



NOTIFICATION

1. Notifying Member: <u>THAILAND</u> If applicable, name of local government involved: -
2. Agency responsible: Food and Drug Administration (Thai FDA)
3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): Food products containing parts of cannabis and hemp
4. Regions or countries likely to be affected, to the extent relevant or practicable: <input checked="" type="checkbox"/> All trading partners <input type="checkbox"/> Specific regions or countries:
5. Title of the notified document: Draft Ministry of Public Health (MOPH) Notification, No. ... B.E. (....) Issued by virtue of the Food Act B.E. 2522 entitled "Food Products that Contain Cannabis or Hemp Parts". Language(s): Thai. Number of pages: 3 https://members.wto.org/crnattachments/2021/SPS/THA/21_3044_00_x.pdf
6. Description of content: According to the Royal Thai Government policy on promotion of cannabis and hemp as the cash crops, some parts of cannabis and hemp that comply with the certain criteria laid down by the Narcotic Substance Committee shall be exempted from the Notification of Ministry of Public Health under the Narcotic Substances Law regarding classification of narcotic substances in the Schedule V. Therefore, such parts of cannabis and hemp may be used in food or other industries by requiring that cannabis and hemp used in food industry shall abide by the food law and be used based upon the general purpose of food. By the virtue of article 5 and articles 6(1), 6(2), 6(4), 6(5), 6(6), 6(7), 6(8), 6(9) and 6(10) of the Food Act of 1979 (B.E. 2522), the Minister of Public Health hereby issued the (draft) Notification as follows: Clause 1 - Food products that contain cannabis or hemp parts shall be classified as the Special Control Food. Clause 2 - In this Notification, the following terms are defined: - "Cannabis parts" mean the following parts of a cannabis plant (<i>Cannabis indica</i> or <i>Cannabis sativa</i> L.) which exclusively produced in Thailand by the licence holders: (1) bark, stems, fibre, branches and roots; (2) leaves without sugar leaves or inflorescent; - "Hemp parts" mean the following parts of hemp plant (<i>Cannabis sativa</i> L. subsp. <i>sativa</i>) which exclusively produced in Thailand by the licence holders: (1) bark, stems, fibre, branches and roots; (2) leaves without sugar leaves or inflorescent; - "Tetrahydrocannabinol (THC)" means delta-9-Tetrahydrocannabinol (Δ 9-THC); - "Package" means an immediate container that is in direct contact with food products, excludes a container in which such immediate containers are contained or wrapped, if any.

Clause 3 - The following food products shall not be produced, imported or sold if contain cannabis or hemp parts:

- (1) foods for infant and young child;
- (2) formula milk for infant and young child;
- (3) food supplements for infant and young child;
- (4) other foods prescribed by the Minister of Public Health.

Clause 4 - Food products that contain cannabis or hemp parts shall possess qualities or standards as follows:

- (1) Tetrahydrocannabinol shall not exceed 1.6 milligrams per package;
- (2) Cannabidiol shall not exceed 1.41 milligrams per package;
High Performance Liquid Chromatography (HPLC) or higher sophisticated analytical methods shall be used for analysis of the substances prescribed in (1) and (2) above;
- (3) Toxins shall not exceed the maximum limits laid down in the MOPH Notification regarding foods that contain toxins;
- (4) Chemical contaminants shall not exceed the maximum limits laid down in the MOPH Notification regarding foods that contain contaminants;
- (5) Pathogenic microorganisms shall be in compliance with the MOPH Notification regarding qualities or standards related to pathogenic microorganisms in foods;
- (6) Other qualities or standards prescribed in the MOPH Notifications for some particular food items shall be complied as the case may be.

Clause 5 - Manufactures who produce food products that contain cannabis or hemp parts shall perform legal acquirement of cannabis or hemp parts and control production process in compliance with the MOPH notification regarding Production Processes, Equipment and Storage of foods.

The manufactures shall maintain records of stock or inventory of cannabis and hemp parts at its premises.

Clause 6 - Use of food additives in food products that contain cannabis or hemp parts shall comply with the MOPH Notification regarding food additives.

Clause 7 - Use of food packaging to contain food products that contain cannabis or hemp parts shall comply with the MOPH Notification regarding food packaging.

Clause 8 - Labelling of food products that contain cannabis or hemp parts shall comply with the MOPH Notification regarding labelling of packaged foods. In addition, some food items shall comply with the MOPH Notifications regarding specific requirements on labelling for particular food items, as the case may be.

Clause 9 - The following messages shall be displayed on a label of a food product that contain cannabis or hemp parts:

- (1) Message of "WARNING" with a size of not less than 1.5 millimetres that placed inside a square or rectangular text-box shall be displayed on a label. The text colour shall be contrast to background colour of the text box. Colour of border of the text box shall be contrast to the label colour;
- (2) Message of "Children, pregnant women and breastfeeding women should not consume" shall be displayed on a label;
- (3) Message of "Immediately stop eating if getting adverse effects" shall be displayed on a label;
- (4) Message of "THC- or CBD-hypersensitive person should be aware of allergic reaction" shall be displayed on a label;
- (5) Message of "May cause drowsiness, avoid driving or operate heavy equipment" shall be displayed on a label;
- (6) Message of "Contains less than 1.6 milligrams of THC per package" shall be displayed on a label;
- (7) Message of "Should not consume more than 2 packages per day" shall be displayed on a label;
- (8) Message of "Cannabis" or "Hemp" or "precise parts of cannabis or hemp used" shall be displayed nearby the common name of food product or incorporated into the common name of product;
- (9) Other messages prescribed by the Minister of Public Health shall be displayed, if any.

<p>Clause 10 - Nutrition claims for food products that contain cannabis or hemp parts shall comply with the MOPH Notification regarding nutrition labelling.</p> <p>Clause 11 - Health claims for food products that contain cannabis or hemp parts shall comply with the MOPH Notification regarding health claim.</p> <p>Clause 12 - This notification shall enter into force as from the day following the date of its publication in the Government Gazette onward.</p> <p>This draft Ministry of Public Health Notification was also notified under the TBT Notification.</p>
<p>7. Objective and rationale: <input checked="" type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests.</p>
<p>8. Is there a relevant international standard? If so, identify the standard:</p> <p><input type="checkbox"/> Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text):</p> <p><input type="checkbox"/> World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number):</p> <p><input type="checkbox"/> International Plant Protection Convention (e.g. ISPM number):</p> <p><input checked="" type="checkbox"/> None</p> <p>Does this proposed regulation conform to the relevant international standard?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, describe, whenever possible, how and why it deviates from the international standard:</p>
<p>9. Other relevant documents and language(s) in which these are available:</p> <ul style="list-style-type: none"> - The Notification of the Ministry of Public Health regarding Standard of Foods contained contaminants; - The Notification of the Ministry of Public Health regarding Standards for Pathogenic Microorganisms in Food; - The Notification of the Ministry of Public Health regarding Food additives; - The Notification of the Ministry of Public Health regarding Containers; - The Notification of the Ministry of Public Health regarding Production processes, production equipment and foods storages; - The Notification of the Ministry of Public Health regarding Labeling of Prepackaged Foods.
<p>10. Proposed date of adoption (dd/mm/yy): To be determined.</p> <p>Proposed date of publication (dd/mm/yy): To be determined.</p>
<p>11. Proposed date of entry into force: <input type="checkbox"/> Six months from date of publication, and/or (dd/mm/yy): On the day after the date of its publication in the Government Gazette onward.</p> <p><input type="checkbox"/> Trade facilitating measure</p>

12. Final date for comments: [] Sixty days from the date of circulation of the notification and/or (dd/mm/yy): 30 days from the date of circulation of the notification.

Agency or authority designated to handle comments: [X] National Notification Authority, [X] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

National Bureau of Agricultural Commodity and Food Standards (ACFS)
50 Phaholyothin Road, Ladyao
Chatuchak, Bangkok 10900; Thailand
Tel: +(662) 561 4204
Fax: +(662) 561 4034
E-mail: spsthailand@gmail.com
Websites: <http://www.acfs.go.th>
<http://www.spsthailand.net/>

13. Text(s) available from: [X] National Notification Authority, [X] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

E-mail: spsthailand@gmail.com
Websites: <http://www.acfs.go.th>
<http://www.spsthailand.net/>