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Banning THC is a bad idea

Forcing cannabis back underground will not stop abuse, but it will hurt Texans who use it responsibly.

By Rob Curran and Doug Henry

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The Texas Senate is considering a measure that would ban hemp-derived THC products across the state rather than enact commonsense regulation, reversing a social change celebrated by Texans across a wide range of political persuasions.

These are the popular vape and edible products now sold legally in businesses across the state, like Delta-8 THC, THC-A, HHC, Delta-10 and others.

Texas Senate Bill 3, which will be carried by Republican Sen. Charles Perry of Lubbock, would crush a growing source of tax revenue for the state and force Texans back into obtaining cannabis products illegally. Perry's bill echoes moves by Attorney General Ken Paxton, who recently added Dallas to a list of cities he is suing for their attempts to decriminalize cannabis.

This bill would represent a failure of the state of Texas to sensibly regulate the industry, as states such as Colorado and New Mexico do. In other states, licensed dispensaries distribute products that are subject to testing by independent labs, labeled with content and origins. Packaging is regulated, so children aren't attracted to cartoonlike doppelgangers of their favorite characters.

Prohibition simply drives the current market underground, and would make rational regulation impossible. Prohibition is not drug control. Regulation is drug control, because it establishes control over who can buy it, who can make it, and how they're going to make it safely.

The unregulated market for derivative compounds such as Delta 8, sometimes called "Diet Weed," is a dark place. Vape cartridges can follow labyrinthine and shadowy supply chains, sometimes made in Chinese factories, printed with counterfeit labels and filled in dealers' bathtubs. Responsible vendors themselves are pushing for more standards, much as beer and spirits distributors have done. Like the brewing companies and vintners, they are in the business of vice, not the business of poison.

"REGULATION IS A GOOD THING," one user posted on a Reddit thread for Delta 8 merchants. "This is a drug that has the potential to seriously harm people when created

wrong, and with so many companies flooding the market looking for a quick buck, we should want regulation.” Many merchants share that view.

The ban would affect all forms of consumable tetrahydrocannabinol, or THC, no matter how large the dose, how it’s ingested or how it’s produced. For an old-fashioned dime bag of weed, the plant is harvested unprocessed, and the active ingredient is a naturally occurring molecule known as Delta 9 THC.

The national 2018 Farm Bill attempted to create a new category of cannabis products with low THC content. This category of hemp could be sold anywhere, even as the federal ban on marijuana was retained.

Chemists have come up with ingenious methods of skirting this law, producing what’s known as derived psychoactive cannabis for markets like Texas where medical and recreational marijuana are still banned. These products have low quantities of the naturally occurring Delta 9 THC but are still intoxicating.

The first of these compounds to become popular was Delta 8. Chemists process hemp to convert it to CBD, and then process it further to create a range of intoxicating “cannabinoid” products. Users find some of these (like Delta 8) weaker than the high-potency “regular” weed on the market, and thus more suitable for medical conditions like chronic pain, anxiety and sleeplessness. Some (like THC-o) are even stronger than regular weed.

Without regulation, the strength of these products can only be assessed by users experimenting on themselves. Every marijuana user has a story about the time they bit off more magic brownie than their brain could chew, and ended up in the horrors, just as every drinker has their own horror story.

What is different are the lab processes used to isolate cannabinoid compounds, which in the wrong hands can leave behind dangerous residues.

The sale of hemp-derived weed opened up cannabis as an option to Texans who would not enjoy skulking around Dallas back streets or sharing their address with street dealers. For many parents of the current generation, the cheeky nibble on the Delta 8 cookie on a Friday evening is the new dirty martini. These people are not looking to melt into the couch with paranoid visions. But a little something to jolt them out of the monotony of the week and kick the weekend off? Where’s the harm in that?

Selling to such casual users is a big business. A significant number of Texans make their living selling vape cartridges and edibles in the stores adjoined to gas stations and strip malls.

All Texans can get behind commonsense regulations such as age restrictions and clearer labeling.

The ban is too blunt a tool for a delicate situation. Regulation and enforcement need to strike a fine balance: regulate too lightly, you end up with criminal gangs controlling farms. Regulate too heavily, and you end up preserving a slice of the black market.

Weed is not a harmless drug. Like all vices, it comes with risks and can be abused. Recreational use of a mild form of the drug is a choice that thousands of responsible Texan adults have made for themselves. We don't need Ken Paxton policing our cocktail hours.

Rob Curran is a Dow Jones newsletter editor. His reporting has appeared in The Wall Street Journal, Fortune Magazine, and The Believer Magazine. He is co-author, with anthropologist Andrew Nelson, of Journey Without End: Migration from the Global South through the Americas.

Doug Henry is the chair of the anthropology department at the University of North Texas.