowed bad actors to capitalize, with some selling intoxicating products that circumvent or directly violate state law.

With SB 3, lawmakers are calling for the state to respond to these gaps not by addressing them specifically, but by banning all THC products outright. After years of witnessing the failures of drug prohibition, I believe this approach will only create more problems for law enforcement and the public.

Such bans typically fail because they do nothing to stem demand. As prohibition forces out the legitimate manufacturers and retailers who had been operating legally, less scrupulous actors, including elements of organized crime, will jump at the opportunity to expand their customer base. This shift to the illicit market creates the potential for much graver harm, due to nonexistent product standards and the presence of

sellers who may also be involved in other illegal activity, including human trafficking, gun-running and the sale of deadly drugs such as fentanyl.

Meanwhile, local police would be left to shoulder the burden of enforcing a new ban on THC products. This would place additional strain on police departments, many of which are already struggling to tackle the serious crimes that present the largest threat to public safety. Rather than focusing their limited resources on solving violent crime, for example, SB 3 would direct law enforcement to begin targeting businesses for selling any product containing THC. The new law would also lead to more arrests and prosecutions, which would further bog down the courts and criminal justice system.

My opposition to the ban-it-all approach is not an endorsement of the status quo. The 2019 law approving the sale of THC in Texas contained major flaws, including no age restrictions for THC products, an oversight that ensured minors would have easy access to this new market. Amending the law to restrict consumable hemp sales to adults aged 21 and older should be an obvious starting place.

But if we want to rein in bad actors, we must also commit to enforcing the current law. Earlier this year, Timothy Stevenson, a Division for Consumer Protection official at the Texas Department of State Health Services, testified at a state Senate hearing that his agency has only six employees to oversee the more than 7,000 registered hemp businesses in Texas. If we care about protecting the public from illegal THC products, the least we could do is adequately fund the regulatory body that has been given this responsibility — instead of rushing to create another enforcement challenge for police.

Like Patrick and other lawmakers, I am concerned about the current state of the consumable hemp industry in Texas, especially when it comes to marketing and safety standards around THC-containing products. But an outright ban is a poor solution that will only compound the threats these products pose to public health and safety.

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