



Cannabis Testing: Challenges with Regulatory Compliance and Enforcement



TEXAS CANNABIS
POLICY CONFERENCE

January 31st, 2026
Austin, TX



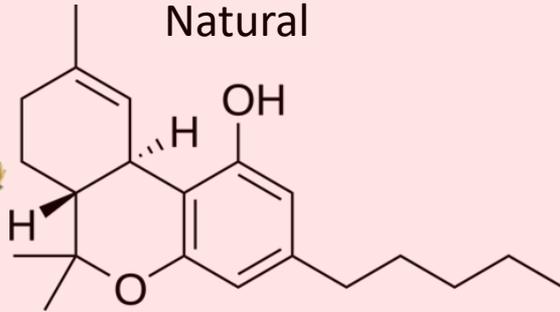
Christopher Hudalla, Ph. D.
ProVerde Laboratories, Inc. – Milford, MA

Overview

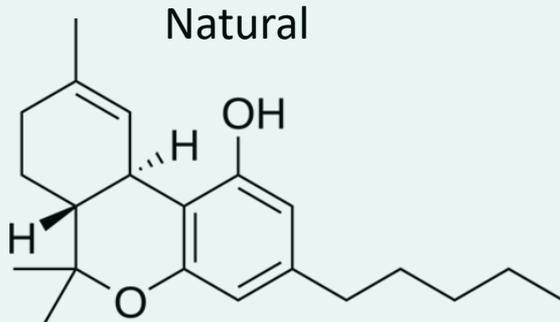
- Marijuana Production
- Hemp Production
- What is Hemp?
 - Type III cannabis (CBD dominant)
 - Type I cannabis marketed as “Hemp”
 - Semi-synthetic converted cannabinoids
 - Purely synthetic cannabinoids
 - Adulterated Products



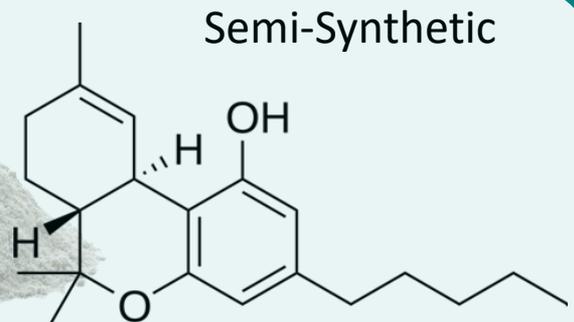
Delta-9 THC



SCHEDULE I



Farm Bill Compliant



Regulated Marijuana Production

- License/Application Fees
 - Renewed annually
- Insurance
- Inspections
- Security/surveillance
- Testing requirements
- Taxes
- Age restrictions
- Consumer limits



- Regional limits (no interstate)
- Price compression from black market

Hemp Production

Legal Hemp Production

- Typically licensed through State Department of Agriculture
- Type III cannabis
 - Fiber
 - Seed/Seed Oil
 - CBD
- Interstate transport/commerce
- Used in packaging/textiles/building materials
- Renewable energy resources

Definition of Hemp



“Hemp” is defined by the 2018 Farm Bill as “the plant species *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all **derivatives**, extracts, cannabinoids, **isomers**, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of **not more than 0.3 percent** on a dry weight basis.”

Definition of Hemp

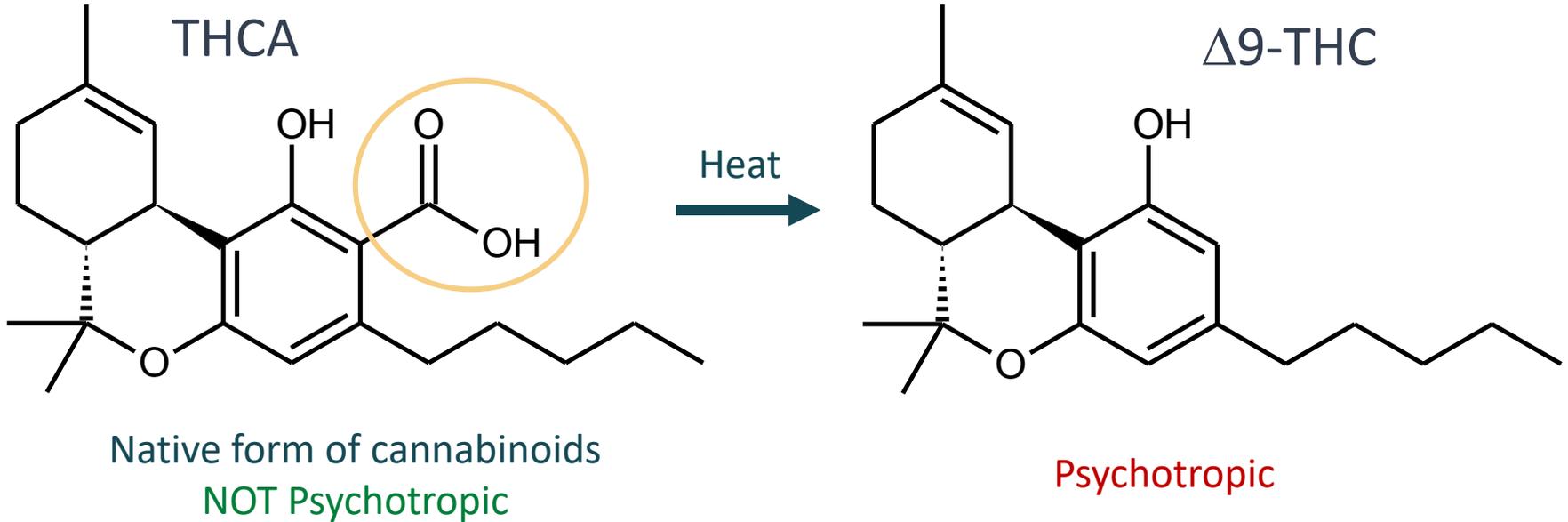


The 2018 Farm Bill mandates testing using **post-decarboxylation or other similarly reliable methods** where the total THC concentration level considers the potential to convert delta-9-tetrahydrocannabinolic acid (THC-A) into delta-9-THC, on a dry weight basis.

What does this mean?

Definition of Hemp

What is decarboxylation?



Post-Decarboxylation Methods

(1) Analysis is performed using Gas Chromatography (GC)

- Injection of sample into hot GC inlet decarboxylates THCA to neutral Δ 9-THC prior to analysis, such that measured value represents total possible Δ 9-THC

(2) Analysis is performed using Liquid Chromatography (LC)

- Results provide separate quantitation of THCA and THC
- Total THC is calculated by a mathematical, theoretical decarboxylation

$$\text{Total THC} = (0.877 \times \text{THCA}) + \text{THC}$$

This last method is used most widely and is accepted by all Federal and State regulatory bodies

Federal Hemp Compliance

Flower must be no greater than 0.3% Total THC (on a dry weight basis)

Compliance testing is ONLY required pre-harvest

- No requirement to test post harvest or processing

Samples certified as compliant can go “hot”

- If a sample, previously document to be complaint, is tested after harvest, dry and cure, because of the time differential from initial compliance test, sample may test over the compliance threshold of 0.3% Total THC, as cannabinoids can continue to develop.
- Sample could theoretically test up to 0.5% Total THC
- Total THC could not increase to significant quantities (Not greater than 1%)

High THCA Hemp Flower



$\Delta 9$ -THC = 0.24% (by weight)

THCA = 32.4%

THCA HEMP FLOWER

Federally: Not Compliant
(illegal marijuana)

Texas?
Governed by CHP

Texas CHP Hemp Compliance

Health and Safety Code

CHAPTER 443. MANUFACTURE, DISTRIBUTION, AND SALE OF CONSUMABLE HEMP PRODUCTS - *specifies $\Delta 9$ -THC not greater than 0.3%*

443 references
Compliance with
both 121 and 431

Agriculture Code

CHAPTER 121. STATE HEMP PRODUCTION PLAN

Health and Safety Code

CHAPTER 431. TEXAS FOOD, DRUG, AND COSMETIC ACT

431 references
Compliance with 122

Agriculture Code

CHAPTER 122. CULTIVATION OF HEMP

121 references
Compliance with 122

Requires "post-decarboxylation" testing to assess compliance

Hemp Production

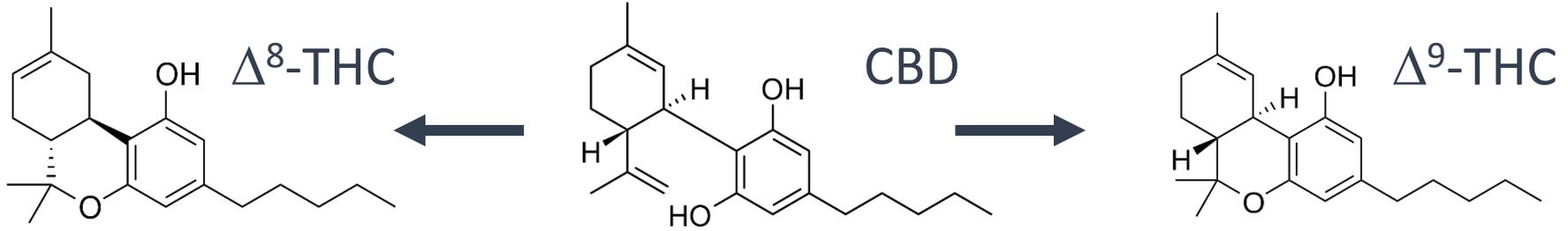
Not-So-Legal “Hemp” Production

- Black market marijuana (Type I) sold as “hemp”
- Semi-Synthetic intoxicating cannabinoid products
- Synthetic intoxicating cannabinoid products
- Pushing the limits (with adulterants)
- Little (No) oversight, no limits for interstate transport/commerce
- No requirement for testing or demonstration of safety
 - Potential consumer safety concerns
 - pesticides/metals/synthetic byproducts
- Typically no age gating



Hemp Derived
Synthetic
Cannabinoids Are
Available Everywhere

CBD isomerization to THC



First published by Roger Adams in 1941

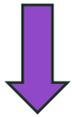
Aug., 1941	ISOMERIZATION OF CANNABIDIOL TO TETRAHYDROCANNABINOLS	2209
[CONTRIBUTION FROM THE NOYES CHEMICAL LABORATORY, UNIVERSITY OF ILLINOIS]		
Structure of Cannabidiol. XII. Isomerization to Tetrahydrocannabinols¹		
BY ROGER ADAMS, C. K. CAIN, W. D. MCPHEE AND R. B. WEARN ²		
IN COLLABORATION WITH THE TREASURY DEPARTMENT, NARCOTICS LABORATORY, WASHINGTON, D. C.		

Most synthetic pathways employ acidic conditions with the addition of catalysts

Conversion of CBD into THC



Dissolve in solvent



Add Acid



Reflux
↑Temp



Neutralize
Acid



Remove
Solvent



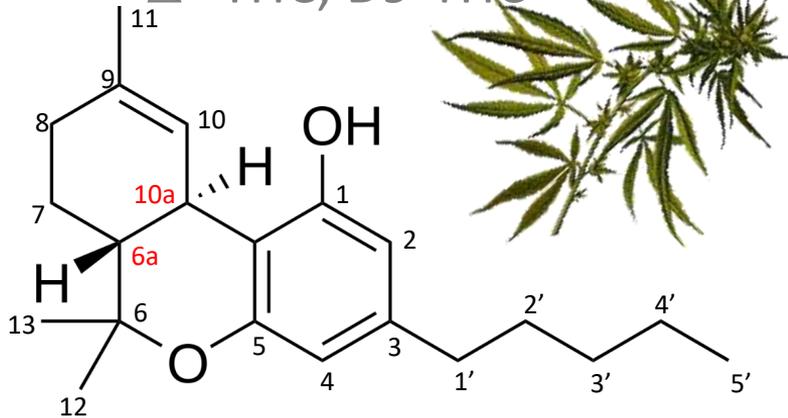
Isomers of THC

(6aR, 10aR)- Δ^9 -Tetrahydrocannabinol

(6aR, 10aR)- Δ^9 -THC

(-)-*trans*- Δ^9 -THC,

Δ^9 -THC, D9-THC



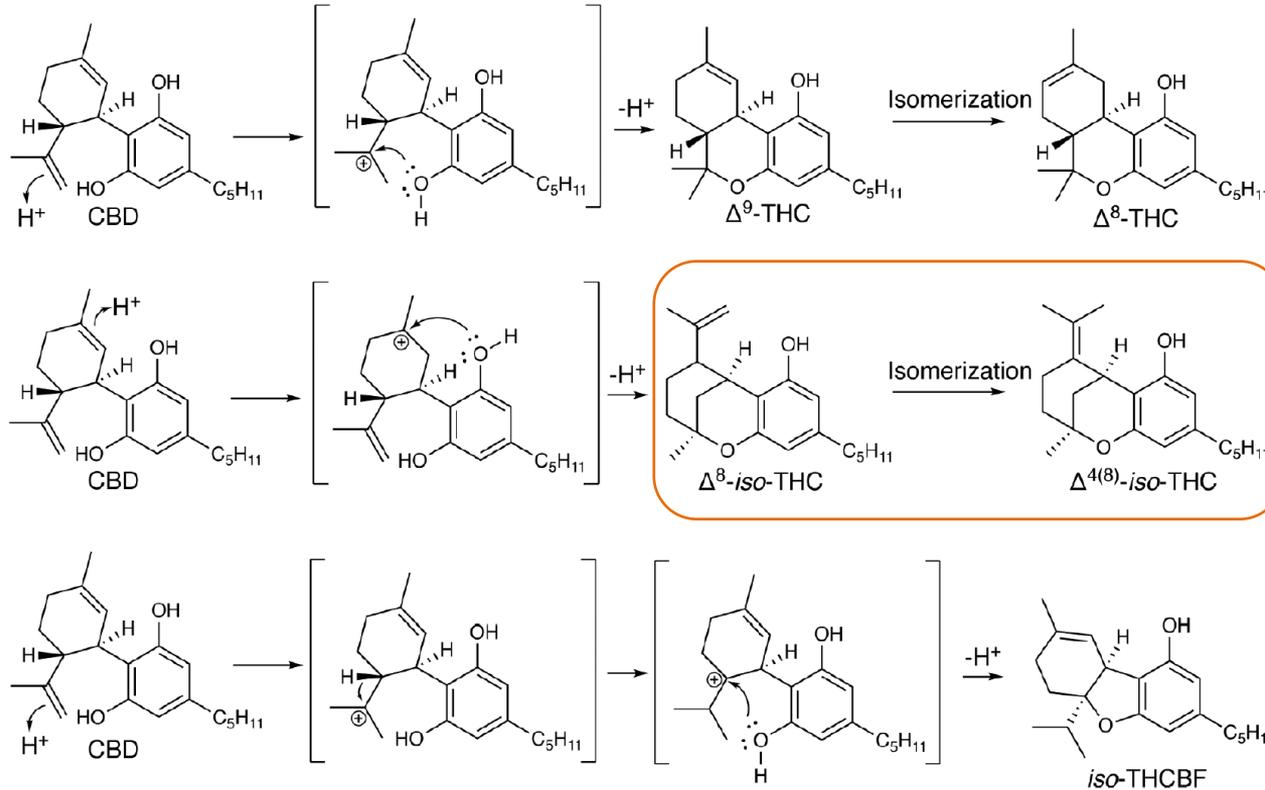
Isomers	Double Bond	Stereoisomers
$\Delta^{6a,10a}$ -THC	6a-10a	2
$\Delta^{6a,7}$ -THC	6a-7	4
Δ^7 -THC	7-8	8
Δ^8 -THC	8-9	4 (1)
Δ^9 -THC	9-10	4 (1)
Δ^{10} -THC	10-10a	4
$\Delta^{9,11}$ -THC	9-11	4

Synthesis: Standard Operating Procedures



Beef Stew, Man-Style
2 lbs. lean beef, cut in 1-in. cubes
2 t. salt
1 c. onion, pure vegetable oil
1 c. hot water
6 each: sm. carrots, onions, potatoes, parsnips
bag. Drop in beef, a portion at a time
shake until coated. low heat in hot
pot, brown beef over. Add vegetables to stew
seasonings. Add vegetables to stew
simmer until vegetables are done
45 minutes. Makes 6 servings

THC from CBD

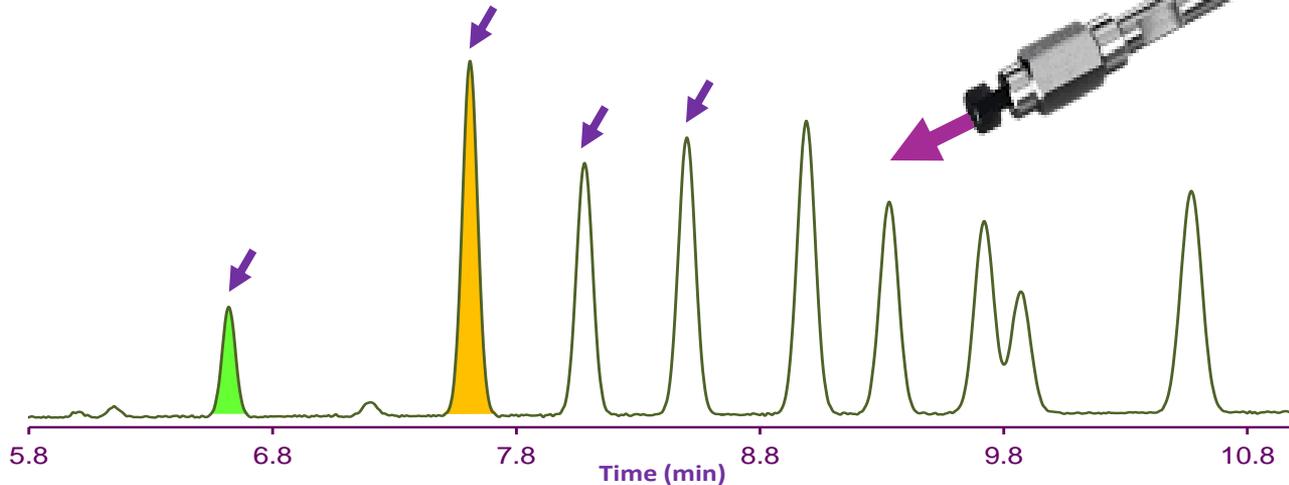


(5aR,9aS)-5a-isopropyl-8-methyl-3-pentyl-5a,6,7,9a-tetrahydrodibenzo[b,d]furan-1-ol

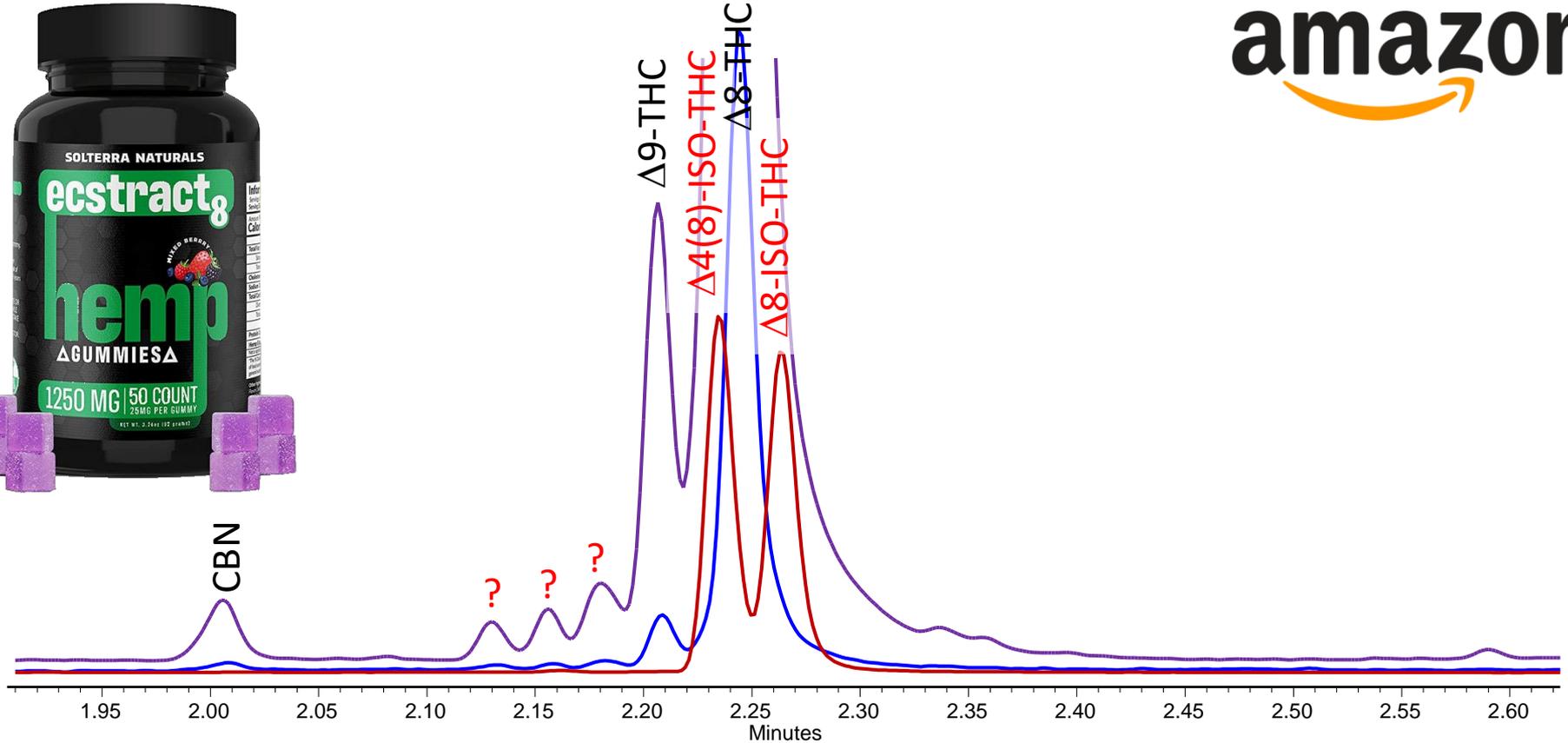
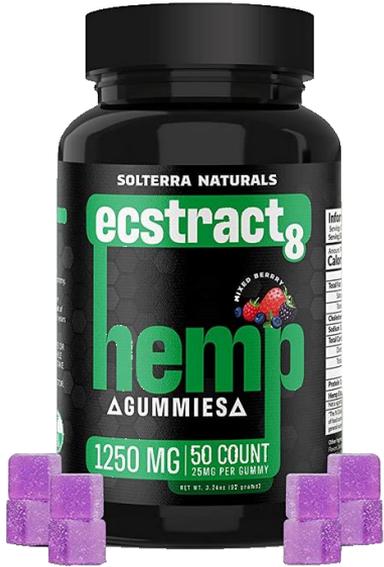
Meehan-Atrash, J., et al. (2021). "Novel D8-Tetrahydrocannabinol Vaporizers Contain Unlabeled Adulterants, Unintended Byproducts of Chemical Synthesis, and Heavy Metals." *Chem. Res. Toxicol.* **35** (1)

Chromatography

- Gas Chromatography (GC)
- Liquid Chromatography (LC)
 - HPLC, UPLC, SFC
- *Retention Time* (t_R) helps identifies peak identity
- *Peak Area* relates to quantity of analyte

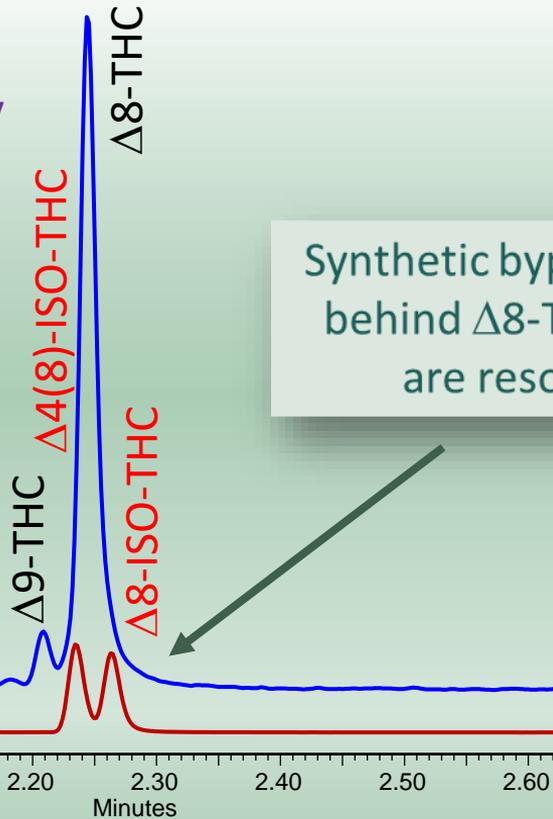


$\Delta 8$ Gummies – by LCUV



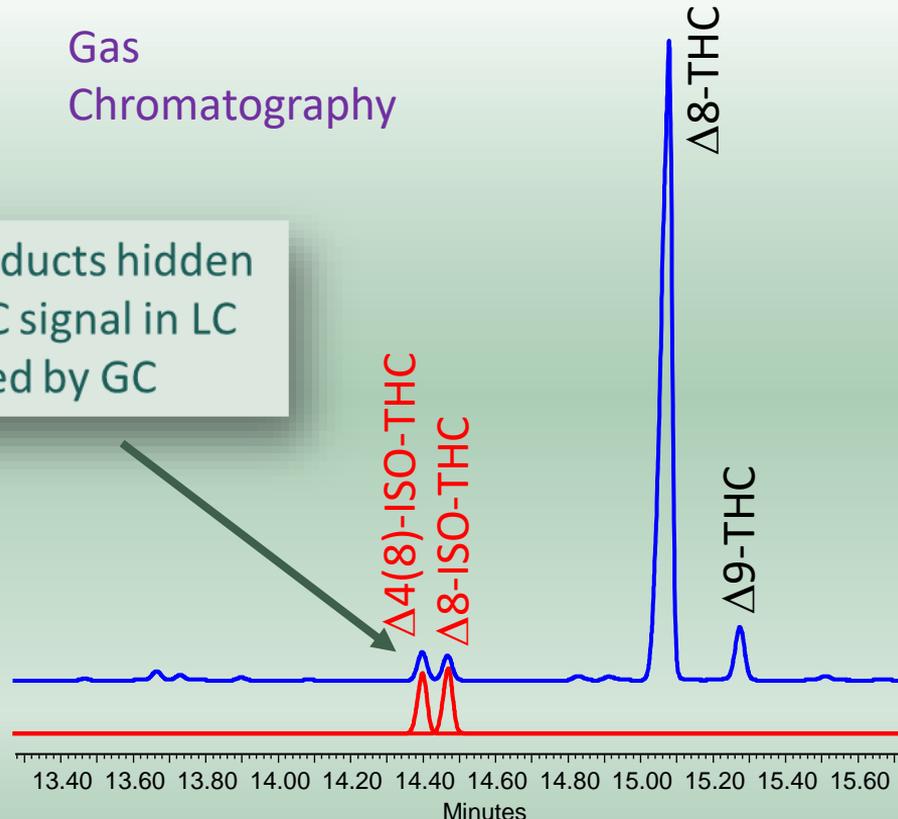
$\Delta 8$ -THC Analysis: LC vs GC

Liquid Chromatography



Synthetic byproducts hidden behind $\Delta 8$ -THC signal in LC are resolved by GC

Gas Chromatography

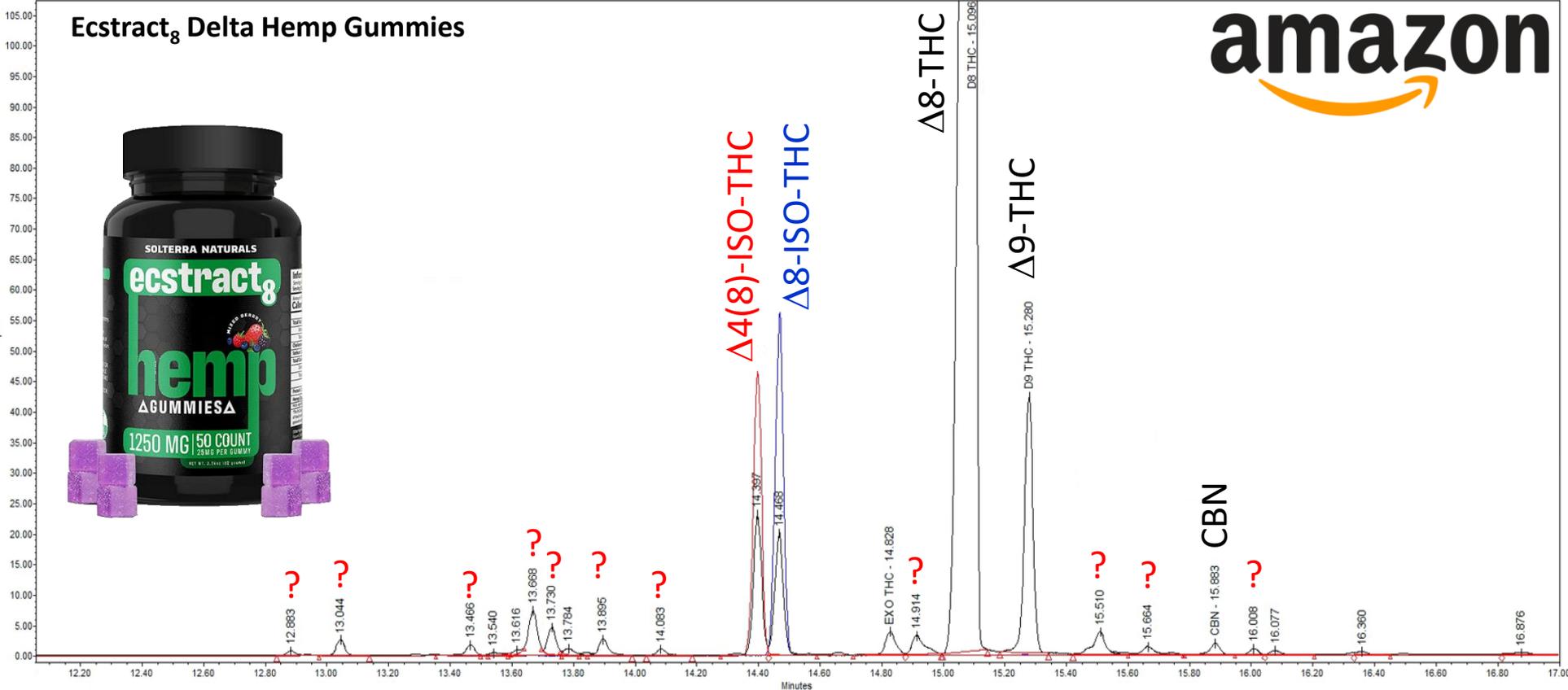


$\Delta 8$ Gummies – GCFID

Ecstrac₈ Delta Hemp Gummies

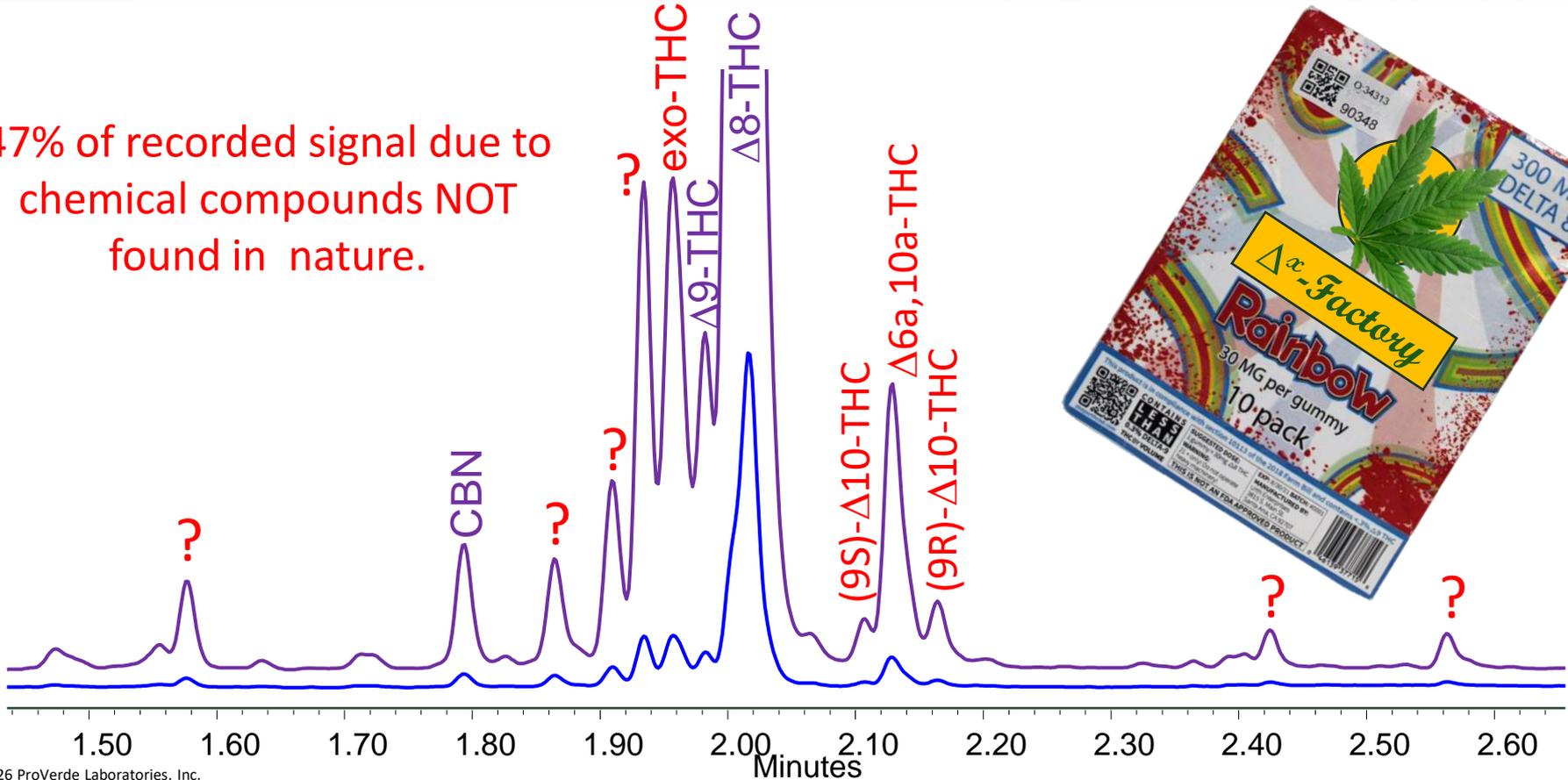


amazon

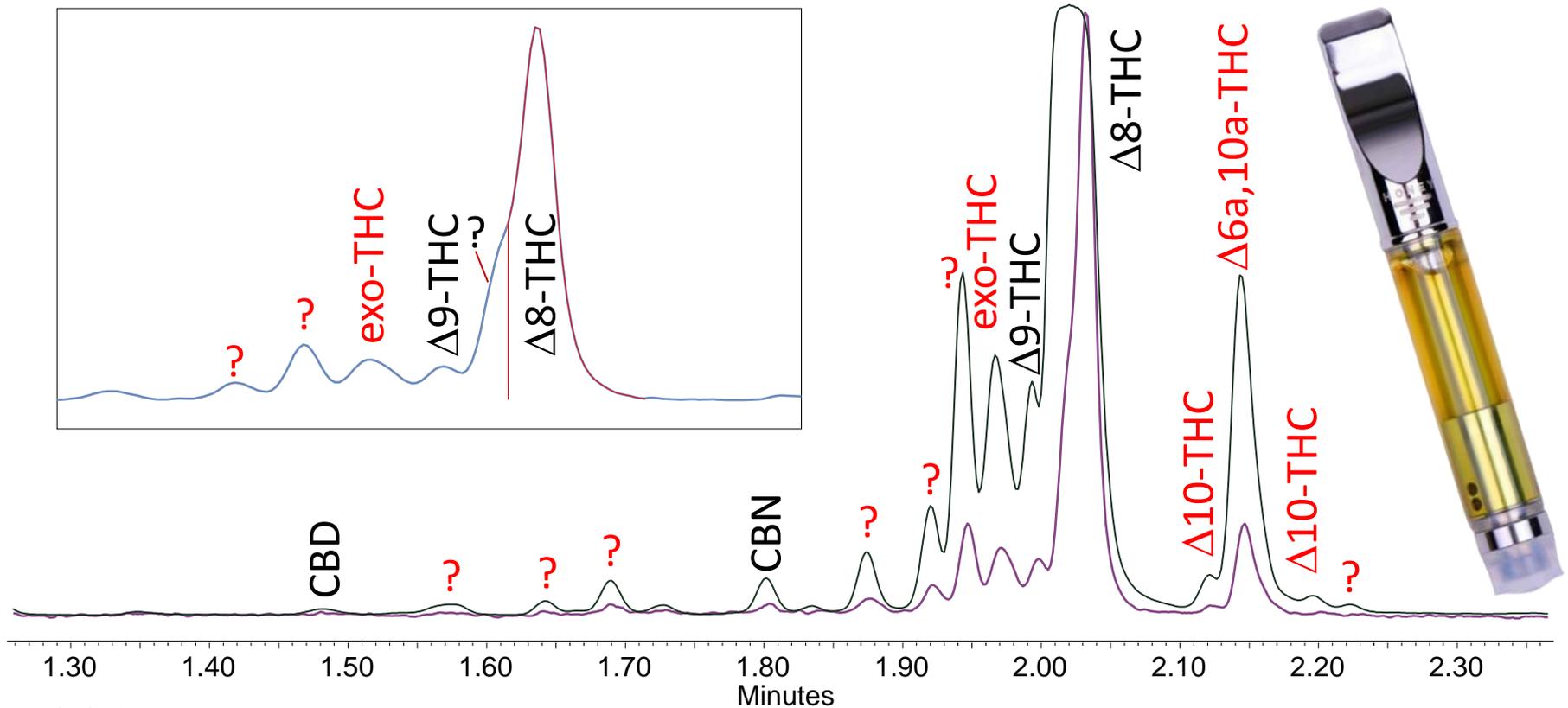


Semi-Synthetic Cannabinoids

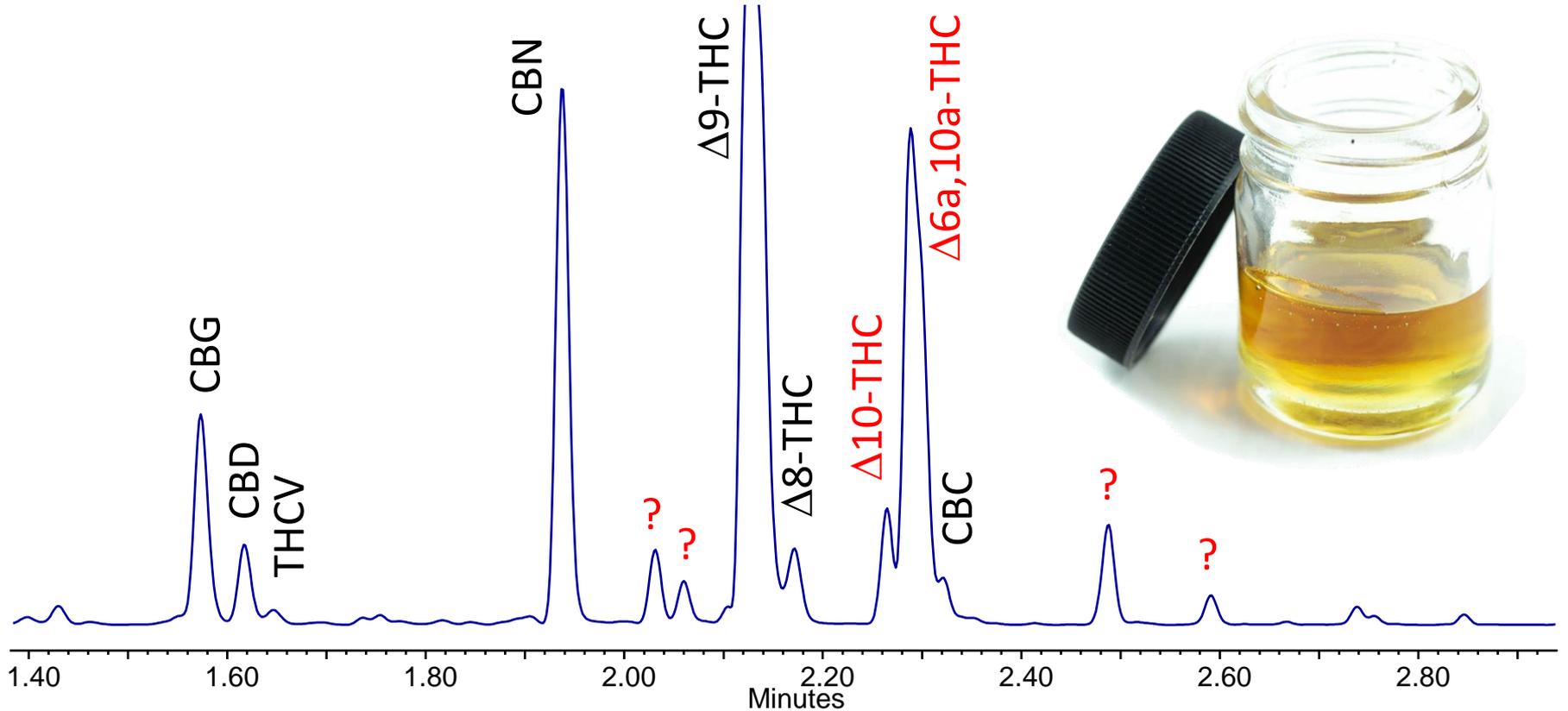
47% of recorded signal due to chemical compounds NOT found in nature.



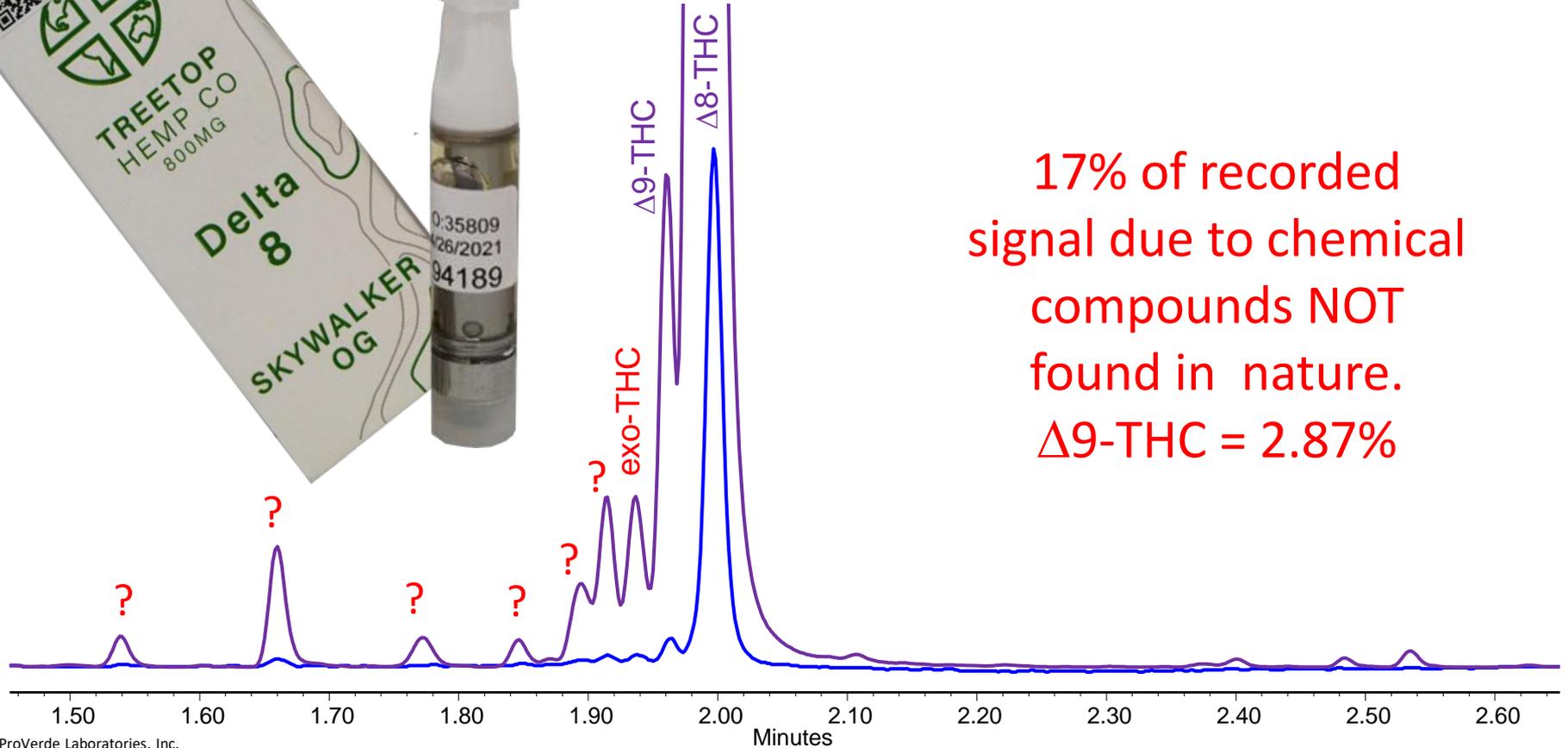
Lemon Drop Vape Cartridge Oil



$\Delta 9$ -THC Distillate



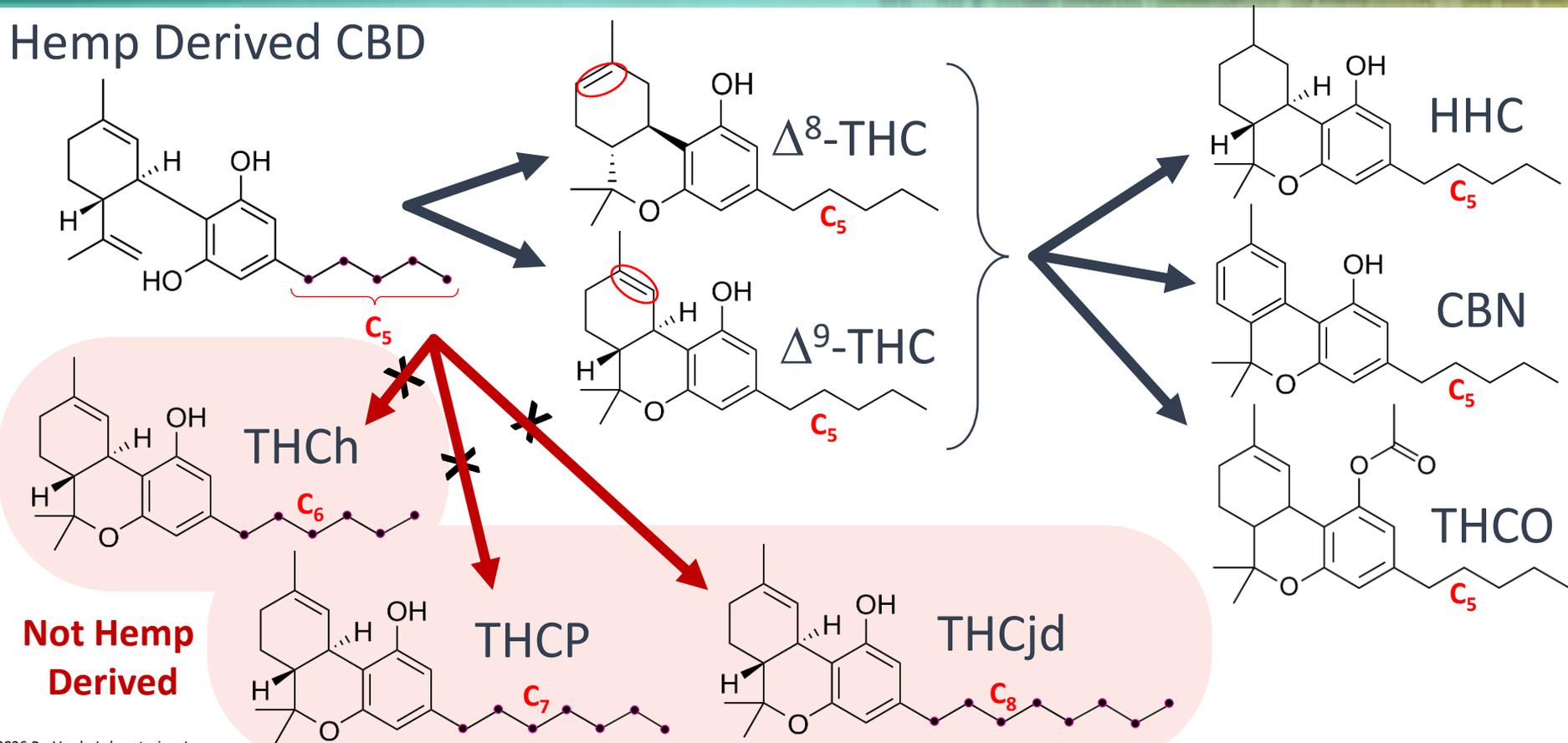
Tree Top Vape



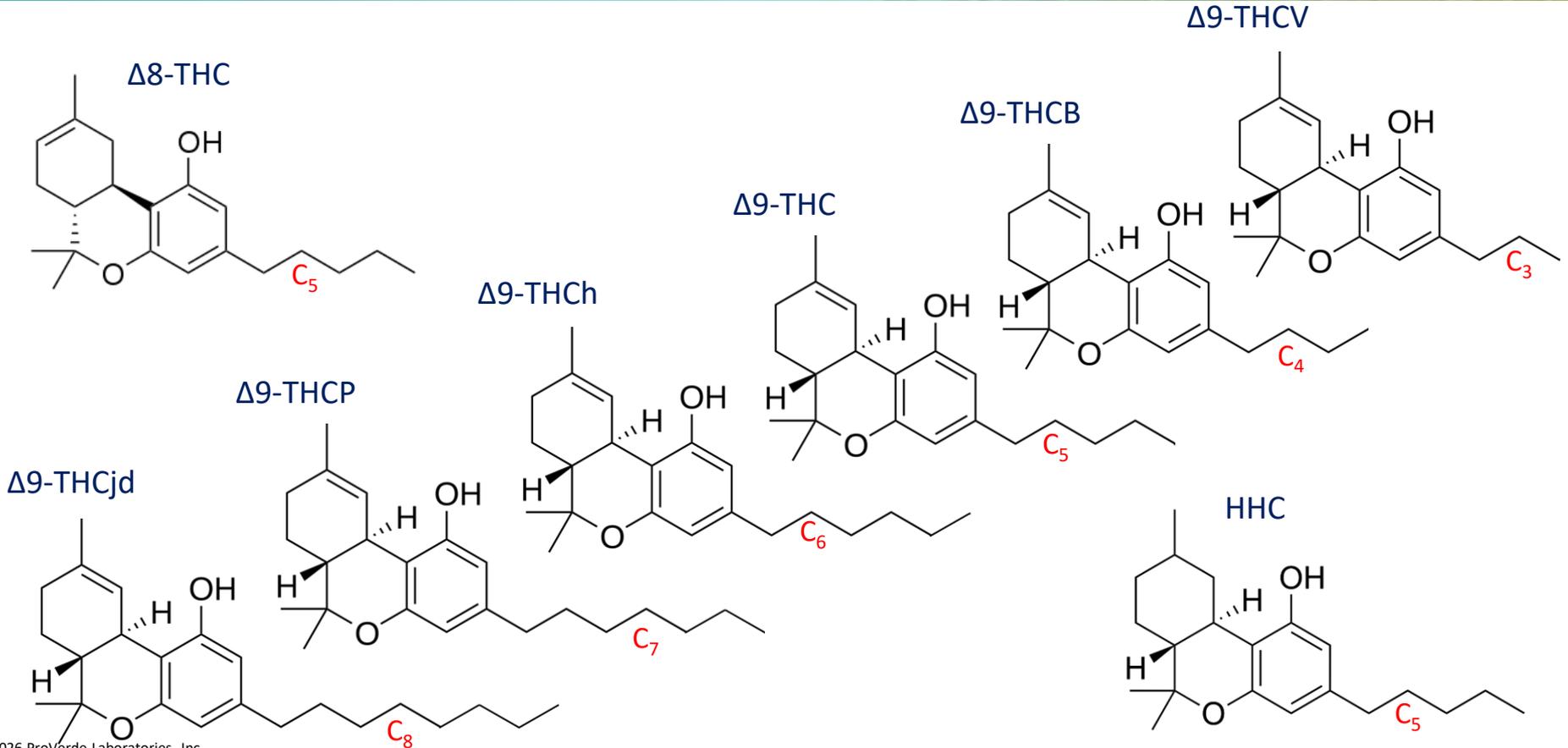
17% of recorded signal due to chemical compounds NOT found in nature.
 $\Delta 9\text{-THC} = 2.87\%$

Hemp Derived Intoxicants

Hemp Derived CBD

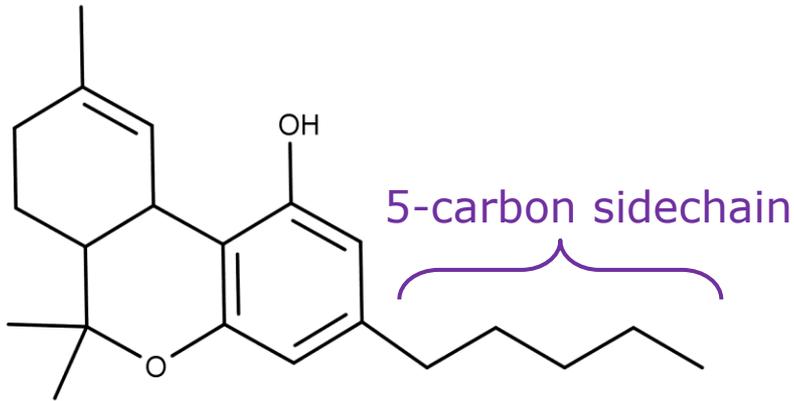


Cannabinoid Homologs and Analogs

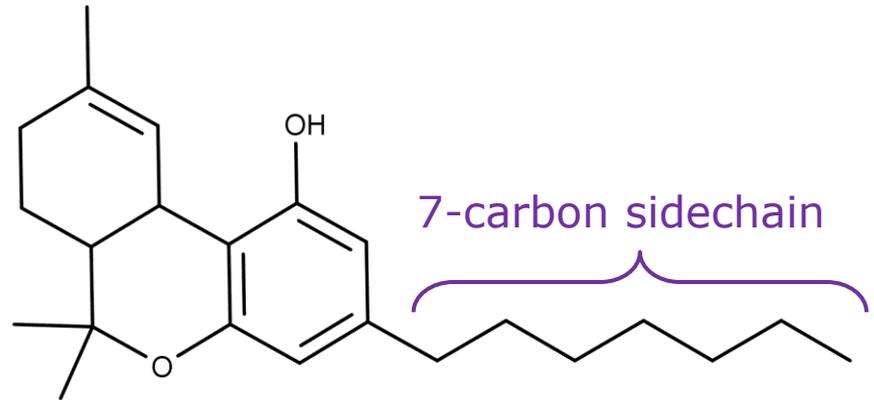


Synthetic Cannabinoids - THCP

- Synthetic homolog of tetrahydrocannabinol



Δ9-Tetrahydrocannabinol (THC)

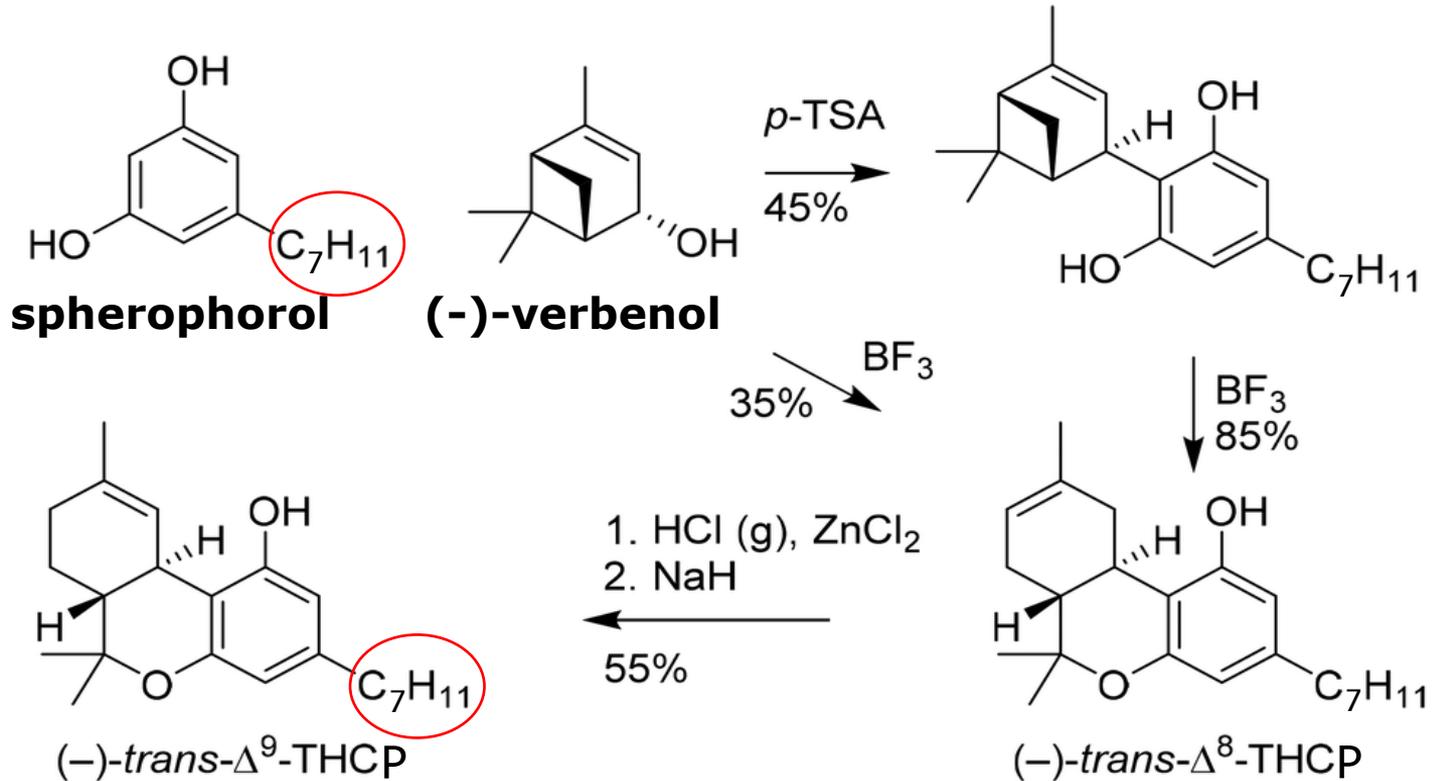


Δ9-Tetrahydrocannabiphorol (THCP)

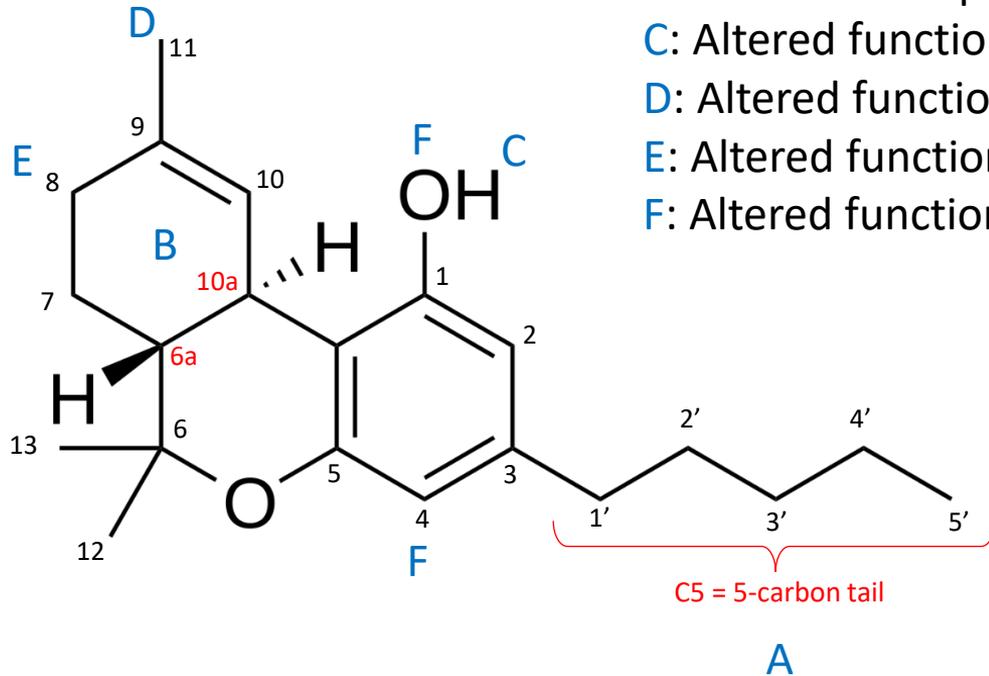
Found naturally in cannabis but only at trace levels

Synthetic Cannabinoids - THCP

- One approach: Friedel–Crafts alkylation of spherophorol with (-)-verbenol



Variants of THC



A: Alkyl homologs: C4, C5, C6, C7, C8, C9

B: Double bond position: 6a10a, 7, 8, 9, 10, 11, full, none

C: Altered functionality: H, Acid, O-Ac, O-Me, O-Et, O-Prop

D: Altered functionality: H or Hydroxy

E: Altered functionality: H or Hydroxy

F: Altered functionality: OH or Quinone

Number of Possible Variants

$$= 6 \times 8 \times 6 \times 2 \times 2 \times 2$$

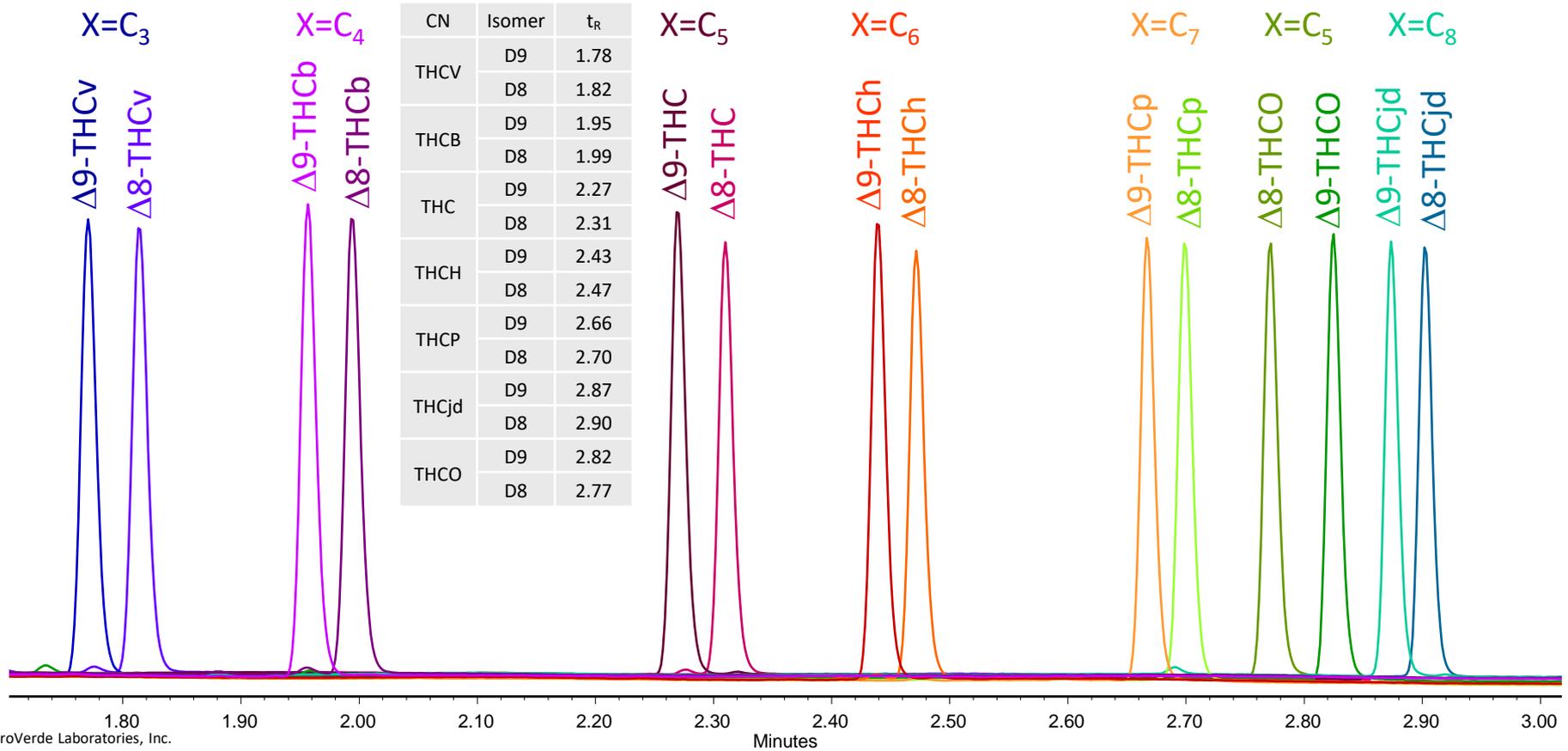
$$= 2,304$$

This is Where it Gets Scary!

Mr. Potato Head



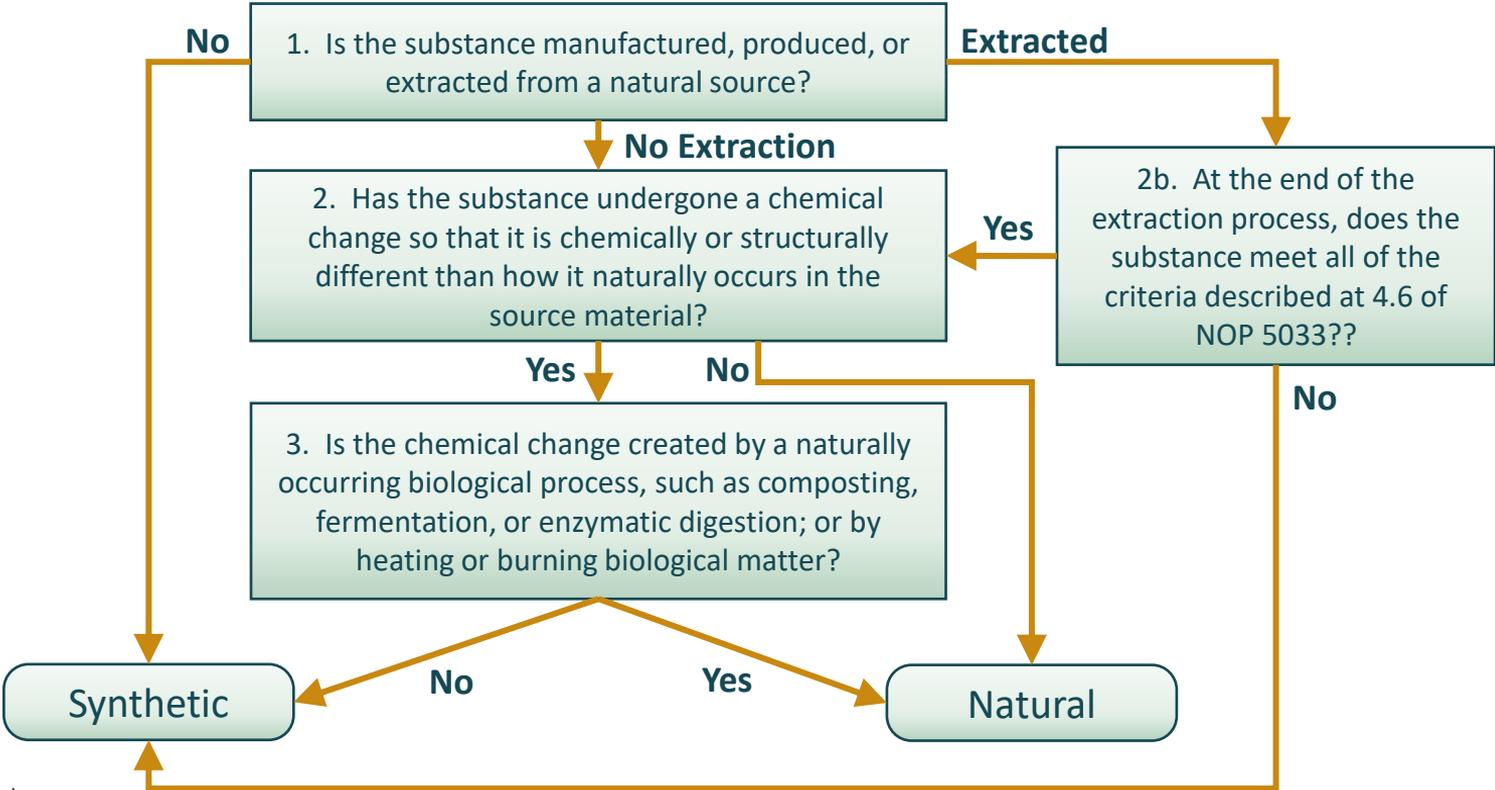
LC Analysis of THCx



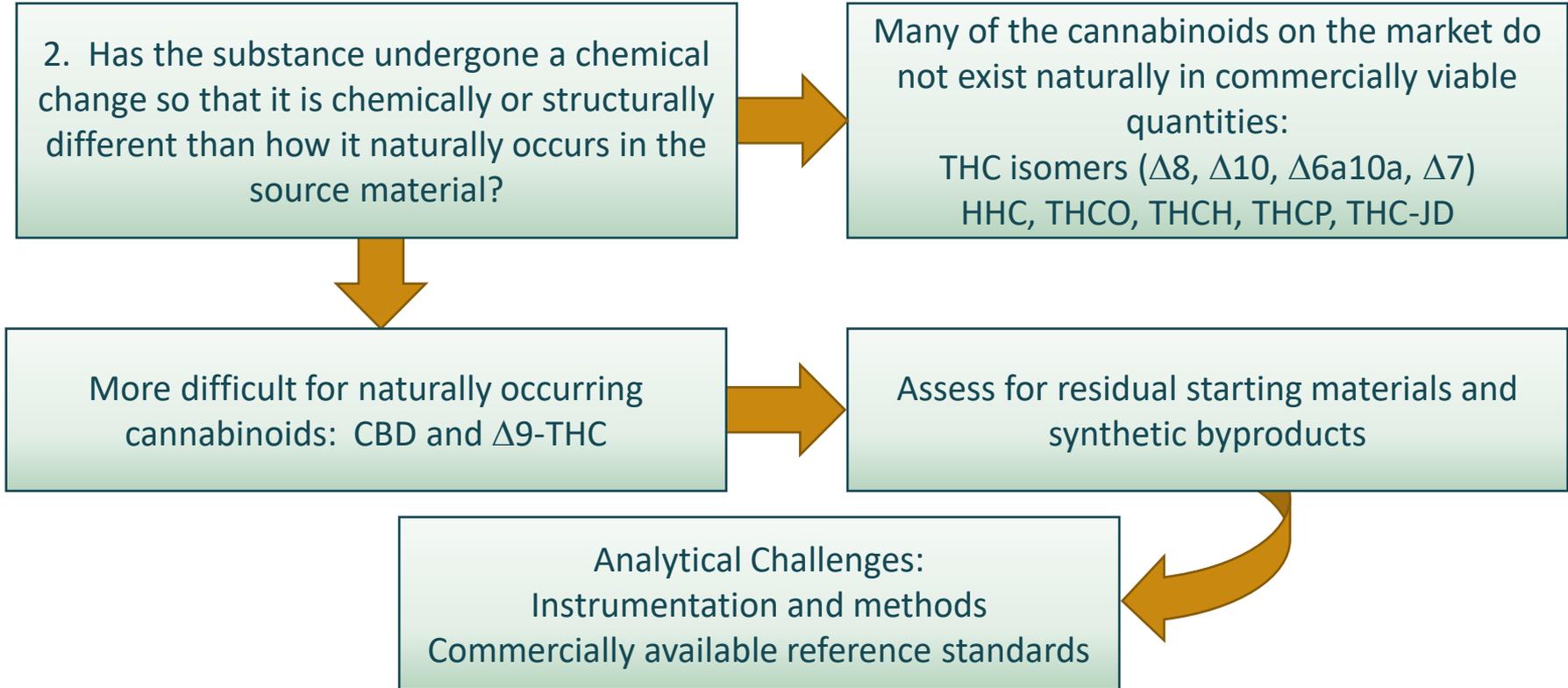
Natural or Synthetic

Substance

USDA: NOP 5033-1 Decision Tree for Classification Syn/NS



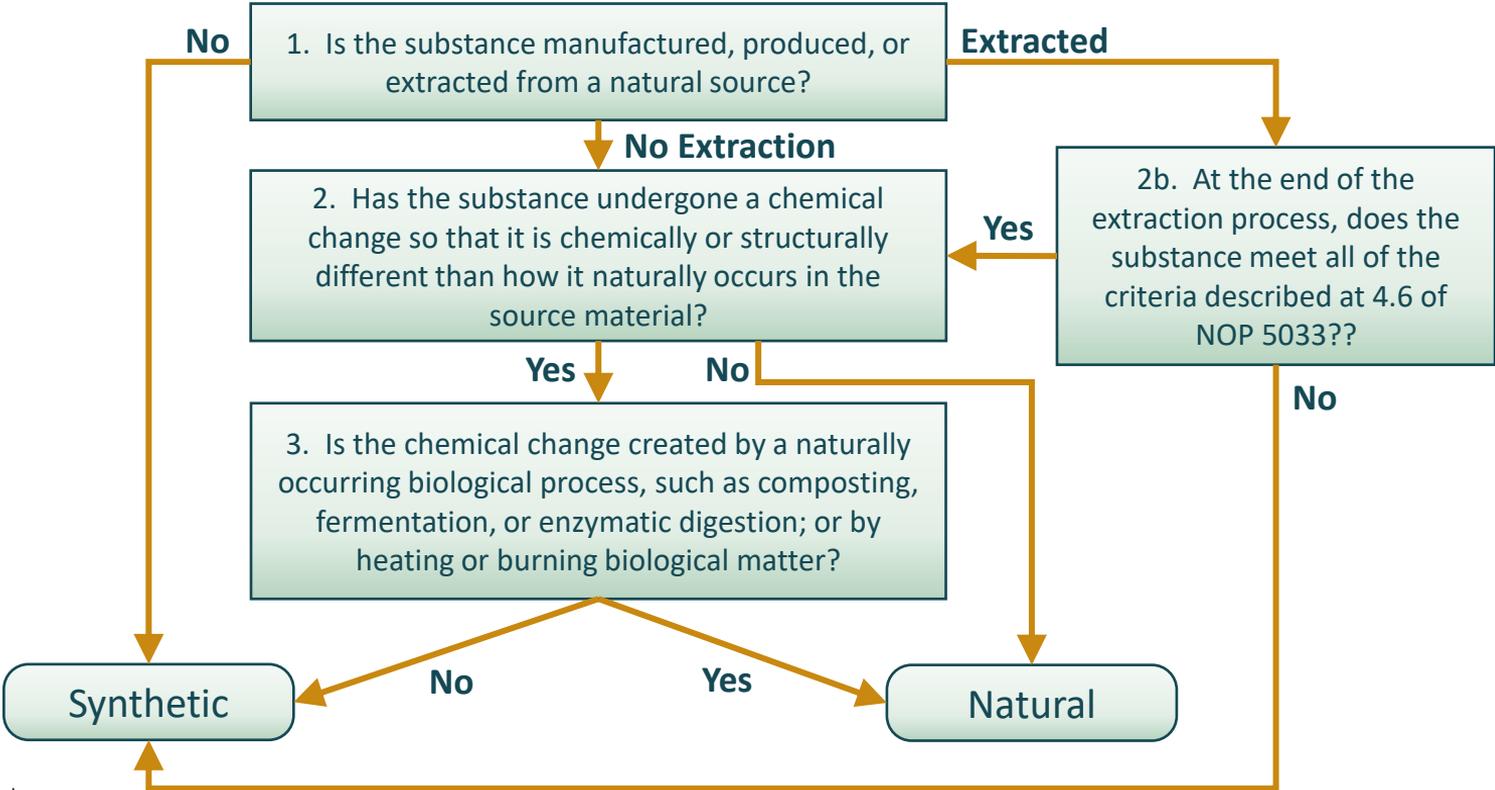
Natural or Synthetic



Natural or Synthetic

Substance

USDA: NOP 5033-1 Decision Tree for Classification Syn/NS



Hemp or Marijuana?

Natural

Ratio of
CBD: THC

Naturally > 20:1
With post-processing
> 2:1



Intoxication

The temporary alteration of perception, mood, consciousness, cognition or behavior associated most often associated with ingestion or inhalation of intoxicants

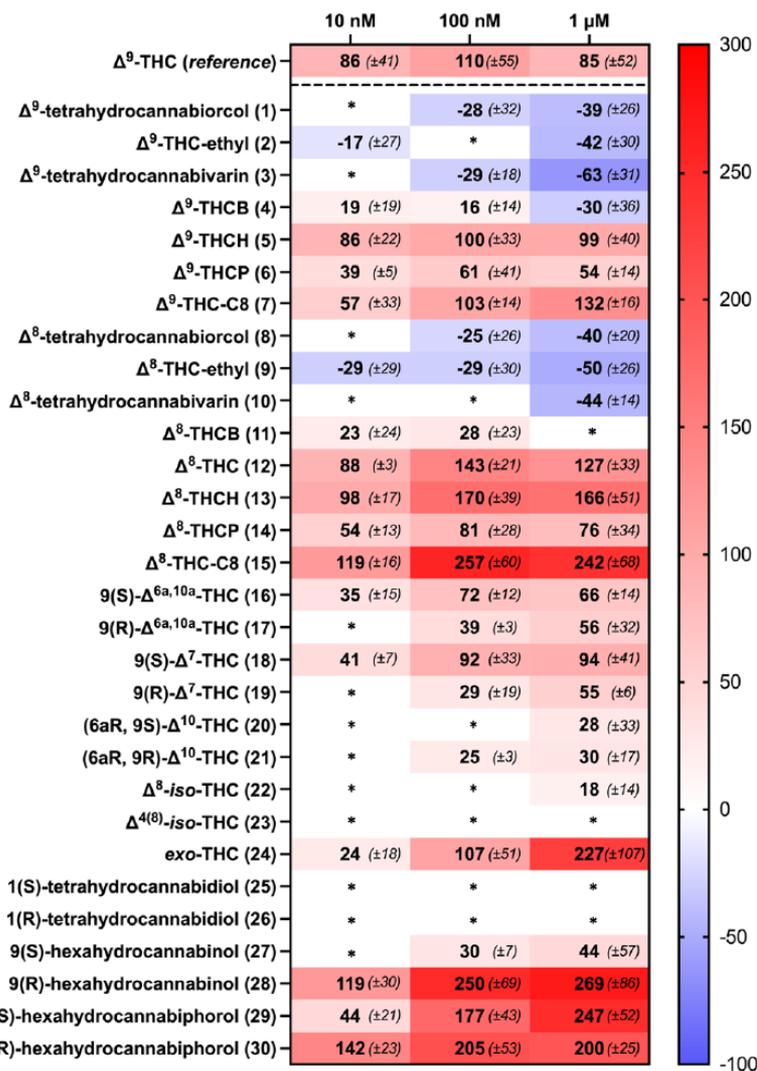
For cannabis, the primary mechanism for intoxication is the binding of cannabinoids (THC) to cannabinoid receptors (CB1)

Study Intoxicating Properties

- Most available data is based on anecdotal reports
“yo, this stuff is straight fire, got me totally lit”
- More recent academic studies have begun to investigate how the individual chemical compounds bind to cannabinoid receptors, as a means of understanding the potential intoxication properties
- The stronger binding is often associated with more intense, longer duration physiological response



Study Intoxicating Properties



- “Heat maps” indicate analytic binding constants to receptors
- Can compare binding relative to Delta-9-THC for several of the available synthetics
- Does not consider toxicity of compounds

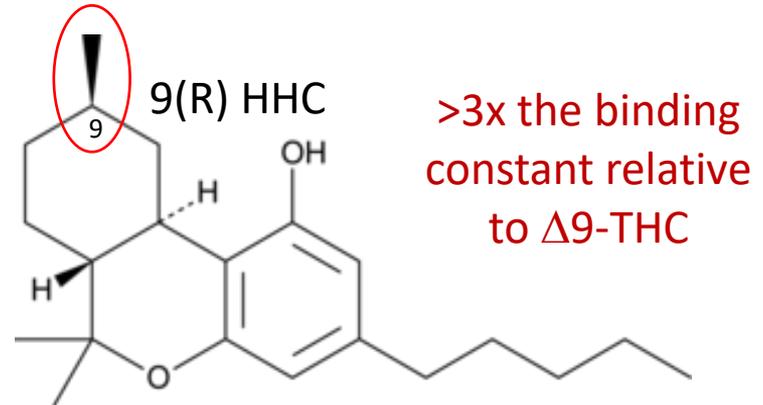
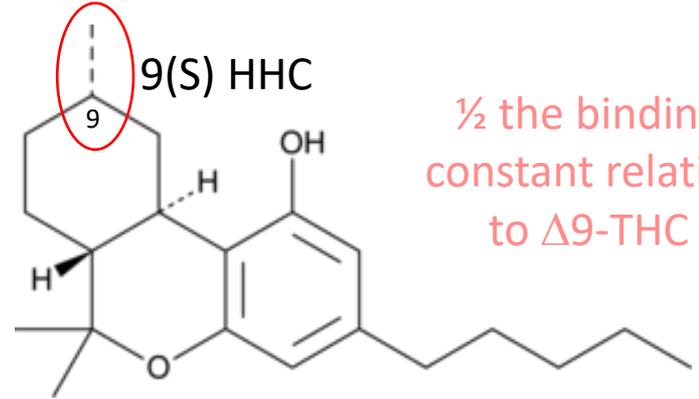
Archives of Toxicology - <https://doi.org/10.1007/s00204-024-03769-4>

Investigation of the intrinsic cannabinoid activity of hemp-derived and semisynthetic cannabinoids with β -arrestin2 recruitment assays—and how this matters for the harm potential of seized drugs

Study Intoxicating Properties

	10 nM	100 nM	1 μM
Δ^9 -THC (reference)	86 (± 41)	110 (± 55)	85 (± 52)
Δ^9 -tetrahydrocannabinol (1)	*	-28 (± 32)	-39 (± 26)
Δ^9 -THC-ethyl (2)	-17 (± 27)	*	-42 (± 30)
Δ^9 -tetrahydrocannabivarin (3)	*	-29 (± 18)	-63 (± 31)
Δ^9 -THCB (4)	19 (± 19)	16 (± 14)	-30 (± 36)
Δ^9 -THCH (5)	86 (± 22)	100 (± 33)	99 (± 40)
Δ^9 -THCP (6)	39 (± 5)	61 (± 41)	54 (± 14)
Δ^9 -THC-C8 (7)	57 (± 33)	103 (± 14)	132 (± 16)
Δ^8 -tetrahydrocannabinol (8)	*	-25 (± 26)	-40 (± 20)
Δ^8 -THC-ethyl (9)	-29 (± 29)	-29 (± 30)	-50 (± 26)
Δ^8 -tetrahydrocannabivarin (10)	*	*	-44 (± 14)
Δ^8 -THCB (11)	23 (± 24)	28 (± 23)	*
Δ^8 -THC (12)	88 (± 3)	143 (± 21)	127 (± 33)
Δ^8 -THCH (13)	98 (± 17)	170 (± 39)	166 (± 51)
Δ^8 -THCP (14)	54 (± 13)	81 (± 28)	76 (± 34)
Δ^8 -THC-C8 (15)	119 (± 16)	257 (± 60)	242 (± 68)
9(S)- $\Delta^{6a,10a}$ -THC (16)	35 (± 15)	72 (± 12)	66 (± 14)
9(R)- $\Delta^{6a,10a}$ -THC (17)	*	39 (± 3)	56 (± 32)
9(S)- Δ^7 -THC (18)	41 (± 7)	92 (± 33)	94 (± 41)
9(R)- Δ^7 -THC (19)	*	29 (± 19)	55 (± 6)
(6aR, 9S)- Δ^{10} -THC (20)	*	*	28 (± 33)
(6aR, 9R)- Δ^{10} -THC (21)	*	25 (± 3)	30 (± 17)
Δ^8 - <i>iso</i> -THC (22)	*	*	18 (± 14)
$\Delta^{4(8)}$ - <i>iso</i> -THC (23)	*	*	*
<i>exo</i> -THC (24)	24 (± 18)	107 (± 51)	227 (± 107)
1(S)-tetrahydrocannabinidiol (25)	*	*	*
1(R)-tetrahydrocannabinidiol (26)	*	*	*
9(S)-hexahydrocannabinol (27)	*	30 (± 7)	44 (± 57)
9(R)-hexahydrocannabinol (28)	119 (± 30)	250 (± 69)	269 (± 86)
9(S)-hexahydrocannabiphorol (29)	44 (± 21)	177 (± 43)	247 (± 52)
9(R)-hexahydrocannabiphorol (30)	142 (± 23)	205 (± 53)	200 (± 25)

HHC
Hemp
Derived



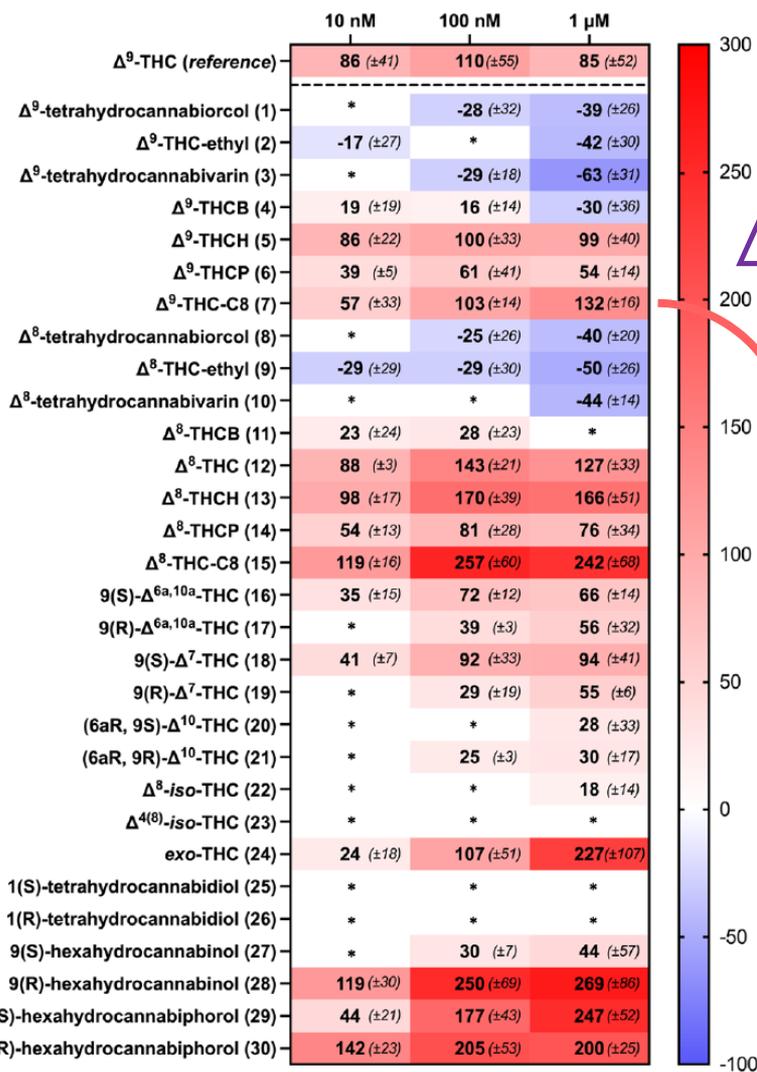
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$\Delta^{4(8)}$ -iso-THC (23)	*	*	*
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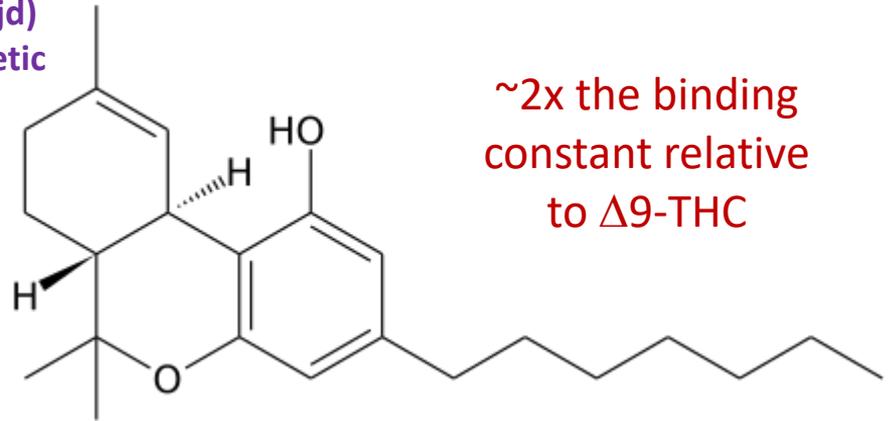
When buying an HHC Product, WHICH HHC are you getting?

Study Intoxicating Properties



Δ^9 -THC-C8

(THC-jd)
Synthetic



Archives of Toxicology - <https://doi.org/10.1007/s00204-024-03769-4>

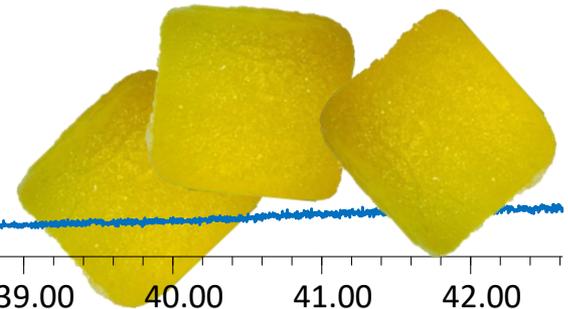
Investigation of the intrinsic cannabinoid activity of hemp-derived and semisynthetic cannabinoids with β -arrestin2 recruitment assays—and how this matters for the harm potential of seized drugs

Synthetic Cannabinoids - THCP

GCMS



4.67 mg/gummy



31.00 32.00 33.00 34.00 35.00 36.00 37.00 38.00 39.00 40.00 41.00 42.00

Synthetic Cannabinoids - THCP

8/16/2024	Consumed one gummy (4.67 mg THCP/gummy)
8/19/2024	Client incapacitated for 3 days
8/26/2024	Psychotic behavior intensifies – Hospitalized for psychotic condition
	Placed on antipsychotic medication
9/3/2024	Client released from hospital to family care
	Taken off antipsychotic medication – Replaced with anti-anxiety medication
9/13/2024	Client suffered second acute psychotic episode – Admitted to psychiatric hospital
9/16/2024	Transferred to Mental Health Unit
9/23/2024	Released to return home
10/2024	Continued bouts of psychosis – Received regular psychiatric treatment and medication
11/2024	Continued bouts of psychosis – Received regular psychiatric treatment and medication
1/2025	Late in January, returned to work, but still has psychotic bouts

Inclusion of Synthetics in Current Regulation

Could these be included in current state programs?

- Little known about these compounds
- Many contaminants have not yet been identified
 - Their structures and toxicity are unknown
- Every recipe (SOP) will have a different contaminant profile
 - Which contaminants do the labs test for?
- Methods do not yet exist to test effectively for many of these contaminants
 - Typical lab instrumentation often cannot resolve contaminants
 - Specialized instrumentation is prohibitively expensive

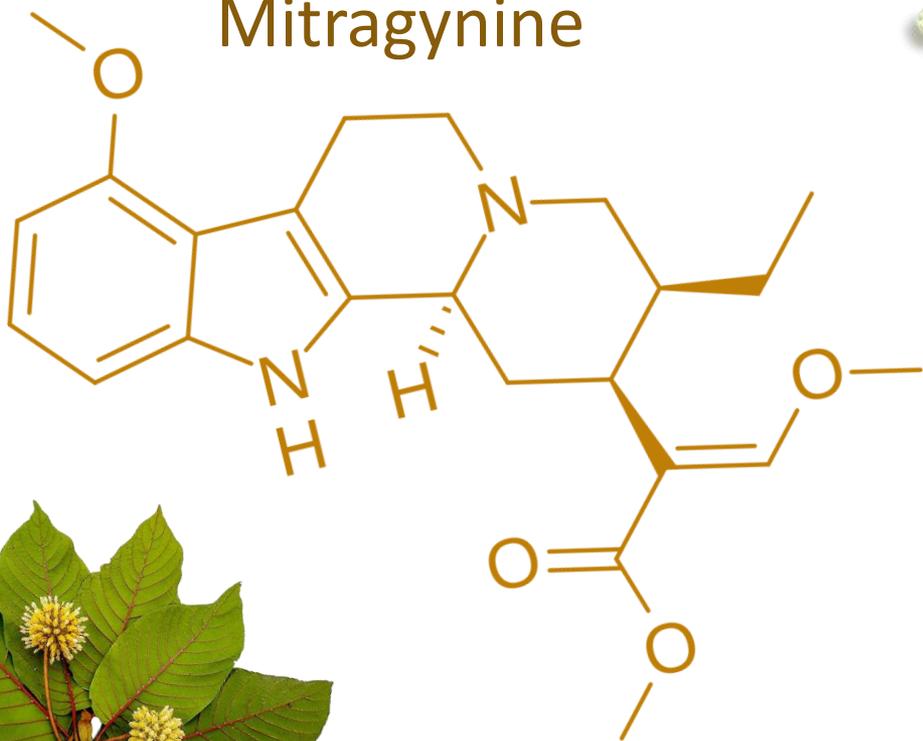


Where are we headed?



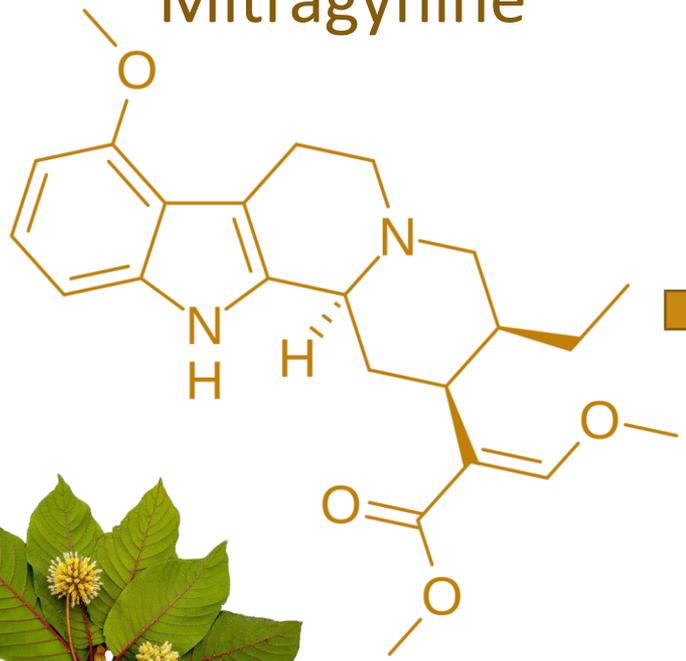
Kratom

Mitragynine



Kratom

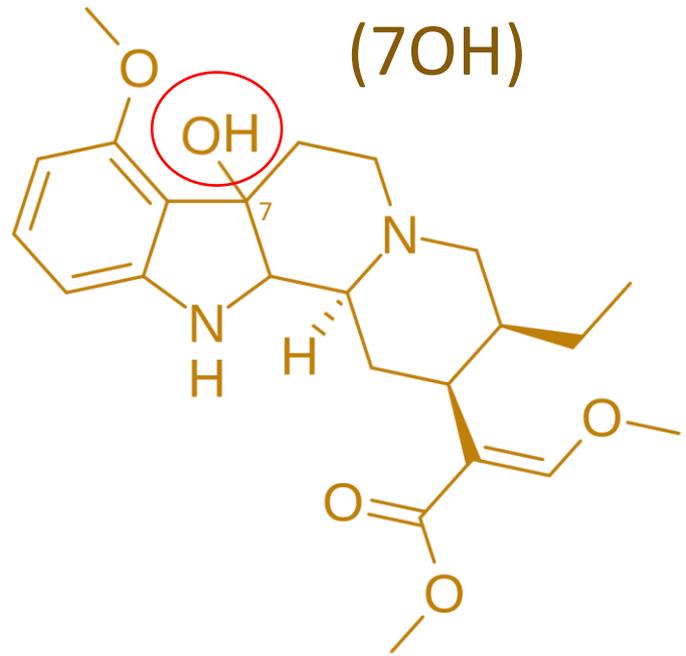
Mitragynine



Natural
Metabolic
Pathway



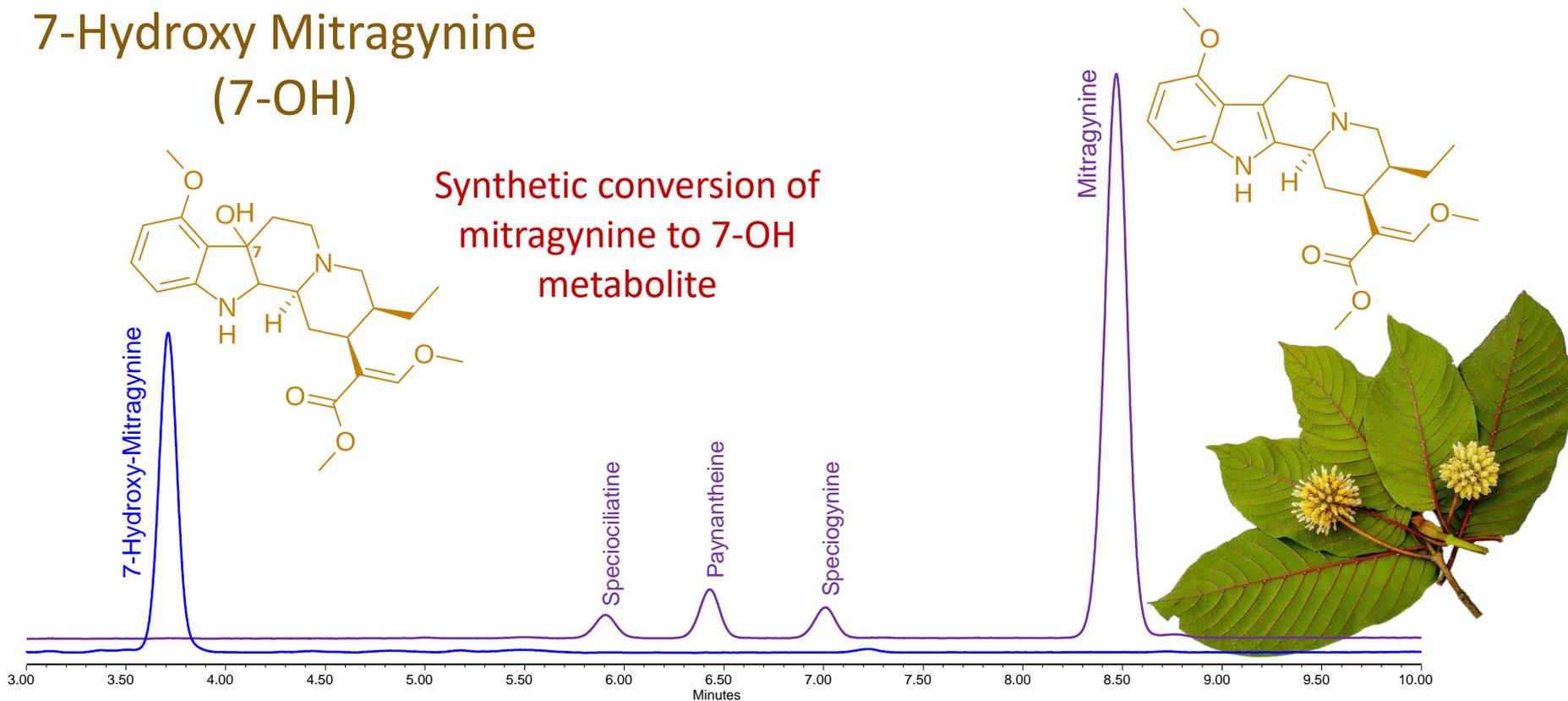
7-Hydroxy Mitragynine
(7OH)



Kratom

7-Hydroxy Mitragynine (7-OH)

Synthetic conversion of
mitragynine to 7-OH
metabolite





NEWS RELEASE

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For Immediate Release:

September 12, 2025

Multiple Fatal Overdoses Tied to Synthetic Kratom Compound in Los Angeles County

The Los Angeles County Department of Public Health is making residents and health care providers aware of the risks of the synthetic kratom compound known as 7-Hydroxymitragynine (7-OH) after the County of Los Angeles Medical Examiner recently identified three fatal overdoses in LA County residents between the ages of 18 to 40 years old. Alcohol was present in all cases. The decedents were otherwise healthy, with no other substances identified as substantively contributing to their deaths.

Adulterated Products

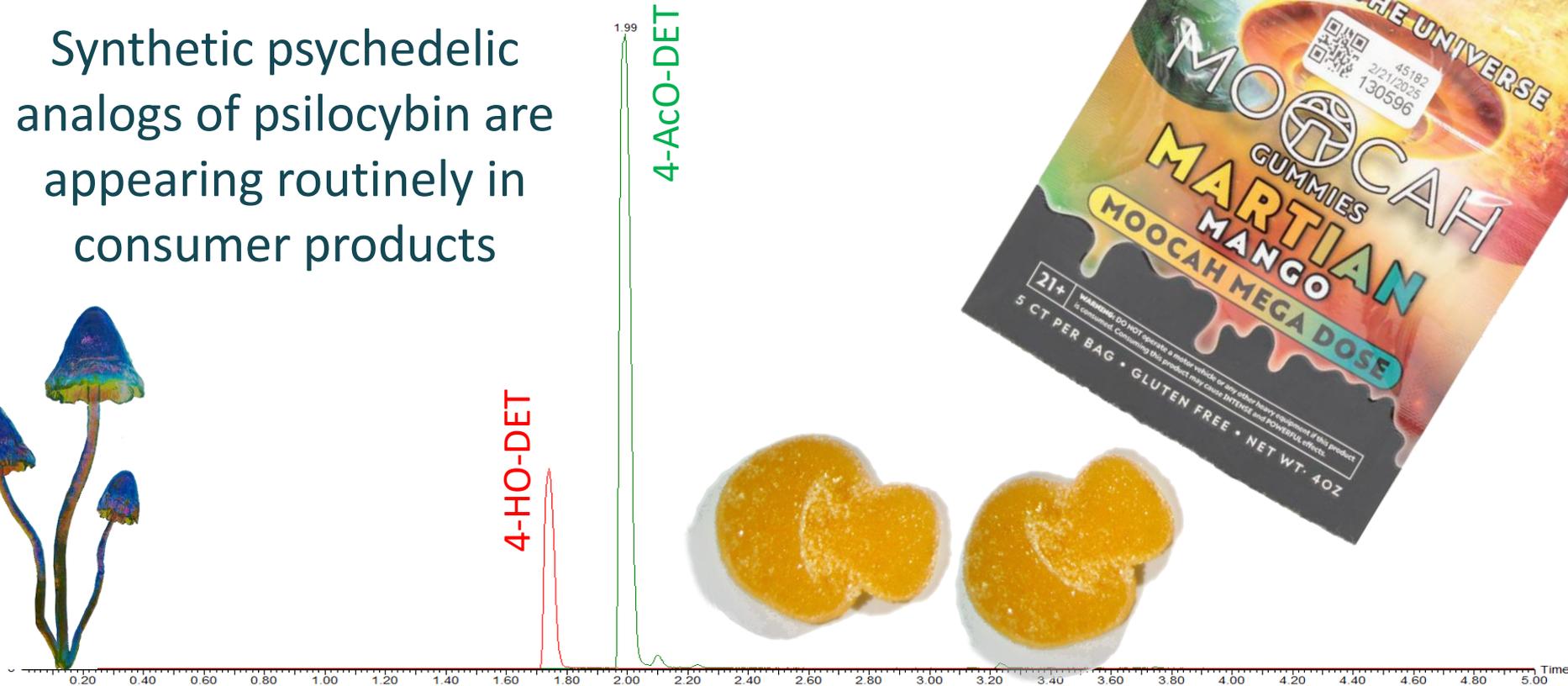
Synthetic psychedelic analogs of psilocybin are appearing routinely in consumer products



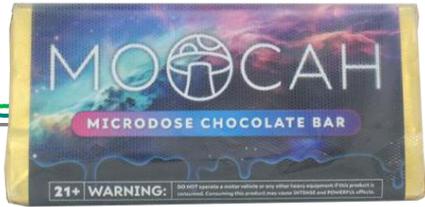
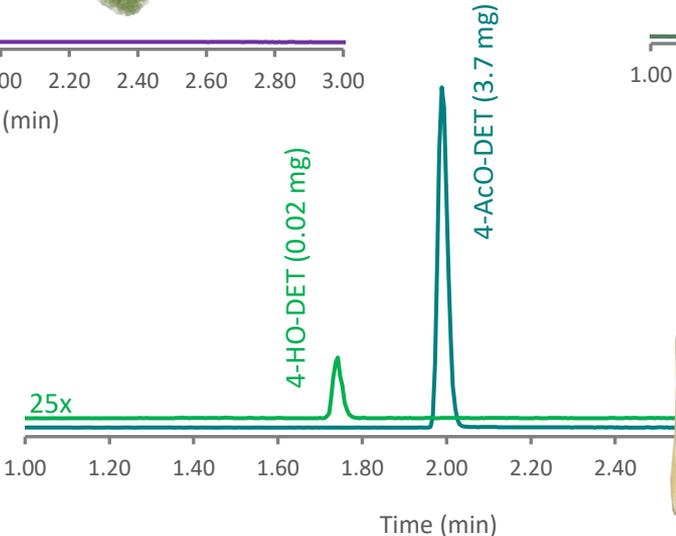
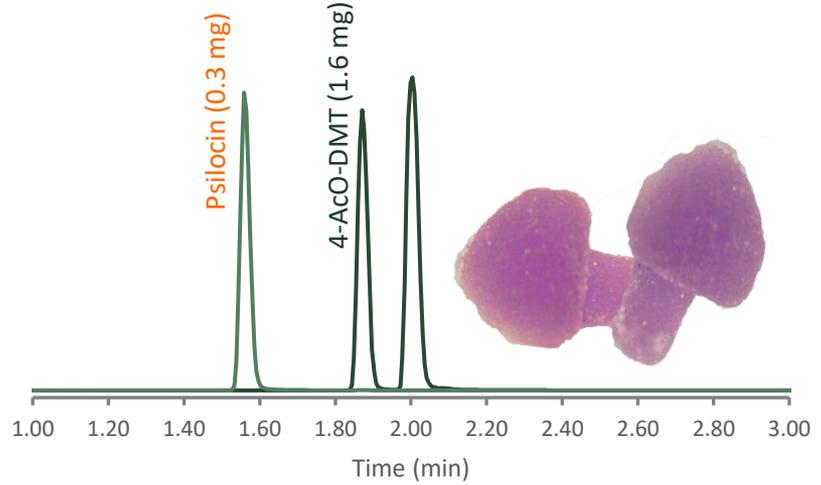
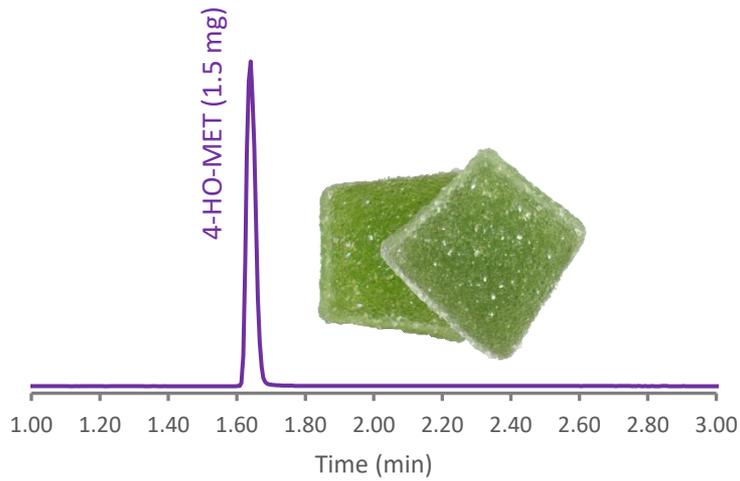
4-HO-DET

4-ACO-DET

1.99



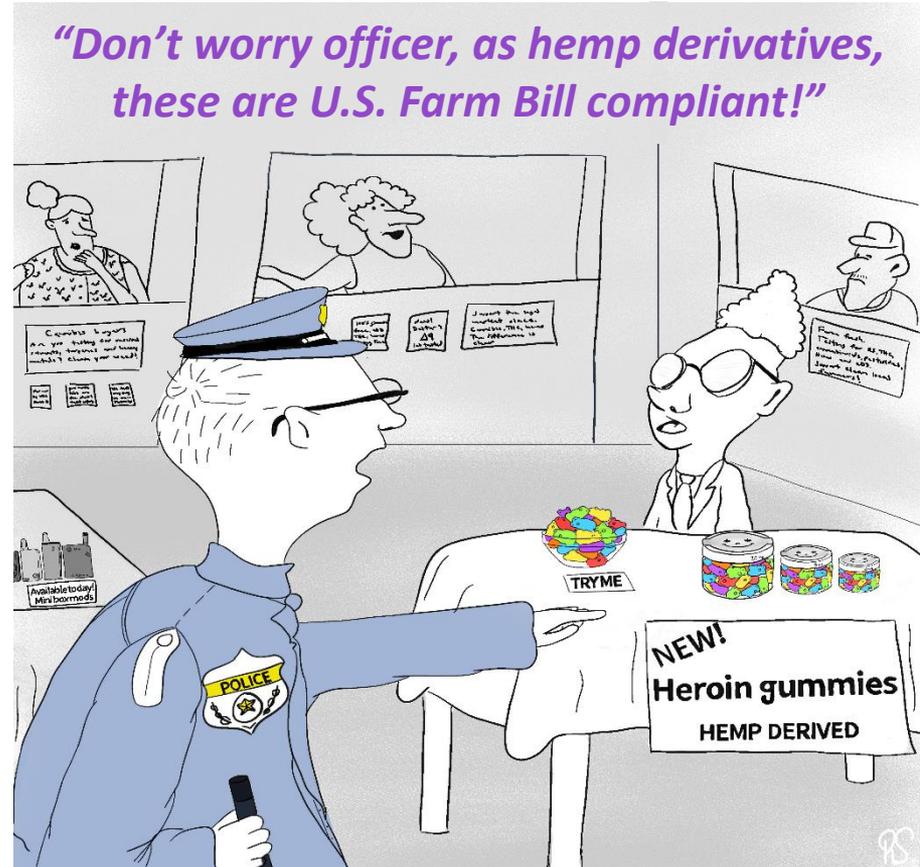
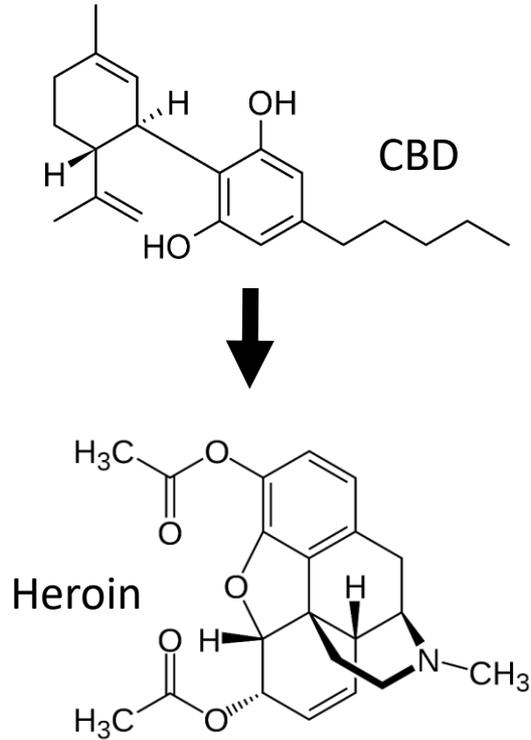
Tryptamines



Summary

- The cannabis/hemp industry is challenged with increasing complexity
- Producers continue to push the limits
 - Just because we can.... Should we?
 - Use mis-information to justify the “legality” of their products
- Regulators struggle to understand the creation of novel cannabinoids and processes used to create finished consumer products
- Crafting of legislation and regulation suffers from the inability to articulate the differences between these chemical compounds, so they often go unaddressed
- Growth of the industry must include consumer safety as a fundamental goal for success.

Legal Hemp Derivatives



Thank You!



Chris.Hudalla@ProVerdeLabs.com

Texas CHP

Health and Safety Code

CHAPTER 443. MANUFACTURE, DISTRIBUTION, AND SALE OF CONSUMABLE HEMP PRODUCTS

443 references
Compliance with
both 121 and 431

Agriculture Code

CHAPTER 121. STATE HEMP PRODUCTION PLAN

Health and Safety Code

CHAPTER 431. TEXAS FOOD, DRUG, AND COSMETIC ACT

431 references
Compliance with 122

Agriculture Code

CHAPTER 122. CULTIVATION OF HEMP

121 references
Compliance with 122

Requires "post-decarboxylation" testing to assess compliance

Texas CHP

HEALTH AND SAFETY CODE CHAPTER 443

HEALTH AND SAFETY CODE

TITLE 6. FOOD, DRUGS, ALCOHOL, AND HAZARDOUS SUBSTANCES

SUBTITLE A. FOOD AND DRUG HEALTH REGULATIONS

CHAPTER 443. MANUFACTURE, DISTRIBUTION, AND SALE OF CONSUMABLE HEMP PRODUCTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 443.002. APPLICABILITY OF OTHER LAW.

Except as provided by Section [431.011\(c\)](#), Chapter [431](#) applies to a license holder and a consumable hemp product regulated under this chapter.

Sec. 443.051. RULEMAKING AUTHORITY OF EXECUTIVE COMMISSIONER.

The executive commissioner shall adopt rules and procedures necessary to administer and enforce this chapter. Rules and procedures adopted under this section must be consistent with:

- (1) an approved state plan submitted to the United States Department of Agriculture under Chapter [121](#), Agriculture Code; and
- (2) 7 U.S.C. Chapter 38, Subchapter VII, and federal regulations adopted under that subchapter.

Texas CHP

AGRICULTURE CODE CHAPTER 121

AGRICULTURE CODE

TITLE 5. PRODUCTION, PROCESSING, AND SALE OF HORTICULTURAL PRODUCTS

SUBTITLE F. HEMP

CHAPTER 121. STATE HEMP PRODUCTION PLAN

Sec. 121.003. STATE PLAN. (a) The department, after consulting with the governor and attorney general, shall develop a state plan to monitor and regulate the production of hemp in this state. **The plan must comply with:**

- (1) 7 U.S.C. Section 1639p;
- (2) **Chapter 122**; and
- (3) Chapter **443**, Health and Safety Code.

Texas CHP

HEALTH AND SAFETY CODE CHAPTER 431

HEALTH AND SAFETY CODE

TITLE 6. FOOD, DRUGS, ALCOHOL, AND HAZARDOUS SUBSTANCES

SUBTITLE A. FOOD AND DRUG HEALTH REGULATIONS

CHAPTER 431. TEXAS FOOD, DRUG, AND COSMETIC ACT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 431.043. ACCESS TO RECORDS. A person who is required to maintain records under this chapter or Section 519 or 520(g) of the federal Act or a person who is in charge or custody of those records shall, at the request of the department or a health authority, permit the department or health authority at all reasonable times access to and to copy and verify the records, including records that verify that the hemp in a consumable hemp product was produced in accordance with Chapter [122](#), Agriculture Code, or 7 U.S.C. Chapter 38, Subchapter VII.

Texas CHP

AGRICULTURE CODE CHAPTER 122

•AGRICULTURE CODE

TITLE 5. PRODUCTION, PROCESSING, AND SALE OF HORTICULTURAL PRODUCTS

SUBTITLE F. HEMP

CHAPTER 122. CULTIVATION OF HEMP

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 122.153. PREHARVEST TESTING REQUIRED. (a) A license holder may not harvest a hemp plant or plant intended or believed to be hemp unless a representative sample of plants from the plot where the plant is grown is collected before harvest and **subsequently tested using post-decarboxylation**, high-performance liquid chromatography, or another similarly reliable method to determine the delta-9 tetrahydrocannabinol concentration of the sample in the manner required by this subchapter.