

In Thailand, cannabis usage for medical purposes has been allowed since 2019. Since early 2021, processing of hemp and CBD have been allowed for commercial purpose. Due to the concerns over the misuse, a number of regulations have been continuously issuing to strictly control the cultivation, import, and processing in order to effectively manage the narcotics. Therefore, the entrepreneur should carefully review and regularly check for the latest updates of related regulations.

## Thailand's Cannabis Regulation Updates





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## Marijuana vs Hemp

- Marijuana and hemp plants are both in the cannabis family, but they have different characteristics and use cases.
- In Thailand, the government uses the level of THC as a legal defining line between marijuana and hemp. Cannabis plants which contain less than 1% THC are considered as hemp. Plants that contain 1% or more are considered as marijuana and their application remains very limited by law.

	 <b>Marijuana (Kancha)</b>	 <b>Hemp (Kan Chong)</b>
<b>Species</b>	<ul style="list-style-type: none"> <li>▪ Marijuana is a variety of the "<b><i>Cannabis indica Lam. Cannabis sativa L.</i></b>" plant species.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hemp is a variety of the "<b><i>Cannabis Sativa L. subsp. sativa</i></b>" plant species.</li> </ul>
<b>Appearance</b>	<ul style="list-style-type: none"> <li>▪ Marijuana plants are shorter and fatter than hemp.</li> <li>▪ Plant Height: &lt; 2 m.</li> <li>▪ Leaf Shape: Broad leaf with around 5-7 fingers</li> <li>▪ Leaf Color: Dark green</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hemp plants are usually much skinnier and grows taller than Marijuana.</li> <li>▪ Plant Height: &gt; 2 m.</li> <li>▪ Leaf Shape: Skinnier leaf with around 7-11 fingers</li> <li>▪ Leaf Color: Light green</li> </ul>
<b>Composition</b>	<p><b>High THC, THC &gt; CBD</b></p> <ul style="list-style-type: none"> <li>▪ Marijuana contains 1-20% THC by dry weight and can induce psychotropic or euphoric effects on the user.</li> </ul>	<p><b>Low THC, CBD &gt; THC</b></p> <ul style="list-style-type: none"> <li>▪ Hemp contains less than 1.0 % THC by dry weight<sup>(1)</sup>.</li> </ul>
<b>Cultivation</b>	<ul style="list-style-type: none"> <li>▪ Planting: Sep - Feb</li> <li>▪ Harvesting: Jan - Feb</li> <li>▪ Planting marijuana requires humidity and careful climate control.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Planting: May - Jul</li> <li>▪ Harvesting: Nov - Dec</li> <li>▪ Planting hemp is easier than marijuana as it does not attract pests.</li> </ul>
<b>Usage</b>	<ul style="list-style-type: none"> <li>▪ Marijuana is commonly used in the medical community.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hemp is used in supplements and skincare products.</li> <li>▪ Hemp fiber is used in the manufacture of textiles and clothing.</li> </ul>

Source: Compiled from several public sources

Note: (1) Notification of the Narcotics Commission Specifying Characteristics of Hemp B.E. 2562 (2019)

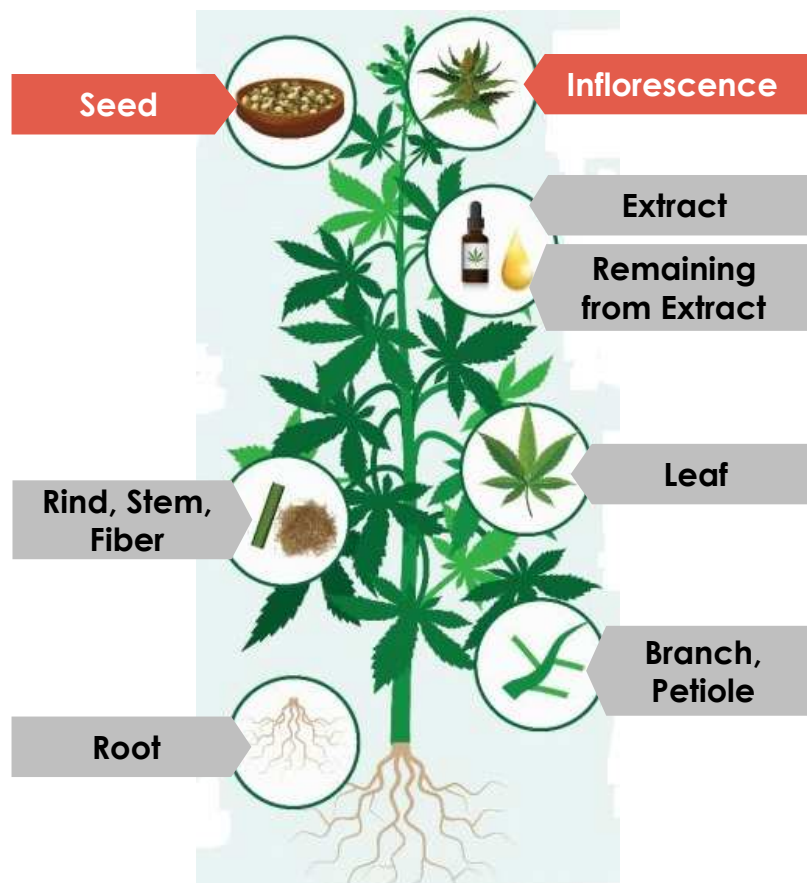
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## Narcotic & Non-narcotic Parts of Cannabis

- Several parts of marijuana and hemp, which contains no more than 0.2% of THC, are removed from the list of narcotics. Therefore, these parts can be used in food, beverages, cosmetics, medicines, and other non-food products, with the condition that it must come from registered producers in Thailand.
- Meanwhile, the inflorescence and marijuana seeds are still listed as narcotics, but their use is allowed in certain applications, especially in medical and R&D.

### Narcotic and Non-narcotic Parts of Marijuana & Hemp



	Cannabis	Hemp
▪ Inflorescence	<b>Narcotic</b> (but allow for medical use/R&D only)	<b>Narcotic</b> (but allow for medical use/R&D only)
▪ Seed, Seed Oil	<b>Narcotic</b> (but allow for medical use/R&D only)	Non-narcotic
▪ Leaf with no treetop or inflorescence	Non-narcotic	Non-narcotic
▪ Branch, Petiole	Non-narcotic	Non-narcotic
▪ Rind, Stem, Fiber	Non-narcotic	Non-narcotic
▪ Root	Non-narcotic	Non-narcotic
▪ Extract	Non-narcotic (THC not >0.2% by weight)	Non-narcotic (THC not >0.2% by weight)
▪ Remaining from extract	Non-narcotic (THC not >0.2% by weight)	Non-narcotic (THC not >0.2% by weight)

Source: Narcotic Act (No.7) B.E. 2562, Notification of Ministry of Public Health, Re: Specification of Type 5 Narcotics B.E. 2563 (2020)

## Cannabis Business Restrictions in Thailand

- Operation of cannabis businesses in Thailand is still quite restricted. All activities involving narcotic parts are controlled and managed by Narcotics Act.
- The license is required for all activities in the supply chain, limited to only some entities and allowed only for medical and R&D purposes. Stringent conditions are applied to control the production and distribution of cannabis.
- The hemp industry is less restricted, which allows the private sector to be involved in planting and processing.

### Key restrictions on activities related to marijuana and hemp

#### Licensing

- A license is required for operators in the cannabis and hemp supply chain, ranging from planting, processing, import/export, and distribution.
- The private sector is not allowed to engage in marijuana planting and medicinal cannabis, unless in collaboration with governmental agencies.\*
- Due to the policy to promote hemp as a new economic crop, the cultivation and processing of hemp is open to the private sector.
- Licenses must be renewed annually.

#### Eligible Applicants

##### Marijuana:

- Medical-related governmental agencies, medical professionals, universities
- Social enterprises of farmers/ organizations, which have collaboration with governmental agencies

##### Hemp:

- Thai individuals
- Juristic persons where at least two thirds of its directors or shareholders must be Thai nationals
- Governmental agencies

#### Key Conditions (Hemp)

##### Planting & Processing

- Cultivated hemp must not exceed 1% THC on a dry-weight basis
- Provide safety management measures to destroy parts of hemp
- Provide monitoring and tracking systems
- Provide explicit plans including defined planting locations, customers, etc.
- Provide reports of inflow-outflow of hemp (monthly & annually)
- Must perform THC & CBD content analysis.

##### Import & Export

- Imports of parts and products made from hemp into the country are not allowed in the first 5 years (until Jan 2026) except for:
  - (1) Hemp seeds imported for planting
  - (2) Other hemp parts imported for medical, research, and plant breeding purposes
- Permission is required for every time of import and export.

Source: Thai FDA

Note: \* This restriction will be enforced for 5 years since the notification on February 2019. It is subject to change in 2024.

## Cannabis in Food Production (1)

- For F&B manufacturing, the use of non-narcotic parts of marijuana and hemp, hemp seed extract, and CBD extract are allowed as ingredients for some types of food and beverages with limited amounts of THC and CBD.
- The government plans to allow more food products containing cannabis.

### Limits of THC and CBD in food products containing hemp seeds and hemp seed extract

Product Categories	THC (mg/kg)	CBD (mg/kg)
<b>Protein foods containing hemp seeds, hemp seed flour, hemp seed protein</b>		
▪ Hemp seeds for direct consumption	5.0	3.0
▪ Breakfast cereals (including oatmeal)	0.15	3.0
▪ Sugar-free baked goods	0.15	3.0
▪ Sweetened pastries	0.15	3.0
▪ Food supplements made of hemp seed protein or hemp protein meal	2.0	3.0
▪ Food supplements made of hemp protein concentrate and hemp protein isolate	0.15	3.0
▪ Cereal and grain beverages (except tea and coffee products)	0.15	3.0
▪ Potato-based, flour/ starch-based, cereal-based snacks	0.15	3.0
▪ Nut-based snacks, processed grains snacks	0.15	3.0
<b>Foods containing hemp seed oil</b>		
▪ Hemp seed oil for direct consumption	1.0	3.0
▪ Smear fat and dairy products	0.15	3.0
▪ Salads	0.15	3.0
▪ Food supplements	5.0	3.0



### Packaging and Labeling Requirements

Statements related to nutrition and health benefits on the label of foods containing hemp seed products must comply with the notification by the Ministry of Public Health regarding nutritional labeling and health references on food.

#### MUST

The label must state the caution as follows:

- “It is prohibited for consumption by children, pregnant and/or lactating women”.
- “It has no effect on preventing or treating diseases.”

#### DON'T

- Statements about quantity and references to health benefits of THC and CBD are prohibited.

Source: Notification of Ministry of Public Health (No.425) B.E. 2564 (2021) issued by virtue of the Food Act B.E. 2522 (1979) Re: hemp seed, hemp seed oil, hemp seed protein, and foods containing hemp seed hemp seed oil, or hemp seed protein

Note: The food containing hemp and cannabis is “specially controlled food”. The manufacture need to register the product with Thai FDA. The registration requires a detailed analysis of the product, manufacturing process, and ingredients. The labelling is also strictly controlled.

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## Cannabis in Food Production (2)

- Usage of non-narcotic parts of marijuana and hemp and CBD extracts is allowed in some specific food and beverages.
- The leaves of marijuana and hemp are allowed for cooking at home and in food service businesses without any license requirements. There is no regulation for the amount used. However, the Thai FDA plans to issue usage and consumption instructions for safe and secure consumption.

### Limits of THC and CBD in food products containing non-narcotic parts of hemp, marijuana and CBD extract

#### Parts of the Plant (leaf, root, stem, fiber, and branch)

##### For Food Manufacturing

##### Maximum level of THC & CBD

- THC not exceed 1.6 mg/ package
- CBD not exceed 1.41 mg/ package



##### Do not allow for

- Infant and baby food, milk, and supplementary food
- caffeinated beverages

##### For Food Service Businesses:

- Usage of parts of the plant in cooking is allowed, but those parts have to be sourced from licensed planting locations.
- There is no regulation for the amount used.

#### CBD Extracts

##### Qualification of CBD extract:

- CBD level no less than 30% by weight
- THC level not exceed 0.2% by weight

Food products that will be allowed to contain CBD extract are as follow.

	THC (mg/kg)	CBD (mg/kg)
▪ <b>Food supplements:</b> only tablets, capsules and ready-to-eat liquids	0.15	75.0
▪ <b>Ready-to-drink carbonated flavored beverages:</b> Except similar products that contain both tea, coffee and caffeine, natural and synthetic, and sports drinks	0.15	75.0
▪ <b>Ready-to-drink non-carbonated flavored beverages:</b> Except similar products that contains both tea, coffee and caffeine, natural and synthetic, and sports drinks	0.15	75.0
▪ <b>Ready-to-drink cereal and grain beverages:</b> Except for tea, coffee, plant tea and similar products.	0.15	75.0

Source: Notification of Ministry of Public Health (No.427) B.E. 2564 (2021) issued by virtue of the Food Act B.E. 2522 (1979) Re: food products containing parts of cannabis and hemp

Notification of Ministry of Public Health (No. 429) B.E. 2564 (2021) issued by virtue of the Food Act B.E. 2522 (1979) Re: food products containing cannabidiol as an ingredient

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## Cannabis in Cosmetics

- Usage of most parts of cannabis and its extracts, which contain low THC content, is allowed in some types of cosmetics, but not in oral products and intimacy products.
- Hemp seed oil and extract are also allowed as cosmetic raw materials and products with different limit of THC.

### Limitations of Cannabis in Cosmetics

Parts of the Plant		Hemp Seed Oil/ Extract	CBD Extracts
<b>Marijuana</b> <ul style="list-style-type: none"> <li>✓ Leaf</li> <li>✓ Root</li> <li>✓ Stem</li> </ul>	<b>Hemp</b> <ul style="list-style-type: none"> <li>✓ Leaf</li> <li>✓ Root</li> <li>✓ Stem</li> <li>✓ Seed</li> <li>✓ Seedcake</li> </ul>	<b>Cosmetic raw materials:</b> THC level not exceed 0.2% by weight <b>Cosmetic Products:</b> <ul style="list-style-type: none"> <li>Soft gelatin capsules/ oral products/ intimacy products: THC level not exceed 0.001% by weight</li> <li>Other products: THC level not exceed 0.2% by weight</li> </ul>	<ul style="list-style-type: none"> <li>CBD extract has THC level not exceed 0.2% by weight</li> <li>Cosmetic products in form of soft gelatin capsules with THC level not exceed 0.001% by weight.</li> <li>Synthetic cannabidiol is prohibited.</li> </ul>
<p>Only usage in rinse-off products i.e. shampoo is allowed</p>		<p>All products with different limits of THC</p>	<p>All products except oral products and intimacy products</p>



### Packaging and Labeling Requirements

#### MUST

The label must state the caution as follows:

- "May cause an allergic reaction and irritation"
- "Do not eat" (for soft gelatin capsule products)
- "If unusual response occur, stop using and ask doctor or pharmacist for advice"

#### DON'T

- Cosmetics must not use product names that induce an association with hemp flowers or narcotics, for example, names containing "inflorescence," "flower," "CBD," "THC" or similar will be prohibited.

### Import Restrictions

- The importation of cannabis and hemp parts as raw materials for the production of cosmetics is not allowed.
- The importation of cosmetics containing cannabis and hemp parts is also not allowed.

Source: Summarized from several notifications of Ministry of Public Health regarding the use of hemp, cannabis, cannabidiol extract in cosmetics

## Conclusion

- Over the last 2 years, several regulations regarding cannabis were amended and issued.
- Marijuana was legalized for medical use and research in 2019. After that, several parts of cannabis (both marijuana and hemp) that contain low THC levels were removed from the narcotic list in late 2020. This offers huge business opportunities, especially for hemp-based products, as the usage of those parts are now permitted for industrial and commercial purposes.
- The regulation concerning the manufacture of food and cosmetics using legal parts of cannabis as raw materials is continuously developing. More new regulations are likely to be issued soon to allow more applications of legal cannabis.
- However, the government still strictly controls all activities ranging from planting, processing, import and export, in order to effectively manage the narcotics.
- Therefore, the entrepreneur should carefully review and regularly check for the latest updates of related regulations.

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