



Senate Committee on State Affairs
Interim Charge: Banning Delta 8 and 9
Testimony of Robert Emmick Jr., MD, submitted on behalf of:
Texas Medical Association, Texas Pediatric Society,
and Texas Public Health Coalition
May 29, 2024

Chair Hughes, Vice Chair Paxton, and committee members, my name is Dr. Robert Emmick and I'm an emergency physician in Austin. On behalf of the more than 57,000 physician and medical student members of the Texas Medical Association (TMA) and the Texas Pediatric Society (TPS), and the more than 30 member organizations of the Texas Public Health Coalition (TPHC), we appreciate the opportunity to comment on the regulation of delta-8 and delta-9 products in Texas.

Our organizations believe the consumers – our patients – should be thoroughly informed of what they are putting inside their bodies. While federal tetrahydrocannabinol (THC) regulations still haven't come to fruition, we encourage at least state-level regulation and strict labeling of hemp-derived THC products, since Texas physicians already have witnessed the risks and harms to our patients from consuming these products.

Texas has seen a dramatic increase in cannabinoid-related poison center calls and emergency room and hospital visits over the past several years – many of which involving children. Children are especially at risk from accidental consumption and poisoning, including serious effects on neurologic and respiratory functioning. THC poisoning in children can linger for hours, with more severe cases requiring ICU admission for close monitoring, increasing hospital costs. Further, frequent usage and higher THC concentrations increase risk of psychosis, cannabinoid hyperemesis syndrome, and dependency.

Unfortunately, many of these products are in gummy, candy, chocolate, or baked goods form with sweet flavors, and are even packaged in brightly colored, appealing, and easy-to-open containers for children to access. Therefore, to protect Texas youth and to properly inform Texas consumers, TMA, TPS and TPHC urge the following for consideration regarding the regulation of delta-8 and delta-9 THC products:

- Establish and enforce a **minimum age requirement of 21 years of age** (similar to Texas' tobacco laws) for consumers to be able to purchase delta-8 and delta-9 THC products – including online orders.
- Limit accidental ingestion and poisoning by children by requiring **child-resistant (“child-lock”) packaging**. Prohibit the use of colorful, eye-catching, or cartoon packaging that may

appeal to children. Warning labels on these products may also be used as a reminder to keep these products out of children's reach or locked away to keep children safe.

- All delta-8, delta-9, and other THC products should be **appropriately labeled**, to include total **THC concentration**, active ingredients, pharmaceutical properties, and accurate warning labels.
- Continue to invest in a robust product laboratory testing system with funding to: **ensure compliance** with the 0.3% THC limit; detect contamination by any harmful chemicals and heavy metals; and ensure the product is accurately portrayed on product packaging.
- To get ahead of this fast-paced industry, give the **Texas Department of State Health Services (DSHS) jurisdiction** over all consumable hemp products to evaluate product safety.
- **Safety monitoring strategies and research** must be established to detect any associated negative health outcomes. Without proper research, delta-8 and -9 products should be considered unsafe for youth.
- Similar to tobacco-control measures used to protect youth, **restrict advertising** and sale of THC products near schools and playgrounds, and via social media platforms. THC products and packaging have even been found littered on elementary school grounds.
- Empower DSHS to provide **public education** in schools as necessary to counter youth use.
- Raise awareness about the risks of **driving while intoxicated** after consuming THC, as these products impair drivers' reaction times similar to alcohol's effects.

While medical guidance and research are needed to establish benefits of using consumable hemp products, teenagers and young adults who use these products without the guidance of their physician are at higher risk for developing substance use disorders. The risk of psychosis is a concern as well, as the likelihood of the condition is higher among younger users of THC products, and for people who consume higher concentrations of THC. Our focus is not only to protect Texas youth from acute harm and poisoning, but also to protect them from a lifetime of dependency and potential mental health conditions.

Thank you again for this opportunity to support stronger regulation of delta-8 and -9 THC products. For questions, please contact Matt Dowling, TMA director of public affairs, at matt.dowling@texmed.org, or Clayton Travis, TPS director of advocacy and health policy, at clayton.travis@txpeds.org.