

Decision

On August 21, 2020, the Acting Administrator of the Drug Enforcement Administration issued an interim final rule making four conforming changes to DEA's existing scheduling regulations. The interim final rule was published in the *Federal Register*, Volume 85, Number 163, pages 51639-51645 and was effective August 21, 2020. Pursuant to Section 481.034(g), as amended by the 75th Legislature, of the Texas Controlled Substances Act, Health and Safety Code, Chapter 481, the commissioner may object during the 30-day period beginning on the day after the date of publication in the Federal Register of a final order designating a substance as controlled or deleting a substance from the schedules.

The interim final rule modifies 21 CFR 1308.11(d)(31) by adding language stating that the definition of "Tetrahydrocannabinols" does not include "any material, compound, mixture or preparation that falls within the definition of hemp set forth in 7 U.S.C 1639o."

The interim final rule modifies 21 CFR 1308.11(d)(58) by stating that the definition of "Marihuana Extract" is limited to extracts "containing greater than 0.3 percent delta-9-tetrahydrocannabinol on a dry weight basis."

In the capacity as Commissioner of the Texas Department of State Health Services, John Hellerstedt, M.D., objected to the modifications of the two definitions to the extent that the definitions allow for the presence or addition of tetrahydrocannabinols aside from the presence of delta-9-tetrahydrocannabinol. Multiple tetrahydrocannabinol isomers and variants may have pharmacological or psychoactive properties.

On September 18, 2020, the Commissioner notified the public of his objection. Pursuant to Section 481.034(g), on October 6, 2020, the Commissioner held a hearing to allow public comment with respect to the objection. Zero comments were received during the hearing and zero written comments were received by October 8, 2020.



Decision: The modifications of the two definitions above are not adopted

A handwritten signature in blue ink, appearing to read "John Hellerstedt", followed by a long horizontal flourish.

John Hellerstedt, M.D.
Commissioner

November 17, 2020

Date