

Notice of Objection to the Drug Enforcement Administration's interim final rule amending the regulatory controls over marijuana, tetrahydrocannabinols, and other marijuana-related constituents in the Controlled Substances Act.

On August 21, 2020, the Acting Administrator of the Drug Enforcement Administration (DEA) 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 commissioner objects to this modification.

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

In the capacity as Commissioner of the Texas Department of State Health Services, John Hellerstedt, M.D., does hereby object 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.

In accordance with Section 481.034(g), a public hearing to receive comments on the proposal will be scheduled after publication in the *Texas*

*Register.* The meeting date will be posted on the Schedules of Controlled Substances website (<https://dshs.texas.gov/drugs/controlled-substances.aspx>). Please contact Karen Tannert at 512-231-5747 or [karen.tannert@dshs.texas.gov](mailto:karen.tannert@dshs.texas.gov), if you have questions.