

# Newsletter

## THAILAND: PERMISSION FOR USE OF CANNABIS AND HEMP IN FOOD

### Introduction

Thailand continues to be a regional leader in creating a regulatory regime for the liberalization of the use of hemp and cannabis. Following amendments to the Narcotics Act that paved the way for medical [use of cannabis](#) and laws governing the [cultivation of hemp](#), the Ministry of Public Health has issued several notifications under the Food Act B.E. 2522 (1979) (the “**Food Act**”) permitting the use of cannabis and hemp as food ingredients.

### Permission for the use of cannabis as a food ingredient

On 25 February 2021, a Notification of the Ministry of Public Health No. 424 was published and became effective on the following day (the “**Notification No. 424**”). This notification revokes a prohibition on the use of cannabis and hemp in food. Notification No. 424 permits the production, import or sale of food containing various cannabis parts and substances. Cannabis parts or substances, both imported and produced locally, must adhere to the qualities and standards outlined by the Ministry of Public Health.

Notification No.424 has categorized various cannabis components and cannabis substances that will not be categorized as a Category 5 narcotic under the Narcotics Act B.E. 2522 (1976), as last amended in 2020 (the “**Narcotics Act**”). Stalks, stems, fibers, branches, roots, leaves without tops or cannabis inflorescence, extracts containing cannabidiol (“**CBD**”) and tetrahydrocannabinol (“**THC**”) not exceeding 0.2% by dry weight, or residues from the extraction of cannabis containing THC not exceeding 0.2% by dry weight are permitted to be used as food ingredients and are not considered harmful for consumption.

### Permission for the use of hemp seeds, oils and proteins from hemp seeds in food

In addition to Notification No. 424, the Ministry of Public Health issued Notification No. 425 on 3 March 2021 that became effective on 5 March 2021 (“**Notification No. 425**”). Notification No. 425 permits the use of hemp seeds, oils extracted from hemp seeds, protein from hemp seeds, and food products containing hemp seeds, oil extracted from hemp seeds, or protein from hemp seeds in food (“**Hemp Seed Products**”). This notification was issued in accordance with the Thai Government’s policy to promote and develop hemp as a commercial plant.

### Qualifications and standards for Hemp Seed Products

The Notification No. 425 provides qualifications and standards for Hemp Seed Products, production methods, use of food additives containing Hemp Seed Products, and details of labeling requirements for Hemp Seed Products. For example, hemp seeds and protein from hemp seeds must not hold a moisture content exceeding 10% and CBD contained in hemp seeds must not exceed 3 milligrams per one kilogram of dried hemp seeds or protein from hemp seeds.

Oil extracted from hemp seeds must be produced by compression or other methods to be prescribed under notifications of Ministry of Public Health and may be further purified with plain water, or filtering. The colour, smell, and flavour of, and chemical substances contained in oil extracted from hemp seeds are also regulated.

### Packaging and labeling requirements

Packaging and labelling of food containing Hemp Seed Products are controlled under a notification of the Ministry of Public Health regarding food packaging and labelling on food products. Statements related to nutrition and health benefits on the label of food products containing Hemp Seed Products must comply with the notifications of the Ministry of Public Health regarding nutritional labelling and health references on food.

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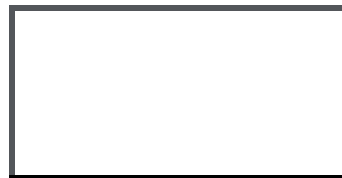
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Statements about quantity, including references to health benefits of THC and CBD are prohibited. Displaying images, symbols, or other statements regarding hemp that have similar meanings as the aforesaid is also forbidden, except for a list of the parts of hemp seeds used as food ingredients.

If you require further information on the issues raise above, please contact the authors in the right-hand column.



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This publication is intended to highlight an overview of key issues for ease of understanding, and not for the provision of legal advice. If you have any questions about this publication, please contact your regular contact persons at Mori Hamada & Matsumoto or Chandler MHM Limited. If you should have any inquiries about the publications, or would like more information about Chandler MHM Limited, please contact [bd@mhm-global.com](mailto:bd@mhm-global.com).