



15 June 2021

(21-4891)

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Committee on Sanitary and Phytosanitary Measures

Original: English

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 cannabidiol extract, beverage and food supplement containing cannabidiol extract
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 Containing Cannabidiol Extract". Language(s): Thai. Number of pages: 3 https://members.wto.org/crnattachments/2021/SPS/THA/21_4128_00_x.pdf
6. Description of content: According to the Royal Thai Government policy on promotion of cannabis and hemp as cash crops, especially cannabidiol extracts from cannabis or hemp that contain tetrahydrocannabinol not exceeding 0.2% by weight and comply with the certain criteria laid down by the Narcotic Substance Committee, shall be exempted from the Notification of the Ministry of Public Health for classification of narcotic substances in the Schedule V under the Narcotic Substances Law. Therefore, such cannabidiol extracts may be used in food, with the requirement that it shall abide by the food law. Cannabidiol extracts are considered as novel food that shall be assessed for safety of consumption as food prior to placement in the market as specified in the Notification of the Ministry of Public Health No. 376 B.E. 2559 (2016) Re: Novel Food. By virtue of article 5 and articles 6(1), (2), (4), (5), (6), (7), (8), (9) and (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 containing cannabidiol extract shall be classified as specifically controlled food. Clause 2 - In this Notification, the following terms are defined: "Cannabidiol extract" means Cannabidiol extracted from cannabis plant (<i>Cannabis indica</i> or <i>Cannabis sativa</i> L.) that contains tetrahydrocannabinol not exceeding 0.2% by weight. Clause 3 - Cannabidiol extract shall comply with the following quality and safety requirements: (1) Amount of cannabidiol shall not be less than 30% by weight; (2) Amount of tetrahydrocannabinol shall not exceed 0.2% by weight; (3) May contain or be mixed with other ingredients as a processing aid which shall not be a threat to health; (4) Use of food additives including extraction solvents shall comply with the Notification of MOPH regarding food additives;

- (5) Pesticide residues shall not exceed the maximum limits as specified in the Notification of MOPH regarding food containing pesticide residues;
- (6) Chemical contaminants shall not exceed the maximum limits as specified in the Notification of MOPH regarding standards for contaminants in food;
- (7) Pathogenic microorganisms shall comply with the Notification of MOPH regarding prescribing the quality or standard, principles, conditions and methods of analysis for pathogenic microorganisms in foods.

Clause 4 - Use of cannabidiol extract as an ingredient in food shall comply with the requirements specified in the Annex of this draft notification.

Clause 5 - Food products containing cannabidiol extract shall comply with the following quality and safety requirements:

- (1) Amount of cannabidiol and tetrahydrocannabinol and analytical methods shall comply with the requirements specified in the Annex of this draft notification;
- (2) Pesticide residues shall not exceed the maximum limits as specified in the Notification of MOPH regarding food containing pesticide residues;
- (3) Chemical contaminants shall not exceed the maximum limits as specified in the Notification of MOPH regarding standards for contaminants in food;
- (4) Pathogenic microorganisms shall comply with the Notification of MOPH regarding prescribing the quality or standard, principles, conditions and methods of analysis for pathogenic microorganisms in foods;
- (5) Other qualities or standards for some particular food items shall comply with the relevant Notification of MOPH, as the case may be.

Clause 6 - Manufacturers who produce food products containing cannabidiol extract shall legally obtain cannabidiol extract and control production process in compliance with the Notification of MOPH regarding Food Production Processes, Processing Equipment/Utensils and Storage Practices.

The manufacturers shall maintain records of stock or inventory of cannabidiol extract at their premises.

Clause 7 - The use of food additive in food products containing cannabidiol extract shall follow the Notification of MOPH regarding food additives in which type and conditions of use are prescribed.

Clause 8 - The use of containers of food products containing cannabidiol extract shall comply with the Notification of MOPH regarding food packaging.

Clause 9 - Labelling of food products that contain cannabidiol extract shall comply with the MOPH Notification regarding labelling of packaged foods. In addition, some food items shall comply with the Notification of MOPH regarding specific requirements on labelling for particular food items, as the case may be.

Clause 10 - The following statements shall be displayed on a label of a food product containing cannabidiol extract:

- (1) "WARNING" by letters not less than 1.5 mm placed in a rectangular frame whose frame colour must be in contrast to the background colour of the label;
- (2) "Children, pregnant women and breastfeeding women should not consume";
- (3) "If experiencing abnormal symptoms, stop consuming immediately";
- (4) "THC- or CBD-Hypersensitive person should be aware of allergic reaction";
- (5) "May cause drowsiness, avoid driving or operating heavy equipment";
- (6) Name of food shall be declared by having statement of "Cannabidiol extract" or "Cannabidiol" or "CBD" or other similar statement as a part of name or appeared together;
- (7) Other messages prescribed by the Minister of Public Health shall be displayed, if any.

Clause 11 - Nutrition claims for food products containing cannabidiol extract shall comply with the Notification of MOPH regarding nutrition labelling.

Clause 12 - Health claims for food products containing cannabidiol extract shall comply with the Notification of MOPH regarding health claim.

Clause 13 - This notification shall enter into force as from the day following the date of its publication in the Government Gazette.

This draft Ministry of Public Health Notification was also notified under the TBT Notification.

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.
8.	<p>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>
9.	<p>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 Food Containing Pesticide Residues - 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 Production processes, production equipment and foods storages - 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 Labelling of Pre-packaged Foods - The Notification of the Ministry of Public Health regarding Nutrition labelling
10.	<p>Proposed date of adoption (dd/mm/yy): To be determined.</p> <p>Proposed date of publication (dd/mm/yy): To be determined.</p>
11.	<p>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.	<p>Final date for comments: <input type="checkbox"/> 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.</p> <p>Agency or authority designated to handle comments: <input checked="" type="checkbox"/> National Notification Authority, <input checked="" type="checkbox"/> National Enquiry Point. Address, fax number and e-mail address (if available) of other body:</p> <p>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/</p>

13. Text(s) available from: National Notification Authority, 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>

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