



14 June 2021

(21-4863)

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Committee on Technical Barriers to Trade

Original: English

### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<b>1. Notifying Member:</b> <u>THAILAND</u> <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b> -
<b>2. Agency responsible:</b> Food and Drug Administration (Thai FDA) <b>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b>
<b>3. Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:</b>
<b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Food products containing cannabidiol extract, beverage and food supplement containing cannabidiol extract
<b>5. Title, number of pages and language(s) of the notified document:</b> 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" (3 page(s), in Thai)
<b>6. Description of content:</b> 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 exceed 0.2% by weight and comply with the certain criteria laid down by the Narcotic Substance Committee shall be exempted from the Notification of 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, requiring that it shall abide by the food law. Cannabidiol extracts are considered as novel food that shall be assessed safety for consumption as food prior place in the market as specified in Notification of the Ministry of Public Health (No.376) B.E.2559 (2016) Re: Novel Food.  By the virtue of the 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:  <b>Clause 1</b> – Food products containing cannabidiol extract shall be classified as the specifically controlled food.  <b>Clause 2</b> – 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 exceed 0.2% by weight  <b>Clause 3</b> – Cannabidiol extract shall comply with the following quality and safety requirements:  (1) Amount of cannabidiol shall not less than 30% by weight  (2) Amount of tetrahydrocannabinol shall not exceed 0.2% by weight

(3) May contain or mix with other ingredients as 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 ingredient in food shall comply with the requirements specified in the Annex of this draft notification.

**Clause 5** – Food products containing cannabidiol extract shall be complied 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 relevant the 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 that placed in a rectangular frame which frame colour be contrast to background colour of the label.

(2) "Children, pregnant women and breastfeeding women should not consume"

(3) "If getting abnormal symptoms, stop consuming immediately"

(4) "THC- or CBD- Hypersensitive person should be aware of allergic reaction"

(5) "May cause drowsiness, avoid driving or operate heavy equipment"

<p>(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.</p> <p>(7) Other messages prescribed by the Minister of Public Health shall be displayed, if any</p> <p><b>Clause 11</b> – Nutrition claims for food products containing cannabidiol extract shall comply with the Notification of MOPH regarding nutrition labelling.</p> <p><b>Clause 12</b> – Health claims for food products containing cannabidiol extract shall comply with the Notification of MOPH regarding health claim.</p> <p><b>Clause 13</b> – This notification shall enter into force as from the day following the date of its publication in the Government Gazette.</p> <p>This draft Ministry of Public Health Notification was also notified under the SPS Notification.</p>
<p><b>7. Objective and rationale, including the nature of urgent problems where applicable:</b> Consumer information, labelling</p>
<p><b>8. Relevant documents:</b></p> <ul style="list-style-type: none"> <li>- The Notification of the Ministry of Public Health regarding Food Containing Pesticide Residues</li> <li>- -The Notification of the Ministry of Public Health regarding Standard of Foods contained contaminants;</li> <li>- The Notification of the Ministry of Public Health regarding Standards for Pathogenic Microorganisms in Food;</li> <li>- The Notification of the Ministry of Public Health regarding Production processes, production equipment and foods storages;</li> <li>- The Notification of the Ministry of Public Health regarding Food additives;</li> <li>- The Notification of the Ministry of Public Health regarding Containers;</li> <li>- The Notification of the Ministry of Public Health regarding Labeling of Prepackaged Foods.</li> <li>- The Notification of the Ministry of Public Health regarding Nutrition labeling</li> </ul>
<p><b>9. Proposed date of adoption:</b> To be determined.</p> <p><b>Proposed date of entry into force:</b> On the date after being notified in the Official Gazette.</p>
<p><b>10. Final date for comments:</b> 30 days from notification; 30 days from the date of circulation of the notification</p>
<p><b>11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:</b></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: <a href="mailto:spsthailand@gmail.com">spsthailand@gmail.com</a>  Websites: <a href="http://www.acfs.go.th">http://www.acfs.go.th</a>  <a href="http://www.spsthailand.net/">http://www.spsthailand.net/</a>  <a href="https://members.wto.org/crnattachments/2021/TBT/THA/21_4135_00_x.pdf">https://members.wto.org/crnattachments/2021/TBT/THA/21_4135_00_x.pdf</a></p>