




GOVERNOR GREG ABBOTT

September 10, 2025

Mr. David Nelson
Deputy Secretary of State
State Capitol, Room 1E.8
Austin, Texas 78701

FILED IN THE OFFICE OF THE
TEXAS SECRETARY OF STATE
9:30AM O'CLOCK

SEP 10 2025


Secretary of State

Dear Deputy Secretary Nelson:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-56 relating to protecting children from hemp and hemp-derived products and clarifying regulations pertaining to such products.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD:gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
September 10, 2025

EXECUTIVE ORDER GA 56

*Relating to protecting children from hemp and hemp-derived products
and clarifying regulations pertaining to such products.*

WHEREAS, in 2018, President Donald J. Trump signed into law the Agriculture Improvement Act, which distinguished hemp from marijuana, made hemp and hemp-derived products lawful commodities, and authorized States to “regulate”—but not outright ban—the production of hemp and its naturally occurring derivatives, 7 U.S.C. §§ 1639o(1), 1639p(a)(3)(A); and

WHEREAS, in 2019, the 86th Texas Legislature passed House Bill 1325 which provided that the *Cannabis sativa L.* plant and its derivatives containing more than 0.3% delta-9 tetrahydrocannabinol (THC) by dry weight are illegal marijuana while the plant and its derivatives containing not more than 0.3% delta-9 THC by dry weight are legal hemp; and

WHEREAS, marijuana and its derivatives remain illegal in Texas, TEX. HEALTH & SAFETY CODE §§ 481.002(26), 481.120–481.122; and

WHEREAS, in the years since House Bill 1325 was passed, legitimate agricultural, industrial, and retail markets for hemp and hemp-derived products have developed, while bad actors have taken advantage of a dangerously under-regulated marketplace; and

WHEREAS, absent the kind of regulations that apply to other psychoactive substances that may be safely enjoyed by adults like alcohol and tobacco, minors have been allowed to purchase these products without any safeguards; and

WHEREAS, unrestricted sales of such substances to minors by state licensed retailers imperils “the general welfare, health, peace, morals, and safety of the people” and “the public sense of decency,” TEX. ALCO. BEV. CODE § 11.61(b)(7); and

WHEREAS, on June 22, 2025, I, Greg Abbott, Governor of Texas, vetoed Senate Bill 3, 89th Texas Legislature, Regular Session, because it would not have provided a legally sustainable prohibition on access to hemp-derived products by children, did not respect the liberty of adults to access a lawful product that can be made safe through proper regulation and responsible consumption, and banned a commodity made legal by federal law; and

WHEREAS, in the accompanying veto statement, I recommended a detailed approach to regulation that sought to prevent children from accessing consumable hemp products while respecting the liberty of adults, like the proposals up for debate in House Bill 309, 89th Texas Legislature, Second Called Session, which would have:

- Restricted sales to children by: making it a crime to sell hemp-derived products to minors; making it a crime to market, advertise, or package such products in a manner designed to be attractive to children; and requiring a retailer to scan the purchaser’s driver’s license prior to completing the sale for such products;

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- Created sensitive place restrictions including: a prohibition on stores within 1,000 feet of schools, churches, playgrounds, homeless shelters, and substance abuse treatment facilities; and local option elections to prohibit retail sale at both the county and municipality levels;
- Imposed product safety rules including: a prohibition on the retail sale of hemp flower and the manufacture or sale of hemp-derived products containing synthetic cannabinoids; a prohibition on the sale of hemp-derived products mixed with alcoholic beverages, kratom, cava, tobacco, and other similar substances; potency limits per serving and per package based in milligrams rather than percentage concentration; and testing at every stage, from harvest to shelf; and
- Provided detailed enforcement including: a licensing scheme and ongoing monitoring for manufacturers, distributors, and retailers; the ability to cancel a license for violation of licensing rules; a civil cause of action for local prosecutors under the Deceptive Trade Practices Act; and a tax structure scaled to the amount of THC in a product, with revenue allocated to law enforcement, crime labs, and youth education and addiction services; and

WHEREAS, the Legislature also considered advancing legislation like House Bill 36, 89th Texas Legislature, Second Called Session, which would have made it a crime to sell consumable hemp products to children under the age of 21; and

WHEREAS, the Legislature did not pass *any* legislation concerning consumable hemp products, not even a ban for minors, leaving in place the status quo; and

WHEREAS, the Department of State Health Services (DSHS) has authority under Chapters 431, 443, and 481 of the Health and Safety Code, to adopt rules to administer and enforce existing limits on the manufacture, distribution, and sale of consumable hemp products; and

WHEREAS, the Texas Alcoholic Beverage Commission (TABC) has authority under Chapters 5 and 11 of the Alcoholic Beverage Code, to supervise and regulate certain licensees and permittees and their places of business in matters affecting the public; and

WHEREAS, the Department of Public Safety (DPS) has general law enforcement authority within the State of Texas under Article 2 of the Code of Criminal Procedure;

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and Statutes of the State of Texas, do hereby direct that:

1. TABC and DSHS shall immediately begin the rulemaking process to protect the public health, safety, and welfare by prohibiting the sale of hemp-derived products to a minor and requiring verification of the purchaser's age with government issued identification prior to completing the sale of any such product, on pain of cancellation of a permit, license, or registration issued by the respective agency.
2. DSHS shall within 10 business days begin reviewing existing agency rules for possible revision and update, including:
 - a. Revising testing requirements under 25 T.A.C. §§ 300.301–300.303 to ensure that tests measure the total delta-9 THC content of a hemp-derived product by accounting for both delta-9 THC and the conversion of tetrahydrocannabinolic acid (THCA);
 - b. Revising application and renewal fees under 25 T.A.C. § 300.202 for hemp manufacturer and hemp retailer licenses to reflect the full regulatory and enforcement costs incurred by the State;
 - c. Clarifying and standardizing labeling requirements under 25 T.A.C. § 300.402 for

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- hemp-derived products to ensure informed consumers, including by listing the amount and concentration of cannabinoids contained in a product, a recommended serving size, and health warnings consistent with consumer protection laws; and
- d. Strengthening recordkeeping requirements under 25 T.A.C. § 300.203 for all sales, inventory, and product testing results subject to inspection by the agency.
3. DSHS shall coordinate with TABC concerning the enforcement of laws and rules governing hemp-derived products, which may include:
 - a. Reallocation of responsibilities for compliance checks, enforcement operations, and seizure authority;
 - b. Protocols for the transmittal of licensing information, regulatory data, testing data, and any other information necessary to support enforcement operations;
 - c. Identification of available sources of funding and establishment of a mechanism for transferring funds, including appropriated funds, collected fees, and any other available revenue, from DSHS to TABC in amounts necessary to carry out the delegated powers and duties; and
 - d. Protocols for regular reporting by TABC to DSHS on enforcement actions, detected violations, and compliance trends.
 4. TABC, DSHS, Texas A&M University AgriLife Extension Service, and any other relevant state agency, shall jointly conduct a study on implementation of rules similar to those in House Bill 309, 89th Texas Legislature, Second Called Session. The study should include:
 - a. A timeline for phased implementation of the proposed regulatory framework;
 - b. Identification of potential impediments to, costs associated with, and funding mechanisms for successful implementation of the proposed regulatory framework, including personnel, training, lab testing, and other resource needs;
 - c. Evidence-based methods for determining intoxication from hemp-derived products for purposes of preventing, detecting, and prosecuting intoxication-related offenses;
 - d. An assessment of strategies to prevent unlawful sales and resales, including from other States; and
 - e. Recommendations on coordination between state and local law enforcement agencies to ensure uniform enforcement across Texas.
 5. DPS shall coordinate with other law enforcement and regulatory agencies to ensure enforcement of state laws governing unlawful sales of consumable hemp products, and to take appropriate measures to deter and address violations consistently across the State.

This executive order supersedes all previous orders in conflict or inconsistent with its terms and shall remain in effect and in full force until modified, amended, rescinded, or superseded by the Governor.

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Given under my hand this the
10th day of September, 2025.



GREG ABBOTT
Governor

ATTESTED BY:



DAVID NELSON
Deputy Secretary of State

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