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Texas Hemp Rule Changes Effective March 31, 2026 Retailer/Distributor Compliance Summary

Disclaimer: This handout is intended to help retailers and distributors of consumable hemp products understand key parts of the new Texas hemp rules and take steps toward compliance. It is not a complete list of all new rules or requirements. Additional rules apply to manufacturers and other businesses in the hemp industry that are not included in this flyer. This handout is for general informational purposes only and is not legal advice. Businesses needing advice about their specific operations, products, or compliance risks should consult an attorney.

1. Acceptable Hemp THC Level

- All hemp products must meet the new “Acceptable Hemp THC Level” standard.
- The rule now looks at total delta-9 THC, not just delta-9 THC by itself.
- THCA now counts toward compliance.
- Formula: $\text{Total Delta-9 THC} = (\text{THCA} \times 0.877) + \text{Delta-9 THC}$
- A product can fail even if delta-9 THC alone is below 0.3%.
- This is why THCA flower is not compliant under the new rules.

What to check on the COA:

- Delta-9 THC
- THCA
- total Delta-9 THC
- measurement of uncertainty

2. Lab Testing / COA Requirements

- Products must be tested by an accredited laboratory.
- An accredited laboratory is a lab accredited under ISO/IEC 17025 or a comparable or successor standard.
- A COA (Certificate of Analysis) is an official lab report from an accredited laboratory.
- Accredited labs will usually include language on the COA showing their accreditation.
- If the COA does not clearly identify the lab or its accreditation, that should be a red flag.
- Expired COAs are not valid. Products with expired COAs must be retested.

A valid COA should include, at a minimum:

- lab name, address, and contact information
- sample and lot identification information
- testing dates
- methods and instrumentation used
- expiration date
- measurement of uncertainty
- results, including delta-9 THC, total delta-9 THC, and total THC
- a QR code on the COA verifying authenticity of testing conducted at an accredited laboratory

3. Labeling Requirements

Each product's outer packaging must include:

- batch number
- batch date
- product name
- name of the manufacturer or processor
- phone number and email address of the manufacturer or processor
- a clearly marked URL that provides or links to the product's COA, or the COA for each hemp-derived ingredient
- recommended serving size in milligrams
- servings per container

The label must also include these warnings:

- **Keep out of reach of children.**
- **Product may contain tetrahydrocannabinol (THC) and can cause a user to fail a drug test.**
- **All THC's have psychoactive properties.**
- **Pregnant or nursing women should consult a healthcare provider before use.**
- **This product has not been evaluated by the FDA.**

Important:

- The required label must appear on the outer packaging.
- The required URL must be clearly marked.
- The required URL must reach the COA in three steps or fewer.
- Old labels may no longer comply.

4. Packaging Requirements

Before sale or distribution, the product must be in packaging that is:

- tamper-evident
- child-resistant
- resealable, if the product has multiple servings or includes multiple products sold in one transaction

5. Smokable Hemp Products

- Smokable hemp is not banned just because it is smokable.
- But smokable hemp products still must meet the new Acceptable Hemp THC Level standard.
- That means THCA flower is not compliant under the new rules.
- Some products containing cannabinoids such as Delta-8, HHC, and THCP may still be sold, but only if they meet the new THC standard and also comply with the testing, labeling, and packaging requirements.

6. Out-of-State Products

- Products made outside Texas are not exempt.
- A person or business selling out-of-state consumable hemp products in Texas must still comply with Chapter 300.
- Upon request, the seller must be able to show that the products were made in compliance with the required state, tribal, federal, or foreign framework.
- Out-of-state products also must comply with the Acceptable Hemp THC Level standard.

7. What Retailers and Distributors Should Do Now

- Stop selling products that do not meet the new THC standard.
- Review every COA.

- Check that each COA is current and from an accredited lab.
- Review every label.
- Review every package.
- Immediately pull any product that may not comply from shelves and customer-facing areas. Completely separate it from compliant inventory, box it up, and clearly mark it “NOT FOR SALE.” If possible, remove it from the premises entirely until it can be evaluated.
- Make sure staff understand that checking delta-9 THC alone is not enough. They must also check THCA and total delta-9 THC.

8. Contact Us About Enforcement

Please contact our office right away if your business receives:

- an inspection
- a warning
- a notice of violation
- a stop-sale demand
- a seizure
- any other enforcement action

We plan to challenge these rules in court and will continue to share updates as they become available.