



Legalization of Marijuana in Texas

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According to a December 2022 NHTSA study,

23.1%

Of seriously or fatally injured roadway users tested positive for ALCOHOL.

According to a December 2022 NHTSA study,

25.1%

Of seriously or fatally injured roadway users tested positive for active THC.

THE MOST PREVALENT DRUG CATEGORY DETECTED WAS CANNABINOIDS.

THE BASICS

Cannabis Explained

Marijuana:

- Subspecies
 - Indica
 - Sativa
- Compounds (phytocannabinoids)
 - Tetrahydrocannabinol (THC)
 - Cannabidiol (CBD)
 - Cannabinol (CBN)

Hemp:

- Defined by the Agricultural Improvement Act of 2018
 - Less than 0.3% Delta-9 THC





Hemp-Derived Consumables

Delta-8, Delta-10 - Natural* (hemp derived)

Commercially available products aren't extracted

THC-P - Natural* (hemp derived)

Same traits as THC, but chemical structure gives higher bonding activity to CB1 receptors (30x stronger than D9)

Discovered by accident in 2019, but something to look for in the future

HHC - Natural* (hemp derived)

Longer shelf-life, originally thought to not show up on drug screen (now thought not to be true)

THC-O Acetate - Synthetic (hemp derived)

2-3 times more potent than Delta-9 THC

Toxic chemical process to create, extremely flammable and potentially explosive



U. S. Department of Justice
Drug Enforcement Administration
8701 Morrissette Drive
Springfield, Virginia 22152

www.dea.gov

February 13, 2023

Mr. Rod Kight
Kight Law Office PC
P.O. Box 526
Edneyville, North Carolina 28787

Dear Mr. Kight:

This is in response to your letter dated August 17, 2022 and subsequent email dated February 7, 2023, in which you request the control status under the Controlled Substances Act (CSA) of THC acetate ester (THCO). The only substances of which the Drug Enforcement Administration (DEA) is aware of the THC acetate ester are delta-9-THCO (delta-9-THC acetate ester) and delta-8-THCO (delta-8-THC acetate ester). The Drug Enforcement Administration (DEA) reviewed the CSA and its implementing regulations with regard to the control status of these substances.

Delta-9-THCO and delta-8-THCO do not occur naturally in the cannabis plant and can only be obtained synthetically, and therefore do not fall under the definition of hemp. Delta-9-THCO and delta-8-THCO are tetrahydrocannabinols having similar chemical structures and pharmacological activities to those contained in the cannabis plant. Thus, delta-9-THCO and delta-8-THCO meet the definition of “tetrahydrocannabinols,” and they (and products containing delta-9-THCO and delta-8-THCO) are controlled in schedule I by 21 U.S.C. § 812(c) Schedule I, and 21 CFR § 1308.11(d). The Controlled Substances Code Number (CSCN) assigned to these substances are 7370, which is that of tetrahydrocannabinols, and the conversion factors (CF) are 1.00. Because delta-9-THCO and delta-8-THCO are controlled substances, they do not meet the definition of controlled substance analogues under 21 U.S.C. § 813.

Concerns

- Traffic Safety
 - Psychoactive & Intoxicating Effects
 - Poly-Substance Use Crashes
 - (Alcohol + THC most common)
- Processing could be dangerous to consumer safety
 - FDA: "Delta-8 THC has Serious Health Risks"
- Attractive/Accessible to Youth
- Packaging and marketing
- No warning labels



Texas is Surrounded



New Mexico

Recreational Market

Cannabis Smoking Lounge
Opened near the Border of
El Paso in April 2022



Oklahoma

Comprehensive Medical

Voters will decide on
Adult Use March 7, 2023



Arkansas

Comprehensive Medical

Arkansas Voters Rejected
Adult Use Cannabis on
November 8, 2022



Louisiana

Comprehensive Medical

Texas is considered to have a CBD or Low-THC Program

New Mexico Cannabis Dispensary Hot Spots Near Texas

NM-Texas border towns with proposed and approved recreational marijuana retail licenses.



Cannabis businesses in eastern and southern New Mexico are counting on a stampede of Texans to supersize their sales when the state's **adult-use marijuana market launches Friday**, but that opportunity might not last forever.

Cannabis Products Currently Available in Legalized States





\$14.99

- 1:1 THC: CBD
- 20mg Delta-9 THC per cookie
- 20mg full-spectrum CBD per cookie
- Can get you super baked
- 2 servings per cookie
- Warning: May cause psychotropic effect

Effects



CHILLAXED



ENERGETIC



EUPHORIC



60-Day Guarantee



Made in USA



Verified Potency



2018 Farm Bill Compliant



Munchies Guaranteed

Warning: May cause psychotropic effect. Not intended for use by those under the age of 21.

Do not drive or operate any heavy machinery when using any TRE House product!

THC affects everyone in a different way so it is essential that you consult your primary physician

- Do not use this product unless recommended by your doctor
- Do not use more of this product than recommended by your doctor
- Do not use this product if you are pregnant, nursing, or under 21 years of age
- Do not use this product if you have any diagnosed or undiagnosed health conditions

Does not ship to the following states: ID, NE

High Potency D9 + CBD Cookie 1:1 – Chocolate Chip

The only thing that beats getting wasted and eating cookies is eating cookies that get you wasted! Our High-Potency Delta 9 cookie is packed with a 1:1 ratio of D9 and CBD. With 20mg of Delta-9 THC and 20mg of CBD, you get to enjoy a perfectly balanced buzz that'll leave you feeling great for hours. If that wasn't enough, this chocolate chip cookie rivals anyone's Nana's recipe! Now grab that cookie and strap in for takeoff!

Benefits

- Relaxation
- Mood Elevation
- Body Buzz
- Head Buzz
- Mildly Trippy



NIBBLE



BITE



SNACK



SCARF

Directions for Best Results:

Our cookies are incredibly easy to use. All you need to do is decide what serving size will work best for you, remove the cookie from the wrapper, and start eating! Our recommended serving size is a half cookie, but it's a good idea to start with just a quarter cookie. These babies can get you super cheefed, so start small and work your way up!

Hey! This is in no way your average THC cookie. We recommend you start with a nibble, wait 45 minutes, and see how it affects you. It would suck to accidentally get too baked or start feeling anxious, so start small. You can always eat more if you want to go to the moon!

THC-O Cartridge + D8 + D9 + D10 – Rainbow Sherbet – Hybrid 1g

★★★★★ [63 Reviews](#)

~~\$19.99~~ **\$14.99**



1 PUFF



2 PUFFS



3 PUFFS



4 PUFFS

- 1 full gram of Live Resin THC-O
- Tastes like the popular Rainbow Sherbert Strain
- ZERO Additives
- Helmet suggested, but not required
- Warning: May cause psychotropic effect

Effects



CHILLAXED



ENERGETIC



EUPHORIC

Benefits

- Relaxation
- Mood Elevation
- Body Buzz
- Head Buzz
- Mildly Trippy



Our THC-O carts are impressively strong so we recommend that you take it slow. Start with just one small puff, wait 20-30 minutes, and take note of how you feel. If you want to blast off further into space, take another puff!

Does not ship to the following states: AK, AR, CO, CT, DE, HI, IA, ID, KS, LA, MS, MT, ND, NE, NV, OR, RI, SD, UT, VT, WA

Cannabis Products
Currently Available in ~~Legalized~~ States

TEXAS





SMOKEN JOE'S

WELCOME TO GAIELAND ATM

SMOKEN JOE'S
PORK BREAST
RIBS
SHRIMP
CHICKEN
PORK TENDERLOIN

RAUGHT

OPEN

RAW

OPEN





THC-O Cartridge + D8 + D9 + D10 – Rainbow Sherbet – Hybrid 1g

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- Do not use this product if you have any diagnosed or undiagnosed health conditions

Does not ship to the following states: ID, NE

<u>Analysis Type</u>	<u>SOP</u>	<u>Date Tested</u>	<u>Status</u>
Cannabinoids	EA-SOP-POTENCY	10/29/2022	Complete
Heavy Metals	EA-SOP-HM	10/31/2022	Pass
Microbials	EA-SOP-ARIA	11/01/2022	Pass
Mycotoxins	EA-SOP-MYCO	10/31/2022	Pass
Residual Solvents	EA-SOP-RES	10/31/2022	Pass
Pesticides	EA-SOP-PEST	10/31/2022	Pass



Unit Size (g): 85

<u>Analyte</u>	<u>Result (mg/g)</u>	<u>mg/unit</u>	<u>w/w %</u>	<u>LOQ (ppm)</u>	<u>LOD (ppm)</u>
CANNABIDIVARIN (CBDV)	<LOD	<LOD	<LOD	100	30
CANNABICHROMENE (CBC)	<LOD	<LOD	<LOD	100	30
CANNABIGEROL (CBG)	<LOD	<LOD	<LOD	100	30
CANNABIDIOL (CBD)	0.33	28.11	0.03	100	30
CANNABINOL (CBN)	<LOD	<LOD	<LOD	100	30
Δ9 TETRAHYDROCANNABINOL (D9-THC)	0.27	23.35	0.03	100	30
Δ8 TETRAHYDROCANNABINOL (D8-THC)	0.09	7.99	0.01	100	30





Tinctures

Gummies

Topicals

Petibles

Shelf 1: Various tincture bottles and containers.

Shelf 2: More tincture bottles, including one labeled 'MASH'.

Shelf 3: Tincture bottles and a display of 'DABS'.

Shelf 4: Tincture bottles and a display of 'DABS'.

Shelf 5: Tincture bottles and a display of 'DABS'.

Shelf 1: Three small tincture bottles.

Shelf 2: A sign that reads "ALL THCO 50% OFF" and various gummy products.

Shelf 3: A display of "HEAVY HITTERS" gummies and other products.

Shelf 4: Several boxes of gummy products.

Shelf 1: A decorative display featuring a white teddy bear, a candle, and a vase with a flower.

Shelf 2: A sign that reads "ALL THCO 50% OFF" and various topical products.

Shelf 3: A sign that reads "TIGHT GUMMIES \$49.99" and various gummy products.

Shelf 4: A sign that reads "NIGHTROOM GUMMIES" and various gummy products.

Shelf 1: A decorative display featuring a stack of stones.

Shelf 2: A sign that reads "BOO WE HOPE" and various petible products.

Shelf 3: A sign that reads "RASPBERRY CBD + CBG" and various petible products.

Shelf 4: A sign that reads "RASPBERRY" and various petible products.



Texas Marijuana Legislative Update

Current Marijuana Availability in Texas

Recreational Cannabis is Illegal

- Some jurisdictions have decriminalized cannabis

Medical Cannabis – Texas Compassionate Use Program (TCUP)

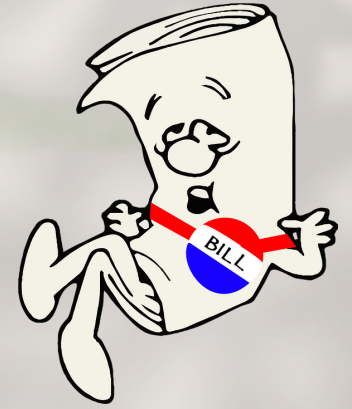
- Allows low-dose (1%) THC for patients with qualifying medical conditions:
 - Qualified physician must prescribe low-dose THC
 - Sold through a licensed dispensing organization
 - Managed by the Texas Department of Public Safety

Texas Hemp Farming Act - 2018

- THC concentration of not more than 0.3%.
- Cloth, fiber, fuel, paper, particleboard, plastics
 - Consumable products
 - Department State Health Services



88th Texas Legislative Session



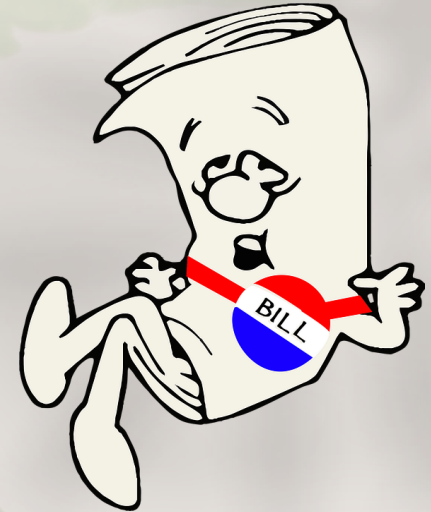
Recreational Cannabis Use

- Senate Joint Resolution (SJR) 22 – Senator Sarah Eckhardt (D)
 - This would put the regulation of an adult use cannabis market up to election by Texas voters on November 5, 2024.
- House Joint Resolution (HJR) 89 – Representative Mihaela Plesa (D)
- HJR 91 – Representative Terry Canales (D)
 - All 3 propose a constitutional amendment directing the legislature to authorize and regulate the possession, cultivation, and sale of cannabis.
- Senate Bill (SB) 209 – Senator Sarah Eckhardt (D)
 - Allows for adult use and personal cultivation of cannabis (up to 12 plants)
 - Provides several regulations for a legalized market

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Medical Cannabis Laws

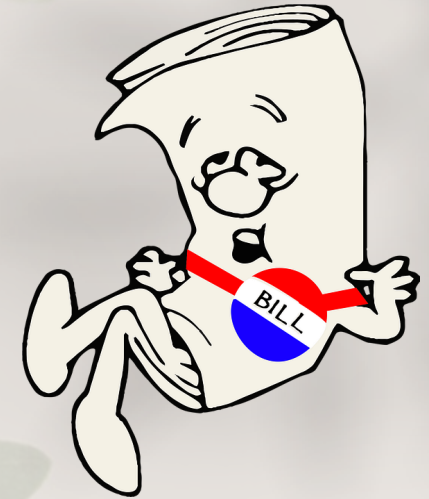
- SB 121 – Senator Jose Menendez (D)
 - Changes language from prescription to recommendation
 - Removes “Low-dose” THC
 - Removes ailments to qualify for TCUP program
 - Establishes rules for medical cannabis research board
- SB 127 – Senator Carol Alvarado (D)
 - Changes language from prescription to recommendation
 - Defines medical cannabis separate from “Low-dose” THC
 - Jurisdictions cannot allow prohibition of medical cannabis businesses
 - Allows parents to administer medical cannabis to their children



88th Texas Legislative Session

Medical Cannabis Laws Continued

- HB 1200 – Representative Ron Reynolds (D)
 - Changes language from prescription to recommendation
 - Changes “Low-dose” THC to medical cannabis
 - Allows access to TCUP for non-resident medical patients
 - Adds language about testing facilities and labeling
 - Allowable possession not less than 2.5 oz.
 - Expands list of medical conditions that qualify for the TCUP program
- HB 1341 – Representative Eugene Wu (D)
 - Changes “Low-dose” THC to medical cannabis
 - Removes penalties for parents administering medical cannabis to a child



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Marihuana Concentrates

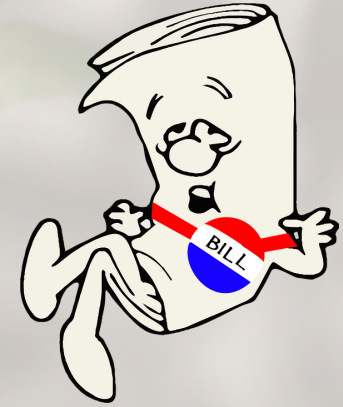
- SB 87 – Senator Nathan Johnson (D)
- HB 127 – Representative Terry Canales (D)
- HB 1374 – Representative Joseph Moody (D)

- All 3 of these bills seek to lower criminal penalties for higher amounts of marijuana concentrate possession.



Currently,
Possession of these
two vape pens =
2-10 years jail +
Fine up to \$10,000
3rd Degree Felony

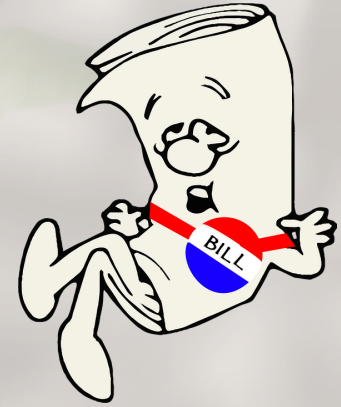
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Criminal Penalties

- HB 218 - Representative Joseph Moody (D)
- SB 967 - Senator Nathan Johnson (D)
 - Moves THC and isomers into its own penalty group of drugs
 - Officers may not arrest, but may write citations for possession
 - Adds expungement language
- HB 388 - Senfronia Thompson (D)
 - Removes penalties for possessing 2 oz. or less of marijuana
- SB 208 - Senator Sarah Eckhart (D)
 - Reduces penalties for possession of marijuana
 - Officers may not arrest, but may write citations for possession

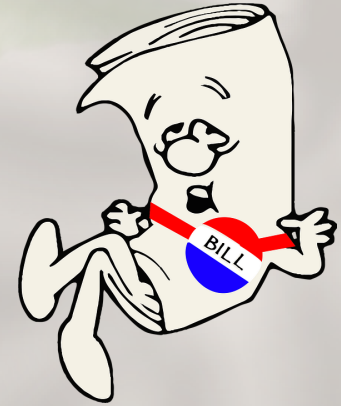
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Criminal Penalties

- HB 382 – Representative Nicole Collier (D)
 - Possession of a consumable hemp product is not a criminal offense
- HB 520 – Representative Eugene Wu (D)
 - Maximum penalty for large amounts of marijuana possession 5 years jail
 - Drug offenses would not be subject to enhancement
- HB 939 – Representative Harold Dutton (D)
 - Changes penalties for possession of controlled substances
 - Removes penalties for small amounts of marijuana

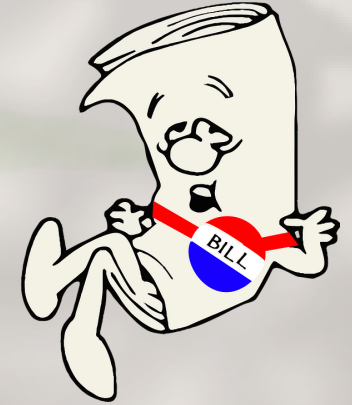
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Paraphernalia

- HB 987 - Representative Donna Howard (D)
- HB 224 - Representative Diego Bernal (D)
- Both bills would remove testing equipment from paraphernalia laws

88th Texas Legislative Session



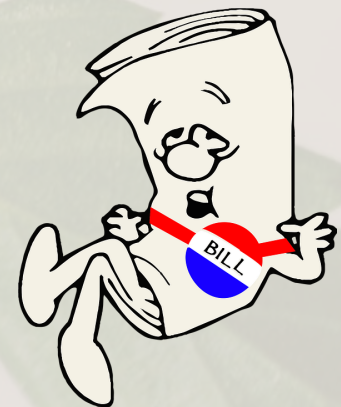
Drug Testing

- HB 1467 – Representative John Bucy (D)
 - Prohibits drug testing and prescription drug policies (for the presence of cannabinoids) by state agencies or political subdivisions of the state as a condition of employment
 - EXEMPT: Peace Officers and US DOT drug testing regulations
 - Provides compensatory relief through judicial or administrative proceedings if the state agency is found in violation
 - Protections related to Medical Cannabis:
 - Legal action, presumption of child abuse, denial of parental rights, seizure or forfeiture, prosecution for provision of paraphernalia, disciplinary action against students and school health care professionals
- HB 822 – Representative Ken King (R)
 - Adult applicants who apply for financial assistance benefits must submit to a marijuana and controlled substance screening. If the drug screening indicates presence of marijuana, or a controlled substance, the applicant is ineligible for benefits, unless they are prescribed low-dose THC.

88th Texas Legislative Session

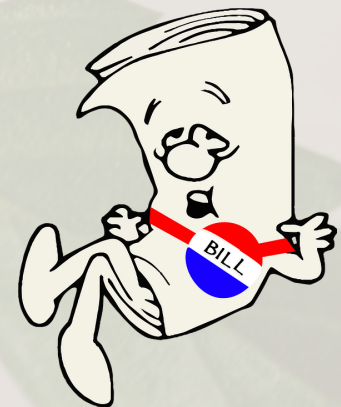
Increased Penalties

- HB 513 - Representative William Metcalf (R)
 - Increases penalties for the manufacture or delivery of a controlled substance, or marihuana, causing death or serious bodily injury, whether the controlled substance, or marihuana was used by itself or with another substance.
- HB 2330 - Representative Craig Goldman (R)
- SB 645 - Senator Joan Huffman (R)
- HB 2107 - Representative Briscoe Cain (R)
- HB 513 - Representative William Metcalf (R)



+ 7 More - 88th Texas Legislative Session

- Another constitutional amendment
 - Availability of defense to the prosecution for possession offenses
 - Eligibility to participate in certain drug court programs
 - Equipment used in testing or analyzing controlled substances
 - Increasing penalties at/near public schools
 - Reduction of penalties for possession
-
- TOTAL Marihuana Bills = 34 Bills Filed to Date
 - Deadline for Filing bills = March 10, 2023



Federal Farm Bill

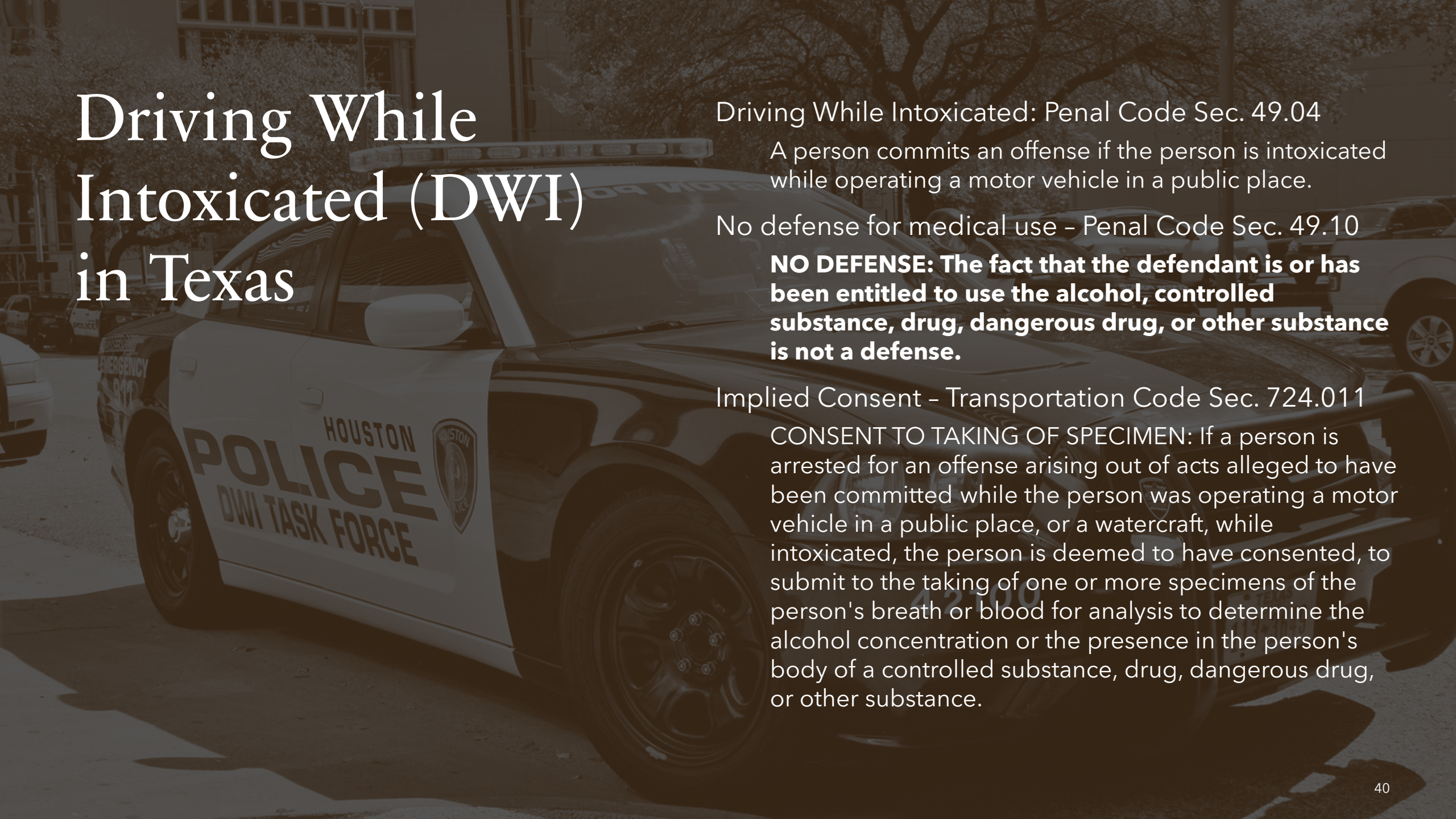
- *Expires September 30, 2023*
- Hemp Industry Advocates:
 - Change Hemp's THC Limit from 0.3% to 1%
 - Distinction of Industrial Hemp from Floral and Cannabinoid Hemp
 - Remove the DEA Registered Lab Testing
 - Clarification on Hemp-Derived Consumables
 - FDA guidance on CBD products
 - Revising bank regulations
 - USDA stamp of approval for hemp transported between jurisdictions (US)





Driving While Intoxicated

Driving While Intoxicated (DWI) in Texas



Driving While Intoxicated: Penal Code Sec. 49.04

A person commits an offense if the person is intoxicated while operating a motor vehicle in a public place.

No defense for medical use - Penal Code Sec. 49.10

NO DEFENSE: The fact that the defendant is or has been entitled to use the alcohol, controlled substance, drug, dangerous drug, or other substance is not a defense.

Implied Consent - Transportation Code Sec. 724.011

CONSENT TO TAKING OF SPECIMEN: If a person is arrested for an offense arising out of acts alleged to have been committed while the person was operating a motor vehicle in a public place, or a watercraft, while intoxicated, the person is deemed to have consented, to submit to the taking of one or more specimens of the person's breath or blood for analysis to determine the alcohol concentration or the presence in the person's body of a controlled substance, drug, dangerous drug, or other substance.

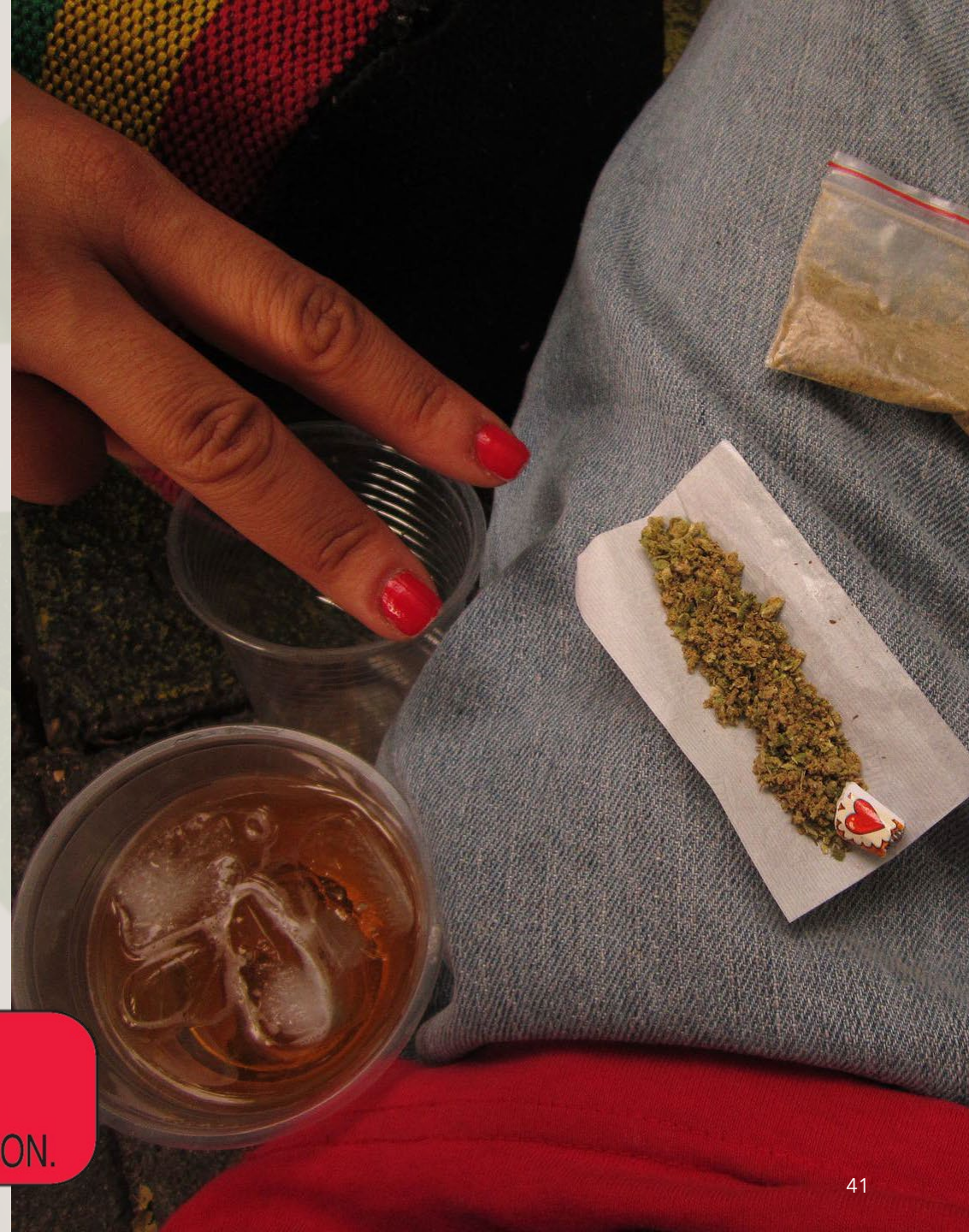
Polysubstance Use

The most common substances found in combination, identified in drivers involved in motor vehicle crashes are alcohol and marijuana.

- Compared to sober drivers:
 - Alcohol-impaired - 16x increased crash risk
 - Alcohol and marijuana combined - 25x
- This combination effects:
 - The ability to divide attention between more than two tasks
 - Effectively engage in defensive driving skills
- Most prevalent among young adults and college students ("HRIDs")



DO NOT DRINK
ALCOHOLIC BEVERAGES
WHEN TAKING THIS MEDICATION.



Texas Data – Cannabis Category

2016-2020 Drivers in Motor Vehicle Crashes Involving Drugs

All Crash Injury Severities

1. Multiple Drugs - 13.9%
2. Cannabis - 8.9%

Fatality & Serious Injury Crashes

1. Multiple Drugs - 25.3%
2. Cannabis - 22.5%

All Crash Severities With Alcohol Involved

1. Multiple Drugs - 13.8%
2. Cannabis - 12.7%

Fatality & SSI With Alcohol Involved

1. Cannabis - 26.1%
2. Multiple Drugs - 24%



Campaign image from:
California Office of Traffic Safety

Underreported Data: Houston Study (2014 – 2018)

Alcohol & Drug Testing

- 12,682 total samples
- Suspected impaired driving cases
- Texas typically does not test for drug presence when the alcohol concentration is ≥ 0.100 g/dL

Drug Testing

- 9,437 BAC ≥ 0.100 g/dL
- 3,182 (25.6%) tested for drugs
- 3% negative for both alcohol and drugs

Cannabinoids

- 1,095 (34.4%) of drug cases tested positive for cannabinoids
- 54% also tested positive for alcohol
- $1,095/12,682 = 8.6\%$ of total sample positive for cannabinoids**

NHTSA Trauma Center/Medical Examiner Study

Driver Data (excludes other roadway users)

- Killed or injured in 2019-2021
- Positive Alcohol: 24%
- Positive Cannabis: 26%
- n = 4,798

Medical States (FL, MD, NC)

- Positive Alcohol: 25%
- Positive Cannabis: 26%
- n = 3,919

Medical & Recreational States (CA, MA)

- Positive Alcohol: 19%
- Positive Cannabis: 28%
- n = 625

CBD / Low THC States (IA)

- Positive Alcohol: 17%
- Positive Cannabis: 17%
- n = 254

**IF YOU FEEL DIFFERENT
YOU DRIVE DIFFERENT**

Reducing Marijuana Impaired Driving

Community Level Prevention

Zoning and Planning Commissions can recommend local ordinances to be adopted by City Councils

- Examples include, but are not limited to:
 - Unified Development Codes (UDCs)
 - Special Use Permits (SUPs)
 - Distance requirements to schools, community centers, parks, daycare facilities, etc.
 - Prohibition of delta-8, delta-10, etc. products
 - No sales to minors / Minors may not enter premise
 - Remove THC-O Products





Strategies: Enforcement

- **Per se laws** are ineffective
- All law enforcement officers need to become **Advanced Roadside Impaired Driving Enforcement (ARIDE)** certified
- **On-call Drug Recognition Experts (DRE)**
- **Green labs**
- Roadside **oral fluid screening**

Strategies: Public Education

- **Campaigns** highlighting the consequences of driving under the influence of marijuana: DUI
- **Messaging** emphasizing that marijuana and other drugs impair at various levels. Calling on a designated driver is the solution if the choice to ingest marijuana is made.
- **Partnerships** with the industry: trusted sources for consumers



Campaign Lessons

Recommendations:

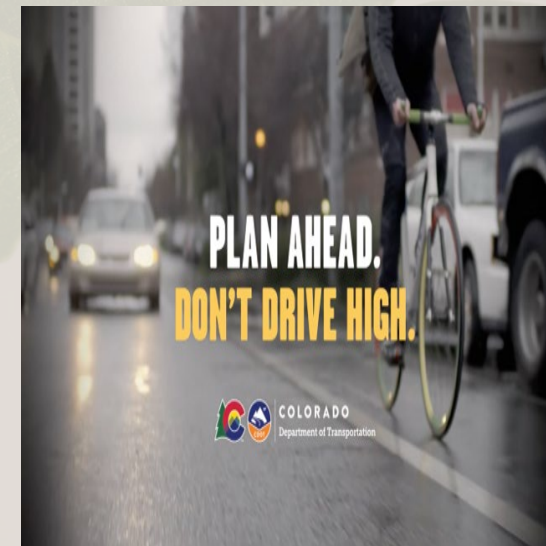
- Consumers make responsible choices
- Wait longer after use
- Emphasize slowed reaction time
- Avoid stereotypes
- Discuss credible risks and consequences

What does not work:

- Scare tactics, fear, or overstating dangers
- Threats from government or law enforcement
- Unrealistic or derogatory scenarios that may elicit mockery

Youth:

- Empowering them to make healthy decisions
- Be direct
- Talk with them, not at them
- Factual, believable and easily understood



Want more info?

Ask about the TTI online course
for marijuana education!

Cody Stewart

c-stewart@tti.tamu.edu

Christine Adams

c-adams@tti.tamu.edu

