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Thailand Readies Draft Notification to Allow Hemp-Based Ingredients for Food Innovation

The cannabis industry in Thailand took its first concrete step in February of 2019, when medical cannabis was unexpectedly legalized. In August 2019, a Ministry of Public Health (MOPH) notification delisted some components and derivatives of cannabis plants from the category of narcotics and reclassified them as products within the purview of individual laws (e.g., on medicine, herbal products, cosmetics, food, etc.). Then, in October 2019, the Narcotics Control Committee clarified the legal definition of hemp in order to streamline the development of the hemp industry, which is not limited to medical applications. After months of inactivity in 2020, caused by the refocusing of attention on efforts to combat the COVID-19 outbreak, the Thai FDA recently circulated draft MOPH notifications that aim to govern hemp-based food ingredients under the Food Act.

Under these draft notifications, only non-viable hemp seeds, hemp seed oil, and protein derived from hemp seeds will be allowed as ingredients in food products. This means the development of food and food supplements comprising those ingredients is likely to be allowed soon. The key features of these drafts are provided below.

Products and Ingredients

In the present drafts, hemp seeds, hemp seed oil, proteins from hemp seeds (as defined in law), and food supplements containing these ingredients are classified as “specially controlled foods,” a product category associated with the highest risk under the Food Act B.E. 2522 (1979).

In addition to existing notifications on food contaminants, the drafts prescribe the maximum levels of impurities, such as cadmium and lead, that can be found in the hemp seeds. Moreover, the total THC must not exceed 5 ppm (that is, 5 milligrams per kilogram) in dry hemp seeds,

and the CBD content must not exceed 30 ppm in dry hemp seeds. More standards are also proposed for hemp seed oil, proteins from hemp seeds, and various other hemp-based food products.

In the presentation of the products, statements claiming any type or amount of THC or CBD, or any health claims about these substances, are prohibited. On the other hand, a statement or claim about the hemp seed, hemp seed oil, or proteins from hemp seeds may be allowed, subject to rules prescribed in a separate notification pertaining to health claims in food products.

Notable label requirements include “May contain THC and CBD. Anyone with allergies or sensitivities to said substances should consume with caution,” and “No therapeutic properties.”

Cross-References to Other Regulations

Because these hemp-based food ingredients are derived from plants that can have narcotic qualities, some parts of the supply chain would still be governed by the Narcotics Act and its implementing regulations; particularly the upcoming Hemp Regulation, which is now at a relatively advanced stage in the review process for draft regulations. All relevant notifications and regulations should thus be read jointly to give a complete picture of the regulatory framework.

The present draft notifications on hemp-based food ingredients make a number of references to the future Hemp Regulation. For instance, it states that licensed food manufacturers who process viable (i.e. still narcotic) hemp seeds into non-viable hemp seeds (non-narcotic food ingredients) must also hold a separate hemp possession license under the Hemp Regulation. Similarly, to import viable hemp seeds into Thailand, an importer must hold a separate hemp importation license under the Hemp Regulation. However, the current draft Hemp Regulation places a five-year transitional restriction on the importation of hemp. It appears from a joint reading of the legislation that importation of viable hemp seeds, even for food production, is only likely to be allowed after the Hemp Regulation has been effective for five years.

Expected Developments

The draft notification on hemp-based food ingredients are currently in the public scoping period, which will end on September 21, 2020. Until then, comments may be submitted via the [official website](#) of the FDA’s Food Division (relevant contents in Thai only). The drafts are subject to further amendments following the scoping period. 🍷