

It's Not Just Delta-8 — Austin Physician Warns Texas Patients About the Full Scope of the July 31 Ban

Non-Delta-9 THC is now Schedule I in Texas. TCC's medical director says the choice patients face isn't a product — it's whether a physician is involved

AUSTIN, TX, UNITED STATES, July 31, 2026 /EINPresswire.com/ -- New Texas rules taking effect today reach considerably further than the single compound named in most news coverage, and the Texans most affected are those who were using hemp products to manage a medical condition without a physician involved, according to Matthew Brimberry, MD, medical director of [Texas Cannabis Clinic](#), a TCUP-registered telemedicine clinic serving patients statewide from Austin.

The Texas Department of State Health Services has reinstated definitions that place tetrahydrocannabinols other than Delta-9 on the state's Schedule I controlled substances list, alongside heroin, LSD, and psilocybin. The agency's notice, published in the July 10, 2026 edition of the Texas Register, does not enumerate affected products by name. DSHS reasoned that these compound names are not standardized across the industry, and instead described the category broadly, together with synthetic equivalents of substances contained in the cannabis plant.

Why checking the label does not settle it

Because the notice describes a category rather than a list, a product does not need to say "[Delta-8](#)" to fall within it. Compounds marketed as delta-10 and THCP are examples of what the reinstated definitions reach.

"Patients are scanning their labels for the word Delta-8, and that test does not work," Brimberry said. "The rule is written around a category, not a list of brand names. Someone holding a delta-10 tincture is reading coverage about a Delta-8 ban and concluding it has nothing to do with



Dr. Matthew Brimberry of Texas Cannabis Clinic shares his thoughts on the new restrictions on Delta 8 in Texas

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The change is narrower in one respect than the shorthand suggests. Nearly all retail Delta-8 sold in Texas is manufactured by chemically converting CBD extracted from hemp, and that conversion process is the basis for the state treating it as a controlled substance. Trace amounts occurring naturally in an otherwise compliant

hemp product are not the target. Delta-9 THC itself is untouched — hemp edibles and beverages at or below the 0.3% dry-weight limit fall outside today’s change.

Two markets, two frameworks

Retail hemp and medical cannabis are often discussed as though they were versions of the same thing. In Texas they are governed by separate laws, overseen by separate agencies, and reached differently by today’s rule. Retail hemp products are selected off the shelf by the consumer; no physician involvement is required and this program, regulated by the DSHS, is affected by the July 31 change. Unaffected by this change, the TCUP medical cannabis program is regulated by the DPS and continues to allow medical cannabis to be prescribed by a qualified Texas physician after evaluation. Part of the clinical evaluation is reviewing this medication against other medications. The patient receives a prescription entered in the CURT registry before obtaining their medication at a state-licensed dispensing organization.

"The question I would put to any Texan who was using hemp products for a medical reason is a simple one," Brimberry said. "Who was adjusting your dose? Who checked it against the other medications you take? Who followed up when it stopped working? In the retail market the answer is nobody, because that market was never built to do those things. That is not a criticism of the people behind the counter — it is a description of the difference between buying a product and being treated by a physician."

The retail environment has been difficult even for the people working in it. Store staff quoted in local coverage this week described a landscape of shifting rules and widespread misinformation, and pointed customers toward reduced doses of legal Delta-9 as a substitute. Under the Compassionate Use Program, dosing guidance is a clinical responsibility rather than a suggestion at the register.

Who may qualify, and why many Texans do not know they do

Texas expanded the Compassionate Use Program substantially through House Bill 46, effective September 1, 2025. Six conditions were added: chronic pain, traumatic brain injury, Crohn’s disease, terminal illness, hospice care, and palliative care. They joined an existing list that includes PTSD, cancer, epilepsy, multiple sclerosis, autism spectrum disorder, ALS, and

neuropathy.

"Chronic pain became a qualifying condition last September, and that one change opened the program to a great many Texans who had assumed it was closed to them," Brimberry said. "An evaluation is always required and eligibility is never guaranteed. But a lot of people who were managing pain or nerve symptoms with a product from a gas station last week may qualify for a physician-supervised prescription this week."

The expansion also reaches conditions with long-standing eligibility that remain under-recognized, including PTSD. Texas Cannabis Clinic is veteran-owned, and PTSD certification is among the most common reasons patients contact the clinic.

On possession

Earlier Texas hemp restrictions governed what stores could sell. Today's change also reaches what a person can carry, which is what distinguishes it from the rules that preceded it.

The Austin Police Department has stated that it will treat Delta-8 possession as a [state jail felony](#), an offense carrying 180 days to two years of confinement and a fine of up to \$10,000. That position represents a shift from May 2026, when the department indicated Delta-8 fell under its misdemeanor marijuana policy. APD has not said how officers would determine which THC compound is present in a given product, whether arrests are planned, or how quickly enforcement will begin. Prosecutors decide whether charges are filed.

Texas Cannabis Clinic is a medical practice and does not provide legal advice. Patients with questions about products they already own, or about any prior purchase, should consult a licensed Texas attorney.

How certification works

A qualified Texas physician evaluates the patient and, where criteria are met, enters a prescription into the Compassionate Use Registry of Texas (CURT), maintained by the Texas Department of Public Safety. The prescription is filled at a state-licensed dispensing organization. Texas does not issue a physical medical marijuana card; CURT enrollment is the official state record, and Texas Cannabis Clinic provides each approved patient with a virtual certification card and approval letter through the patient portal.

Evaluations at Texas Cannabis Clinic are conducted entirely by telemedicine. Texans can review the qualifying condition list and take the qualification quiz at texascannabisclinic.com.

About Dr. Matthew Brimberry

Matthew Brimberry, MD, HMDC, FAAHPM, is medical director of Texas Cannabis Clinic. He is a

board-certified family medicine physician, a Fellow of the American Academy of Hospice and Palliative Medicine, and a board-certified Hospice Medical Director, and was among the first physicians certified by the State of Texas, in 2019, to provide access to medical cannabis under the Compassionate Use Program. He has led physician education sessions on the program and on CURT registration for licensed Texas medical professionals.

About Texas Cannabis Clinic

Texas Cannabis Clinic is a TCUP-registered telemedicine clinic based in Austin, Texas. Founded by board-certified physicians and veteran-owned, TCC helps patients across Texas qualify for medical cannabis under the Texas Compassionate Use Program, across every qualifying condition including all six added by HB 46. The clinic is not a dispensary and does not sell cannabis products; patients fill prescriptions through state-licensed dispensing organizations. Consultations are conducted entirely via telemedicine, with no office visit required.

Dr. Brimberry is available for interview, on the record or on background.

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