

Translation

NOTIFICATION OF THE MINISTRY OF PUBLIC HEALTH

(NO. 425), B.E. 2564 (2021)

ISSUED UNDER THE FOOD ACT, B.E. 2522 (1979)

RE: HEMP SEEDS, HEMP SEED OIL, HEMP SEED PROTEIN, AND FOOD PRODUCTS
CONTAINING HEMP SEEDS, HEMP SEED OIL OR HEMP SEED PROTEIN

Whereas it is the policy of the government to promote and develop hemp into a commercial plant by issuing the notification of the Ministry of Public Health on prescription of the list of category 5 narcotics to grant exemption for certain parts of hemp which conform to the criteria, procedures and conditions set forth in the notification of the Narcotics Control Committee to be used in the food industry and other industries, provided that their use as food must be in compliance with the law on food and must be for food purposes only;

By virtue of the provisions of section 5 paragraph one and section 6 (1), (2), (4), (5), (6), (7), (9) and (10) of the Food Act, B.E. 2522 (1979), the Minister of Public Health hereby issues the notification as follows.

Clause 1. Hemp seeds, hemp seed oil, hemp seed protein and food products containing hemp seeds, hemp seed oil or hemp seed protein shall be specifically controlled food.

Clause 2. In this Notification:

“hemp seed” means seeds from hemp plants with the scientific name *Cannabis sativa* L. subsp. *sativa* which are duly authorized under the law on category 5 narcotics of the Narcotics Act, B.E. 2522 (1979);

“hemp seed oil” means glycerides of fatty acids derived from hemp seeds;

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“hemp seed protein” means organic compounds which are long-chain polymers of amino acids yielding 4 calories of energy per 1 gram of protein and derived from dehulled hemp seeds or delipidated hemp seed meal;

“food product containing hemp seeds, hemp seed oil or hemp seed protein” means a product used for consumption other than consumption of conventional foods which contains hemp seeds, hemp seed oil or hemp seed protein as its ingredients and is in a form of tablets, capsules, powders, flakes, liquids or any other form that is not conventional foods, and which is intended for consumers who expect health benefits therefrom.

Clause 3. Hemp seeds used as food must conform to the following qualities or standards.

(1) The moisture content shall not exceed 10 per cent by weight.

(2) The contaminants detected shall not exceed the maximum limits specified in the notification of the Ministry of Public Health on standards for contaminants in food and the following additional requirements.

(a) cadmium shall not exceed 0.3 milligrams per 1 kilogram of hemp seeds on dry weight basis.

(b) lead shall not exceed 10 milligrams per 1 kilogram of hemp seeds on dry weight basis.

(3) The substances detected shall not exceed the limits specified as follows.

(a) Total tetrahydrocannabinol (total THC) shall not exceed 5 milligrams per 1 kilogram of hemp seeds on dry weight basis.

(b) Cannabidiol (CBD) shall not exceed 3 milligrams per 1 kilogram of hemp seeds on dry weight basis.

In this regard, the method for the test and analysis under paragraph one shall be in accordance with the criteria and procedures stipulated in the Schedule 1 annexed to this Notification.

(4) The pesticide residues detected shall not exceed the maximum limits under the notification of the Ministry of Public Health on food containing pesticide residues.

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Clause 4. A producer of hemp seed oil, hemp seed protein or a food product containing hemp seeds shall ensure that the hemp seeds are acquired lawfully and in accordance with the Notification of the Ministry of Public Health, Re: Prescribing the List of Category 5 Narcotics, B.E. 2563 (2020), and must control the production process of hemp seed oil, hemp seed protein or food products containing hemp seeds to ensure compliance with the notification of the Ministry of Public Health on production processes and equipment and implements for the production and storage of food.

The producer under paragraph one must also keep records of the acquired supply and usage of hemp seeds used in the production of hemp seed oil, hemp seed protein or food products containing hemp seeds at the production facility.

Clause 5. Hemp seed oil can be produced by the compression method or any other method prescribed by the notification of the Minister, and thereafter may be purified by washing with water, sedimentation, filtration, or centrifugation.

Clause 6. Hemp seed oil must conform to the following qualities or standards.

(1) The color shall correspond to the specific characteristics of hemp seed oil.

(2) The odor and flavor shall correspond to the specific characteristics of hemp seed oil and free from extraneous materials and rancid odors.

(3) The saponification value shall be 184 – 205 milligrams of potassium hydroxide per 1 gram of oil.

(4) The iodine value determined by the Wijis method shall be 153 – 167.

(5) The unsaponifiable matters shall not exceed 15 grams per 1 kilogram of oil.

(6) The acid value shall not exceed 4.0 milligrams of potassium hydroxide per 1 gram of oil.

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The acid value under paragraph one may be stated as a percentage of free fatty acids depending on the analytical method, as the case may be, provided that the percentage of free fatty acids shall, upon calculation, not exceed the prescribed acid value.

(7) The peroxide value shall not exceed 15 milliequivalents per 1 kilogram of oil.

(8) The water and volatile matters at 105 degrees Celsius shall not exceed 0.2 per cent of weight.

(9) The soap content shall not exceed 0.005 per cent of weight.

(10) The insoluble impurities shall not exceed 0.05 per cent of weight.

(11) The contaminants detected shall not exceed the maximum limits specified in the notification of the Ministry of Public Health on standards for contaminants in food.

(12) The following substances detected shall not exceed the limits specified as follows.

(a) Total tetrahydrocannabinol (total THC) shall not exceed 1 milligram per kilogram.

(b) Cannabidiol (CBD) shall not exceed 3 milligrams per kilogram.

In this regard, the method for the test and analysis under paragraph one shall be in accordance with the criteria and procedures stipulated in the Schedule 1 annexed to this Notification.

(13) Other potential contaminants shall not exceed the following.

(a) No mineral oil is detected.

(b) Iron shall not exceed 5.0 milligrams per 1 kilogram of oil.

(c) Copper shall not exceed 0.4 milligrams per 1 kilogram of oil.

(14) No pathogenic microorganism is detected in accordance with the notification of the Ministry of Public Health on prescribing the quality or standard, principles, conditions and methods of analysis for pathogenic microorganisms in foods.

Clause 7. The use of food additives in hemp seed oil may be carried out in accordance with the types and quantity prescribed in the notification of the Ministry of Public Health on food additives.

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Clause 8. The use of containers for hemp seed oil shall be in compliance with the notification of the Ministry of Public Health on containers.

Clause 9. The labelling of hemp seed oil shall be in compliance with the notification of the Ministry of Public Health on the labelling of prepackaged foods.

Clause 10. Hemp seed protein can be produced by the process of physically or chemically extracting protein from dehulled hemp seeds or hemp seed meal remaining after the process of compressing hemp seeds for oil, and subsequently grounding it into powder.

Clause 11. Hemp seed protein must conform to the following qualities or standards.

(1) The color shall correspond to the specific characteristics of hemp seed protein.

(2) The odor and flavor shall correspond to the specific characteristics of hemp seed protein and free from extraneous materials.

(3) The moisture content shall not exceed 10 per cent.

(4) The quantity of protein from hemp seeds shall be as follows:

(a) in case of hemp seed protein or hemp protein meal, not less than 30 per cent;

(b) in case of hemp protein concentrate, not less than 65 per cent;

(c) in case of hemp protein isolate, more than 90 per cent.

(5) The contaminants detected shall not exceed the maximum limits specified in the notification of the Ministry of Public Health on standards for contaminants in food.

(6) The following substances detected shall not exceed the limits specified as follows.

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(a) Total tetrahydrocannabinol (total THC) shall not exceed 2 milligrams per kilogram and cannabidiol (CBD) shall not exceed 3 milligrams per kilogram, in case of hemp seed protein or hemp protein meal.

(b) Total tetrahydrocannabinol (total THC) shall not exceed 0.15 milligrams per kilogram and cannabidiol (CBD) shall not exceed 3 milligrams per kilogram, in case of hemp protein concentrate and hemp protein isolate.

In this regard, the method for the test and analysis under paragraph one shall be in accordance with the criteria and procedures stipulated in the Schedule 1 annexed to this Notification.

(7) No pathogenic microorganism is detected in accordance with the notification of the Ministry of Public Health on prescribing the quality or standard, principles, conditions and methods of analysis for pathogenic microorganisms in foods.

Clause 12. The use of food additives in hemp seed protein may be carried out in accordance with the types and quantity prescribed in the notification of the Ministry of Public Health on food additives.

Clause 13. The use of containers for hemp seed protein shall be in compliance with the notification of the Ministry of Public Health on containers.

Clause 14. The labelling of hemp seed protein shall be in compliance with the notification of the Ministry of Public Health on the labelling of prepackaged foods.

Clause 15. A food product containing hemp seeds, hemp seed oil or hemp seed protein must conform to the conditions stipulated in the Schedule 2 or the addition thereto prescribed by the notification of the Minister and must conform to the following qualities or standards.

(1) The contaminants detected shall not exceed the maximum limits specified in the notification of the Ministry of Public Health on standards for contaminants in food.

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(2) No pathogenic microorganism is detected in accordance with the notification of the Ministry of Public Health on prescribing the quality or standard, principles, conditions and methods of analysis for pathogenic microorganisms in foods, except for the quantity of pathogenic microorganisms detected in food supplements which shall not exceed the following limits.

(a) *Staphylococcus aureus* shall not be detected per 0.1 grams of food.

(b) *Clostridium* spp. shall not be detected per 0.1 grams of food.

(c) *Salmonella* spp. shall not be detected per 25 grams of food.

(d) *Escherichia coli* detected by Most Probable Number (MPN) method shall be less than 3 per 1 gram of food.

(3) The vitamins or minerals contained shall not be less than 15 per cent and shall not exceed the maximum limits set forth in the Thai Recommended Daily Intakes (Thai RDI), in case of food products intended for providing vitamins or minerals; however, with respect to the vitamin or mineral not yet specified therein, the notification of the Food and Drug Administration issued with consent of the Food Committee shall be complied.

Clause 16. The use of food additives in a food product containing hemp seeds, hemp seed oil or hemp seed protein may be carried out in accordance with the types and quantity prescribed in the notification of the Ministry of Public Health on food additives.

Clause 17. A producer of a food product containing hemp seeds, hemp seed oil or hemp seed protein must comply with the notification of the Ministry of Public Health on food production processes, processing equipment/utensils and storage practices.

Clause 18. The use of containers for a food product containing hemp seeds, hemp seed oil or hemp seed protein shall be in compliance with the notification of the Ministry of Public Health on containers.

Clause 19. The labelling of a food product containing hemp seeds, hemp seed oil or hemp seed protein shall be in compliance with the notification of the Ministry of

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Public Health on the labelling of prepackaged foods. The following details shall also be displayed, as the case may be:

(1) the statement “Warning” the letter size of which shall not be smaller than 1.5 mm. in a rectangular frame with the color of the letters in contrast to the color of the frame background and the color of the frame in contrast to the color of the label background;

(2) the statement “Children, pregnant women and lactating women should not consume”;

(3) the statement “If irregular symptoms occur, stop consuming immediately”;

(4) the statement “May contain THC and CBD substances. People with allergies or hypersensitivity to those substances should take precautions when consuming”;

(5) the statement “Information for people with food allergies: Containing protein derived from hemp seeds”, in case of a food product containing protein derived from hemp seeds;

(6) name of the food with the word “Food Supplement” as a part of the name of the food or accompanying the name of the food, in case of food supplements;

(7) quantity contained, in case of food supplements, which shall be expressed as follows:

(a) in case of food supplements in the form of tablets or capsules, the number per container shall be displayed;

(b) in case of food supplements in the liquid form, the net volume shall be displayed;

(c) in case of food supplements in the solid or any other forms, the net weight shall be displayed;

(8) name and quantity of the main ingredients in descending order, in case of food supplements;

(9) the statement “This product provides omega-6 fatty acids, namely linoleic acid, and omega-3 fatty acids, namely alpha-linolenic acid. One (unit) contains

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(specify) mg. of hemp seed oil consisting of (specify) mg. of linoleic acid and (specify) mg. of alpha-linolenic acid.” in case of food supplements containing hemp seeds or hemp seed oil;

(10) the statement “Regularly consuming varieties of 5 categories of food in an appropriate proportion is advisable” in case of food supplements;

(11) the statement “No effect in preventing or curing diseases” in bold letters in a rectangular frame with the color of the letters in contrast to the color of the frame background and the color of the frame in contrast to the color of the label background, in case of food supplements;

(12) other statements prescribed by the notification of the Minister.

Clause 20. The display of statements of nutrition claims on the label of a food product containing hemp seeds, hemp seed oil or hemp seed protein shall be in accordance with the notification of the Ministry of Public Health on nutrition labelling.

Clause 21. The display of statements of health claims on the label of a food product containing hemp seeds, hemp seed oil or hemp seed protein shall be in accordance with the notification of the Ministry of Public Health on health claims of food.

Clause 22. Any claim regarding types and quantity of, including any health claim on, total tetrahydrocannabinol (total THC) and cannabidiol (CBD) substances shall be prohibited.

Clause 23. The display of any picture, symbol, or statement regarding any other part of hemp or that having a similar meaning shall be prohibited, except for the part of hemp seeds used as ingredients.

Clause 24. This Notification shall come into force as from the day following the date of its publication in the Government Gazette.*

* Published in the Government Gazette, Vol. 138, Special Issue 49 d, page 1, dated 4th March B.E. 2564 (2021)

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Given on the 3rd Day of March B.E. 2564 (2021)

Anutin Charnvirakul

Minister of Public Health

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Schedule 1

Methods for Testing and Analysis of Total Tetrahydrocannabinol (Total THC) and Cannabidiol (CBD) Substances in Hemp Seeds, Hemp Seed Oil, Hemp Seed Protein, and Food Products Containing Hemp Seeds, Hemp Seed Oil or Hemp Seed Protein

Annexed to the Notification of the Ministry of Public Health (No. 425), B.E. 2564 (2021)
Issued under the Food Act, B.E. 2522 (1979), Re: Hemp Seeds, Hemp Seed Oil, Hemp Seed Protein, and Food Products Containing Hemp Seeds, Hemp Seed Oil or Hemp Seed Protein

The test and analysis to determine the quantity of total tetrahydrocannabinol (total THC*) and cannabidiol (CBD) substances shall be carried out using the criteria and procedures for a confirmation test conducted at a testing laboratory by a high-performance liquid chromatography (HPLC) instrument or higher.

Remark

* The total THC content of the substances Δ^9 -THC, Δ^8 -THC and THC content.

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Schedule 2

Food Products Containing Hemp Seeds, Hemp Seed Oil or Hemp Seed Protein and the Conditions, Qualities or Standards

Annexed to the Notification of the Ministry of Public Health (No. 425), B.E. 2564 (2021) Issued under the Food Act, B.E. 2522 (1979)

Re: Hemp Seeds, Hemp Seed Oil, Hemp Seed Protein, and Food Products Containing Hemp Seeds, Hemp Seed Oil or Hemp Seed Protein

Part of Hemp Seeds	Food Category*	Food Type*	Maximum Limit of Contaminants (Milligram per Kilogram)	
			Total Tetrahydrocannabinol (Total THC)	Cannabidiol (CBD)
Hemp seeds, hemp seed flour, and hemp seed protein	6.3	Breakfast cereals, including rolled oats	0.15	3.0
	7.1	Non-sweet bakery products	0.15	3.0
	7.2	Sweet bakery products	0.15	3.0
	13.6	Food supplements from hemp seed protein or hemp protein meal	2.0	3.0
		Food supplements from hemp protein concentrate and hemp protein isolate	0.15	3.0
	14.1.5	Cereal and grain beverages, except for tea, coffee, herbal tea, and similar products	0.15	3.0
	15.1	Snacks with potatoes, cereals, flour, or starch as main	0.15	3.0

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Part of Hemp Seeds	Food Category*	Food Type*	Maximum Limit of Contaminants (Milligram per Kilogram)	
		ingredients		
	15.2	Snacks with nuts as main ingredients or flavored processed seeds as main ingredients	0.15	3.0
Hemp seed oil	02.1.2	Hemp seed oil for direct consumption	1.0	3.0
	02.2.2	Fat spreads, dairy fat spreads, and blended spreads	0.15	3.0
	12.7	Salads (e.g., macaroni salad, potato salad) and sandwich spreads	0.15	3.0
	13.6	Food supplements – oil supplement	5.0	3.0

Remark: Referring to the food categories under the notification of the Ministry of Public Health on food additives

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