



Regulation of Hemp

Australia • Brazil • Canada • China • Colombia
Ecuador • European Union • Great Britain • India
Israel • Italy • Japan • Mexico • New Zealand
Russian Federation

Appendix: Table on Legalization of Hemp Production

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Comparative Summary

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I. Introduction

This report looks at the regulation of hemp in select jurisdictions around the globe, namely, **Australia, Brazil, Canada, China, Colombia, Ecuador, Israel, India, Japan, New Zealand, Russia, the Slovak Republic, the United Kingdom (UK), and the European Union (EU)**. In an appendix to the report, we have also included a table of countries that have legalized the production of hemp.

The report covers when cultivation/production of hemp was legalized, how hemp is defined (in terms of allowable delta-9-tetrahydrocannabinol (THC) level), under what restrictions/circumstances (if any) hemp can be cultivated/produced, and what some of the licensing and registration requirements are. The report also discusses testing and sampling requirements that farmers are required to observe. In addition, the report briefly discusses rules for the processing/manufacturing of hemp and hemp-containing products.

II. Cultivation of Hemp

A. Legalization

In the select jurisdictions, cultivation of hemp for restricted purposes was legalized in **Japan** in 1947, the **UK** in 1993, **Canada** in 1998, **New Zealand** in 2006, **Russia** in 2007, **Australia** and **Italy** in 2016, **Israel** in 2019, **Ecuador** in 2020, and **Colombia** in 2022. **India** allows states to permit and regulate the cultivation of hemp. Uttarakhand was the first state to do so, in 2016. Australia in 2016 enacted federal amending legislation allowing for the cultivation of cannabis for medicinal or scientific purposes. The cultivation of industrial hemp is regulated by each of **Australia's** states and territories, with Tasmania being the first state to allow it in 1995. Similarly, only two provinces in **China** have allowed industrial hemp; Yunnan province was the first to do so, in 2010.

The **EU's** Common Agricultural Policy includes a common system of aid for farmers of flax and true hemp (*Cannabis sativa*), which was established in 1970.

B. Definition of Hemp (in Terms of Allowable THC content)

In many jurisdictions, including **Canada** and **Colombia**, the allowable (THC) content in industrial hemp is 0.3% THC or less. In the **UK**, cannabis with a THC level of below 0.2% can be cultivated for industrial purposes. In **Russia**, non-narcotic varieties of hemp with a THC content of the dry mass of leaves and upper flowers not exceeding 0.1% can be grown. **Ecuador**, on the other hand, defines industrial hemp as having a THC content lower than 1%. **New Zealand** includes a range for "industrial hemp" with THC content that is generally below 0.35% and is not above 0.5%. **Italy** allows the cultivation of industrial cannabis under 0.2% THC content without the need for any governmental license or authorization, and farmers are not penalized for cultivating cannabis

with a THC content above 0.2% but lower than 0.6%. Content higher than 0.6% carries criminal penalties.

In **Australia**, the percentage of THC permitted in hemp depends on the purpose for producing the hemp and on the state or territory in which the production is taking place. Most of the states/territories have a THC limit in the leaves and flowering heads of not more than 1% for the cultivation of industrial hemp. In **India**, the THC limit is also determined by the states that have permitted cultivation of hemp, and both Uttarakhand and Uttar Pradesh have approved the cultivation of hemp with a THC content of 0.3% or less. One court decision, however, seems to indicate that Uttarakhand allows content to range from .3% to 1.5%. Similarly, in China, two provinces have promulgated local legislation regulating industrial hemp in their jurisdictions with an allowable THC content for industrial hemp that is less than 0.3%. **Japan** bans the cultivation of all kinds of cannabis plants regardless of THC content but allows use of the mature stalks and seeds of cannabis plants.

The EU's common system of aid to farmers of flax and hemp provides direct payments to active farmers who use seeds from a list of certified seed varieties for hemp with a THC content below 0.2% (the allowable content will be raised to 0.3% starting in January 2023).

C. Restrictions

All jurisdictions appear to allow cultivation of hemp (or cannabis more widely) for very controlled and restricted purposes. **Canada**, the **UK**, and **Russia** allow cultivation of hemp for industrial purposes. **Ecuador** allows cultivation for industrial and agricultural purposes. **India** allows state governments to permit the cultivation of cannabis plants for medical, scientific, industrial, and horticultural purposes. In **New Zealand**, hemp cultivation can be undertaken for industrial, research, and health purposes. In **Israel**, cultivation of cannabis appears to be limited to health and research purposes. **Colombia** allows cultivation for industrial and scientific purposes. In **Japan**, cannabis cultivation is also limited to specific purposes: to make fiber from stems and obtain seeds for food and research.

D. Licensing/Registration Requirements

Almost all jurisdictions require some sort of license or authorization in order to cultivate industrial hemp. **Italy**, however, does not require a license or authorization unless the plants have a THC content over 0.2%. **Canada** has an online application process with identification and ownership verification requirements, but it does not include a criminal background check. Countries such as **Ecuador** and **Israel** require a background check, while in **New Zealand**, a person convicted of an offense under the country's drug laws cannot obtain a license. In **Israel**, a license will not be granted until a recommendation is given or notice is delivered by the Police Investigations and Intelligence Division or by an officer with the rank of superintendent or higher who has been authorized to do so. The **UK** also has an online application for a license that includes an enhanced background check.

In **Colombia**, authorization is required to cultivate hemp. The authorities may carry out control and monitoring visits where hemp-related activities are conducted to verify compliance, and they may suspend, cancel, or revoke authorizations.

In **Australia**, **China**, and **India**, licensing requirements differ among sub-national states/provinces that have allowed cultivation. Generally, in **Australia**, applicants need to meet certain character requirements, with consideration given to an applicant's criminal history. In **China**, the cultivation of industrial hemp for scientific research, seed breeding, and industrial raw materials purposes is subject to a prior licensing requirement in the Yunnan province, while cultivation and processing of industrial hemp are subject to record-filing requirements in Heilongjiang province.

E. Testing and Sampling Requirements

In **Australia**, each state and territory sets out requirements for the testing of THC, with varying requirements about who undertakes the testing and when testing is to take place. For example, in the state of Victoria, licensees must ensure that the crop is sampled at the correct time. The testing itself is conducted by "an Agriculture Victoria inspector" through an "accredited laboratory" in order to ensure that the THC content does not exceed 0.35%. In **New Zealand**, licensees are required to provide samples to approved laboratories for testing when requested. A sample that exceeds a certain amount may result in further testing or crop destruction.

In the Yunnan province of **China**, the license holders themselves must conduct safety tests on the industrial hemp varieties, and the public security authority may test samples as well. In **Italy**, inspectors are required to carry out the sampling in the presence of the farmer and release a sample to the farmer for the purpose of cross-checking. In **India's** Uttar Pradesh state, before harvesting the cultivated hemp crop, the licensee must inform the excise officer for the district of the crop's THC content. If it exceeds 0.3%, the crop must be destroyed.

EU regulations have detailed rules for the sampling and testing of THC content. Competent national authorities are required to perform administrative and on-the-spot checks to verify, in particular, that the information in the aid application is correct and complete and that the farmer complies with all eligibility criteria.

In **Colombia**, **Japan**, **Russia**, and the **UK**, there do not appear to be any testing or sampling requirements. In **Russia**, experts recommend that sample seeds be submitted with the license application for assessment.

III. Hemp Processing/Manufacturing and Hemp-Containing Products

In **Australia**, products that contain hemp are regulated depending upon the type of product being produced. For example, medicinal cannabis is defined under the Poisons Standard and regulated by each state and territory based on the level of cannabidiol (CBD). "Therapeutic goods," which include "cannabis and products that contain THC and CBD," are federally regulated under the Therapeutic Goods law. In **Canada**, there are federal licensing requirements for processing hemp, but the sale of hemp-containing products is largely controlled by the provincial governments (although products with less than 10 µg/g THC content are exempt from regulation). In **Colombia**, cosmetic products, food, beverages, alcoholic beverages, and dietary supplements for human use and consumption that contain grain or a vegetable component of hemp must be authorized and comply with health regulations. In **Russia**, in general, the same requirements

established for hemp cultivation are applicable to the processing of hemp and hemp-containing products, but the latter appear to be viewed unfavorably by the authorities.

In **India's** narcotics law, cannabis seeds and leaves are excluded from the definition of cannabis, and these have been used in foods and for medicinal purposes. **India's** food standards also allow hemp seed, hemp seed oil, and hemp seed flour to be used in food if they meet certain standards and THC parameters. In addition, **India's** drug laws allow "*Cannabis sativa* Linn. (Except seeds)" as an ingredient in alternative forms of medicine.

In the **EU**, the Novel Foods Regulation might be applicable to CBD containing products (including those derived from hemp). In addition, a prescription medicine containing a CBD extract from *Cannabis sativa* with a purity level of $\geq 98\%$ has been authorized for use in the EU under Medicinal Products legislation.

IV. Appendix: Table on Legalization of Hemp Production

The table at the end of the report lists countries where cultivation or production of hemp has been legalized, the date of legalization, under what restrictions (if any) hemp can be cultivated/produced, and how hemp is defined (in terms of allowable THC level or other regulatory definitions). The last column provides a citation to the relevant law/regulation/policy that legalizes the production of hemp. In terms of THC content, most jurisdictions provide a specific percentage or range. Some jurisdictions, such as **Anguilla**, **Egypt**, and **Israel**, do not mention a percentage at all, while **Australia** and **Greece** provide different percentages depending on the purpose of cultivation. Of the 92 reviewed jurisdictions, 26 jurisdictions allow THC content in the cultivation of hemp up to 0.2%, 17 jurisdictions allow content up to 0.3%, and 13 allow content up to 1%.

Australia

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SUMMARY The regulation of hemp in Australia is fragmented and complex, with different regulatory frameworks in each state and territory. While Australia’s federal government legalized hemp cultivation under the Narcotic Drugs Act 1967 (Cth) on February 29, 2016, the legislation did not provide a framework for the cultivation or production of industrial hemp. Accordingly, industrial hemp cultivation is regulated by each Australian state and territory, with varying definitions of hemp and tetrahydrocannabinol content, and licensing requirements that differ across each jurisdiction.

I. Introduction

In the last few years, Australia’s hemp industry has grown significantly. In the 2019-2020 growing season, an estimated 4,200 hectares (about 10,380 acres) of hemp was grown in Australia.¹ At present, much of Australia’s commercial hemp production takes place in the state of Tasmania, with 1,600 hectares grown in 2019-2020 at a “farm gate value of \$4.5 million.”² In that same period, Western Australia recorded 280 hectares, while 200 hectares were planted in Victoria.³ According to AgriFutures Australia,⁴ a research organization that collaborates with what is currently the federal government’s Department of Agriculture, Fisheries and Forestry, the industry will continue to grow, with proposals now to grow Australia’s industrial hemp production to over “\$10 million per annum by 2026.”⁵

For the most part, hemp in Australia is cultivated “to produce hemp seed for food purposes” and to sell seeds to “other growers for cultivation.”⁶ According to AgriFutures Australia, hemp has been identified as holding a wide variety of applications, including use in “textiles, paper, rope, fuel, oil,” building materials, stock feed, and cosmetics.⁷ Demand for hemp increased following the update of the Australia New Zealand Food Standards Code (“Code”), which now permits the

¹ Steve Jefferies, *Australian Industrial Hemp Strategic RD&E Plan (2022-2027)* 14, AgriFutures (Mar. 2022), <https://perma.cc/Z265-Q2KM>.

² Industrial Hemp Taskforce Victoria, *2020 Industrial Hemp Update* 4, <https://perma.cc/NSG4-QVWN>.

³ *Id.*

⁴ *About AgriFutures Australia*, AgriFutures Australia, <https://perma.cc/U4XE-6AV5>.

⁵ Jefferies, *supra* note 1, at 10.

⁶ Industrial Hemp Taskforce Victoria, *supra* note 2, at 4.

⁷ *Industrial Hemp*, AgriFutures Australia (May 24, 2017), <https://perma.cc/R7EB-S6BE>.

“sale of food derived from the seeds of low delta 9-tetrahydrocannabinol varieties of *Cannabis sativa* (low THC hemp).”⁸

At present, the regulation of hemp in Australia is fragmented and complex. The federal government currently regulates the cultivation and use of cannabis for medicinal and scientific purposes, while each state and territory government manages licensing for the cultivation of industrial hemp. As the industry grows, consideration is being given to changing the regulatory framework.⁹

II. Cultivation/Production of Hemp

A. Legalization

In 2016, the Narcotics Drugs Amendment Bill 2016 was introduced in the federal Parliament. The purpose of the bill, as set out in its explanatory memorandum, was to “provide a legislative framework” to “enable cannabis cultivation in Australia” and allow patients to access “medicinal cannabis for therapeutic purposes.”¹⁰ In order to ensure that Australia would remain compliant with its international obligations, the Australian government noted that cultivation would be “tightly controlled.”¹¹ The legislation was enacted on February 29, 2016,¹² legalizing hemp cultivation under the Narcotic Drugs Act 1967 (Cth).¹³

While the federal legislation now allows for the cultivation of cannabis for medicinal or scientific purposes, it does not provide a framework for the cultivation or production of hemp for industrial purposes.¹⁴ Accordingly, it is the responsibility of each Australian state and territory to regulate hemp production and cultivation within their respective jurisdictions.¹⁵ The following table, published in a report prepared for the Department of Agriculture, Fisheries and Forestry in 2012, shows the date at which hemp seed production became legal in each state.¹⁶

⁸ Food Standards Australia New Zealand, *Approval Report – Proposal P1042: Low THC Hemp Seeds as Food* (Mar. 23, 2017), <https://perma.cc/7BWE-GJQD>.

⁹ See generally Jefferies, *supra* note 1.

¹⁰ Narcotics Drugs Amendment Bill 2016, Explanatory Memorandum 1, <https://perma.cc/D9RL-BNBN>.

¹¹ *Id.*

¹² Narcotic Drugs Amendment Act 2016 (Cth), <https://perma.cc/QDN8-XYD5>.

¹³ Narcotic Drugs Act 1967 (Cth) ch 2, <https://perma.cc/XEN3-YKQG>.

¹⁴ *Medicinal Cannabis*, Office of Drug Control, Department of Health and Aged Care, <https://perma.cc/2EV6-W3TG>.

¹⁵ Fiona Crawford et al., Department of Agriculture, Fisheries and Forestry, *Human Consumption of Hemp Seed: Prospects for Australian Production: Report for Client Prepared for Food Standards Australia New Zealand 4* (Oct. 2012), <https://perma.cc/X7MS-3GAM>.

¹⁶ *Id.*

Table 1 Australian hemp seed production, by state

State	Year legalised	Maximum allowed THC level		Approx. planted area for seed production in 2011-12 (ha)
		Seed for planting (%)	Cultivated plant material, including seed (%)	
New South Wales	2008	<0.5	<1	78
Victoria	1998	na	na	10
Queensland	2002	<0.5	<1	32.5
Western Australia	2004	<0.35	<0.35	0
Tasmania	1995	<0.35	<0.35	65
Australia				185.5

Note: na = no data available; THC = tetrahydrocannabinol.

Source: Macquarie Franklin 2011; Ecofibre, pers. comm.; Department of Agriculture and Food Western Australia.

The relevant legislation for each state is set out below:¹⁷

- Tasmania: industrial hemp became legal in 1995 under the Poisons Act 1971 (Tas).¹⁸
- Victoria: industrial hemp became legal in 1998 under the Drugs, Poisons and Controlled Substances Act 1981 (Vic).¹⁹
- Queensland: industrial hemp became legal in 1998 under the Drugs Misuse Act 1998 (Qld).²⁰
- Western Australia: industrial hemp became legal under the Industrial Hemp Act 2004 (WA).²¹
- New South Wales: industrial hemp became legal under the Hemp Industry Act 2008 (NSW).²²
- South Australia: industrial hemp became legal under the Industrial Hemp Act 2017 (SA).²³

¹⁷ See Prohibition Partners, *The Oceania Cannabis Report 24* (Nov. 2018), <https://perma.cc/JWL7-862M>; *History of Hemp in Australia*, ECS (June 29, 2021), <https://perma.cc/Q5YQ-RSAR>.

¹⁸ See Parliament of Tasmania, House of Assembly Standing Committee on Environment, Resources and Development, *Inquiry into the Tasmanian Industrial Hemp Industry* 52 (Report No. 1 of 2013), <https://perma.cc/UTJ6-VWMJ>. This report notes the complexity of the original regulatory framework in the state: "The existing ability to licence low THC hemp under the Poisons Act 1971 allows farmers to grow this crop, subject to meeting licensing and growing conditions. . . . If hemp seed was not included in the Poisons List as a Schedule 8 substance, the plant would remain prohibited and subject to controls and offence provisions under the Misuse of Drugs Act 2001. It is because the hemp seed is a Schedule 8 substance in the Tasmanian Poisons List that the issuing of licences to trade in seed can continue."

¹⁹ Drugs, Poisons and Controlled Substances Act 1981 s 62 (amended to Dec. 31, 1998), <https://perma.cc/KN5S-VJYZ> (allowing the cultivation of cannabis for "commercial or research purposes relating to non-therapeutic use").

²⁰ Drugs Misuse Act 1986 (Qld) s 43X (reprint Dec. 21, 1998, to May 29, 1999), <https://perma.cc/4F28-D6WL> (providing for the "trial planting of *cannabis sativa* for research purposes").

²¹ Industrial Hemp Act 2004 (WA) pt 2 s 4 (amended to May 19, 2004), <https://perma.cc/C9RT-DU6U>.

²² Hemp Industry Act 2008 (NSW) (version for July 1, 2008, to Dec. 9, 2008), <https://perma.cc/AF7W-2VM8>. See "Authorisation," stating it is an "Act to authorise and regulate the cultivation and supply of low-THC hemp for commercial production and other legitimate uses; to amend the *Drug Misuse and Trafficking Act 1985*; and for other purposes."

²³ Industrial Hemp Act 2017 (SA) (version for May 16, 2017, to Nov. 11, 2017), <https://perma.cc/9AYT-HZBL>. See opening text stating it is an "Act to authorize and regulate the cultivation of industrial hemp."

B. Definition of Hemp (Allowable THC Content)

The percentage of THC permitted in Australia depends on the purpose for which hemp is being used or produced. It also depends on the state or territory in which use, or production, is taking place. It appears that cannabidiol (CBD) is defined and regulated at the federal level.

1. Medicinal and Scientific Purposes

As stated above, the Narcotic Drugs Act 1967 (Cth) allows for the cultivation of cannabis for medicinal or scientific purposes.²⁴ In order to cultivate medicinal cannabis for this reason, a license must be obtained from the Office of Drug Control.²⁵ The level of THC and CBD permitted is contained in the Poisons Standard October 2022.²⁶ In effect, CBD is permitted under the Australian Register of Therapeutic Goods in circumstances where the cannabinoids are “naturally found in cannabis and comprise 2% or less of the total cannabinoid content of the preparation and of which tetrahydrocannabinol (TCH) can only comprise 1 per cent of the total cannabinoid content.”²⁷

2. Industrial and Research Purposes

Each state and territory defines hemp differently.

- **Tasmania:** Industrial hemp is defined as “any plant of the genus *Cannabis*” that “has a concentration of THC in the leaves and flowering heads of not more than 1%.”²⁸ The act also defines “certified hemp seed” as “seed that will typically produce hemp plants with a concentration of THC in the leaves and flowering heads of not more than 0.5%.”²⁹
- **Victoria:** The terminology “THC cannabis” is used. It is defined as “the leaves and flowering heads of which do not contain more than 0.35 per cent of tetrahydrocannabinol.”³⁰
- **Queensland:** Cannabis for research purposes is defined as “a cannabis plant that has a THC concentration in its leaves and flowering heads of 3% or more.” The act refers to “industrial

²⁴ *Industrial Hemp Production in South Australia*, Government of South Australia, Department of Primary Industries and Regions, <https://perma.cc/J42P-PHJD>.

²⁵ *Cultivators*, Office of Drug Control, Department of Health and Aged Care (June 22, 2022), <https://perma.cc/EE3L-GTZN>.

²⁶ Poisons Standard October 2022 (Cth) s 3, <https://perma.cc/6VPW-37M7>; Suzy Madar et al., *How Are Rules for Medicinal Cannabis and CBD Products in Australia Changing?*, King & Wood Mallesons (Mar. 29, 2022), <https://perma.cc/42DG-LMCF>.

²⁷ Poisons Standard October 2022 (Cth) sch 3.

²⁸ Industrial Hemp Act 2015 (Tas) s 4, <https://perma.cc/HZ5H-NNZ3>.

²⁹ Id.

³⁰ Drugs, Poisons and Controlled Substances Act 1981 (Vic) s 61 (current version), <https://perma.cc/4SXB-ZKRC>.

cannabis” as “a cannabis plant with a THC concentration in its leaves and flowering heads of not more than 1%.”³¹

- **Western Australia:** Industrial hemp is defined as “cannabis, the leaves and flowering heads of which do not contain more than 1% of tetrahydrocannabinol.” The act also refers to “processed industrial hemp,” which is “any product made from industrial hemp or industrial hemp seed that does not contain more than 0.35% of tetrahydrocannabinol.”³²
- **New South Wales:** The terminology “low-THC hemp” is used. It is defined as “any plant of the genus *Cannabis*, by whatever name that plant may be called, that has a concentration of THC in its leaves and flowering heads of no more than 1%, and includes the seed of any such plant and any product (such as oil or fibre) derived from any such plant.”³³
- **South Australia:** Industrial hemp is defined as hemp that “has a concentration of THC in the leaves and flowering heads of not more than 1%.”³⁴ The act also defines “certified hemp seed” as “seed that will typically produce hemp plants with a concentration of THC in the leaves and flowering heads of not more than 0.5%.”³⁵
- **Northern Territory:** The term “low THC hemp” is used. It is defined as “a hemp plant with a THC concentration in the leaves and flowering heads of not more than 1%.”³⁶ The THC content for certified hemp seed cannot be more than 0.5%.³⁷
- **Australian Capital Territory:** The legislation defines hemp for research as “a hemp plant that has a THC concentration in its leaves and flowering heads of 3% or more,” and “industrial hemp” as “a hemp plant with a THC concentration in its leaves and flowering heads of not more than 1%.”³⁸

C. Exemptions/Restrictions

At present, the cultivation of hemp in Australia is permitted for health, research, scientific, and industrial purposes. Under chapter 2 of the Narcotic Drugs Act 1967 (Cth), licenses for the “cultivation of cannabis plants for the purpose of producing cannabis or cannabis resin for medicinal or scientific purposes” can be obtained through the Office of Drug Control.³⁹

Industrial hemp cultivation is governed by each state and territory as follows:

³¹ Drugs Misuse Act 1986 (Qld) s 46 (current version), <https://perma.cc/7C3D-7QT6>.

³² Industrial Hemp Act 2004 (WA) s 4 (current version), <https://perma.cc/V9TA-C3HS>.

³³ Hemp Industry Act 2008 (NSW) s 3 (current version), <https://perma.cc/9L4N-CWGJ>.

³⁴ Industrial Hemp Act 2017 (SA) s 3 (current version), <https://perma.cc/F9SQ-B9RA>.

³⁵ Id.

³⁶ Hemp Industry Act 2019 (NT) s 3, <https://perma.cc/XNA3-JTP7>.

³⁷ Id.

³⁸ Hemp Fibre Industry Facilitation Act 2004 (ACT) s 3, <https://perma.cc/L2EE-NTJL>.

³⁹ Narcotic Drugs Act 1967 (Cth) s 8D. See also *Cultivators*, supra note 25.

- **Tasmania:** Cultivation is permitted under the Industrial Hemp Act 2015 (Tas). The act allows for the cultivation and supply of industrial hemp for “commercial production, use in any manufacturing process, food production,” and “scientific research.”⁴⁰
- **Victoria:** Hemp is regulated under the Drugs, Poisons and Controlled Substances Act 1981 (Vic)⁴¹ and the Drugs, Poisons and Controlled Substances (Industrial Hemp) Regulations 2018 (Vic).⁴² A license can be obtained to cultivate and process “industrial hemp and seed for non-therapeutic (non-medicinal) purposes.”⁴³
- **Queensland:** Industrial hemp cultivation is regulated under “Part 5B of the *Drugs Misuse Act 1986* (the Act) and Part 4 of the *Drugs Misuse Regulation 1987* (the Regulation).”⁴⁴ Under the *Drugs Misuse Act 1986* (Qld), hemp can be cultivated for industrial and research purposes or for medicinal purposes as specified under the *Narcotic Drugs Act 1967* (Cth).⁴⁵
- **Western Australia:** Hemp cultivation is regulated under the Industrial Hemp Act 2004 (WA).⁴⁶ The act allows for licenses to be obtained for the cultivation of industrial hemp.
- **New South Wales:** Hemp can be cultivated under the Hemp Industry Act 2008 (NSW). The act sets out a licensing system for persons seeking to “cultivate or supply low-THC hemp” for “commercial production,” “use in any manufacturing process,” or “scientific research, instruction, analysis or study.”⁴⁷ Licenses can be obtained under the Hemp Industry Regulation 2016 (NSW) for scientific, commercial, and manufacturing purposes.⁴⁸
- **South Australia:** Hemp cultivation is permitted under the Industrial Hemp Act 2017 (SA) and Industrial Hemp Regulations 2017 (SA).⁴⁹ A license may be obtained for “commercial production, use in a manufacturing process, food production, scientific research, analysis or study” or “any other purpose approved by the Chief Executive.”⁵⁰
- **Northern Territory:** Hemp cultivation is permitted under the Hemp Industry Act 2019 (NT). Under this legislation, applicants can obtain a commercial license to “possess, cultivate, process or supply low THC hemp for commercial purposes,” as well as for scientific

⁴⁰ Industrial Hemp Act 2015 (Tas) s 13.

⁴¹ Drugs, Poisons and Controlled Substances Act 1981 (Vic) s 62.

⁴² Drugs, Poisons and Controlled Substances (Industrial Hemp) Regulations 2018 (Vic) reg 2, <https://perma.cc/X2YP-ZQ33>.

⁴³ *Industrial Hemp*, Agriculture Victoria (July 19, 2021), <https://perma.cc/7UDC-KX5X>.

⁴⁴ *Growing Industrial Cannabis or Hemp in Queensland*, Business Queensland, <https://perma.cc/J4LT-8SLD>.

⁴⁵ *Drugs Misuse Act 1986* (Qld) s 44.

⁴⁶ *Industrial Hemp Act 2004* (WA) s 4.

⁴⁷ *Hemp Industry Act 2008* (NSW) s 5.

⁴⁸ *Hemp Industry Regulation 2016* (NSW) pt 2, <https://perma.cc/9PDH-X7VF>.

⁴⁹ *Industrial Hemp Regulations 2017* (SA), <https://perma.cc/3E8U-CSV5>.

⁵⁰ *Industrial Hemp Act 2017* (SA) s 8.

research.⁵¹ Under the Hemp Industry Regulations 2020 (NT), hemp is to be regulated having regard to “corresponding law” in other states and territories as well as federal legislation.⁵²

- **Australian Capital Territory:** Hemp can be cultivated under the Hemp Fibre Industry Facilitation Act 2004 (ACT).⁵³ As set out in the explanatory statement for the bill that became this act, the initial proposal was to establish a “legal basis” for the “commercial production of industrial hemp fibre” and for “research and development in industrial hemp seed cultivation.”⁵⁴ At present, the act provides for the “processing and marketing of, and trade in, industrial hemp fibre and fibre products,” as well as “industrial hemp seed and seed products.”⁵⁵ The act sets out requirements for licenses in research and growing.⁵⁶ It also details the allowable THC concentration levels depending on the purpose and use of hemp.⁵⁷

D. Certification/Licensing/Registration Requirements

Licensing requirements differ among the states and territories. As set out in the summary below, a common theme is the need for applicants to be fit and proper persons, with consideration given to an applicant’s criminal history. Based on a review of the regulatory requirements, it does not appear that an applicant can obtain a license to cultivate hemp without first satisfying certain character requirements.

- **Tasmania:** A license can be obtained for the cultivation of hemp in “commercial production,” use in manufacturing, “food protection,” “scientific research, instruction, analysis or study,” or “any other purpose approved by the Secretary.”⁵⁸ Under the act, the “Secretary must take into account an applicant’s criminal history.”⁵⁹
- **Victoria:** Licenses are issued by Agriculture Victoria and regulated under the part IVA of the Drugs, Poisons and Controlled Substances Act 1981 (Vic), and under the Drugs, Poisons and Controlled Substances (Industrial Hemp) Regulations 2018 (Vic). According to Agriculture Victoria, licenses will not be issued to persons who have been found guilty of serious or indictable offences “involving dishonestly, fraud or cultivation or trafficking in drugs of dependence where the maximum penalty exceeds 3 months imprisonment.”⁶⁰ A license may also be refused in circumstances where a person is found not to be suitable, or where premises

⁵¹ Hemp Industry Act 2019 (NT), pt 2 div 1 s 8. See also *Industrial Hemp Licences*, Northern Territory Government, <https://perma.cc/6323-WH55>.

⁵² Hemp Industry Regulations 2020 (NT) reg 12, <https://perma.cc/S2U6-QQJE>.

⁵³ Hemp Fibre Industry Facilitation Act 2004 (ACT) s 9.

⁵⁴ Legislative Assembly for the Australian Capital Territory, Hemp Fibre Industry Facilitation Bill 2004, Explanatory Statement, <https://perma.cc/LP3L-P6JD>.

⁵⁵ Hemp Fibre Industry Facilitation Act 2004 (ACT) s 6.

⁵⁶ *Id.* s 9.

⁵⁷ *Id.* s 12.

⁵⁸ Industrial Hemp Act 2015 (Tas) s 13.

⁵⁹ *Id.* s 10.

⁶⁰ *Industrial Hemp*, Agriculture Victoria, *supra* note 43.

are deemed unsuitable “for the cultivation, processing, sale or supply” of hemp.⁶¹ Section 64(2) of the Drugs, Poisons and Controlled Substances Act 1981 (Vic) specifies that the secretary, who makes a determination on the application, may consider whether an applicant is of “good repute.”⁶² The secretary can also consider the applicant’s financial background and business associations.⁶³

- **Queensland:** Queensland issues licenses for growers, researchers, and seed handlers.⁶⁴ In making a determination, the chief executive will consider “whether a person is fit and proper” to hold the license and “must have regard” to an applicant’s criminal history.⁶⁵
- **Western Australia:** In Western Australia, a license can be obtained under the Industrial Hemp Act 2004 (WA) to “cultivate industrial hemp, harvest industrial hemp or process industrial hemp.”⁶⁶ In determining whether a license is to be granted, the registrar will consider whether the person is “of good character and repute,” is “fit and proper,” has any relevant qualifications, and has the sufficient “material, human and financial resources to carry” out the activity “authorised by the licence.”⁶⁷ The registrar “must refuse to grant a licence” if the applicant “has been found guilty of an external serious drug offence or a serious drug offence during the period of 10 years ending on the day on which the application was made,” or if the applicant is associated with a person who the registrar considers is not of good repute, or similarly has been found guilty of a serious drug offence.⁶⁸
- **New South Wales:** In New South Wales, the secretary making the decision “must conduct a criminal record check in relation to the applicant” and may conduct checks into close associates.⁶⁹ The Hemp Industry Act 2008 also allows the secretary to conduct any necessary “investigations and inquiries” about applicants and to assess the suitability of applicants and their close associates.⁷⁰
- **South Australia:** In South Australia, the chief executive will consider the “character, honesty and integrity” of the applicant, persons associated with the applicant, the applicant’s relatives, or “any person in a position to exercise control or significant influence over the conduct of the applicant or licence holder.”⁷¹
- **Northern Territory:** In the Northern Territory, a license is required under the Hemp Industry Act 2019 and Hemp Industry Regulations 2020. Licenses are available for commercial and

⁶¹ Id.

⁶² Drugs, Poisons and Controlled Substances Act 1981 (Vic) s 64(2).

⁶³ Id.

⁶⁴ *Growing Industrial Cannabis or Hemp in Queensland*, Business Queensland, *supra* note 44.

⁶⁵ Drugs Misuse Act 1986 (Qld) s 57.

⁶⁶ Industrial Hemp Act 2004 (WA) s 4.

⁶⁷ Id. s 8.

⁶⁸ Id.

⁶⁹ Hemp Industry Act 2008 (NSW) s 8.

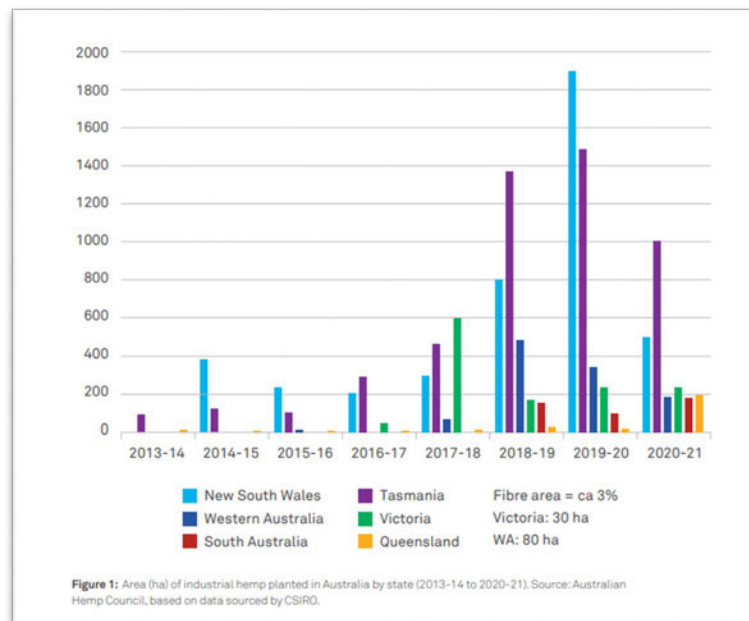
⁷⁰ Id. ss 8 & 9.

⁷¹ Industrial Hemp Act 2017 (SA) s 10.

research purposes.⁷² As noted by the Department of Industry, Tourism and Trade, applicants must be “of good repute” with respect to their “character, honesty and integrity” and “not be affected by bankruptcy action.”⁷³

- **Australian Capital Territory:** In the Australian Capital Territory, a license is required to “possess or produce industrial hemp plants and seeds,” to “supply industrial hemp seeds,” to export “industrial hemp seeds,” and to “possess and produce hemp seeds” for research.⁷⁴ According to the Australian Business Licence and Information Service, applicants and their associates “must be of good repute” and must “not be bankrupt or personally insolvent” or have been “convicted or found guilty of an offence involving drugs in the past 5 years.”⁷⁵

The table below, published by AgriFutures Australia, shows the total area of industrial hemp planted within each state from 2013 to 2021 following the grant of such licenses.⁷⁶



⁷² Id. reg 3.

⁷³ *Industrial Hemp Licences*, Northern Territory Government, *supra* note 51.

⁷⁴ *Hemp Grower Licence – Australian Capital Territory*, Australian Business Licence and Information Service, <https://perma.cc/F9P4-Q66J>.

⁷⁵ Id.

⁷⁶ Jefferies, *supra* note 1, at 13.

E. Sampling & Testing Requirements

Each state and territory sets out requirements for the testing of THC, with varying requirements on who undertakes the testing and when testing is to take place. For example, in Victoria, licensees must “ensure that the crop is sampled at the correct time,” but testing itself is undertaken by “an Agriculture Victoria inspector” through an “accredited laboratory” in order to ensure that the THC content does not exceed 0.35%.⁷⁷ In Tasmania, “any hemp grown under a license is to be tested at any appropriate time or times during the growing season to determine the concentration of THC in the hemp.”⁷⁸ South Australia allows inspectors to inspect premises to determine whether a license is being complied with, so that inspectors can determine whether the “THC content of all industrial hemp crops meets legal requirements.”⁷⁹ In Queensland, licensees are required to notify inspectors when the crop can be tested.⁸⁰

With respect to medicinal cannabis, the Narcotic Drugs Regulation 2016 (Cth) sets out the “regulatory framework for licensing the cultivation of cannabis and the production of cannabis resins for medicinal and scientific purposes.”⁸¹ The federal government’s Office of Drug Control sets out requirements for security and the testing of crops in order to prevent the “diversion of cannabis for illicit use.”⁸²

It does not appear that there are any exemptions available in the testing of harvests.

F. Government Initiatives

There are a number of government initiatives aimed at fostering the cultivation of hemp in Australia. For example, Western Australia runs an Industrial Hemp Grants Scheme, the aim of which is to “drive the growth of the Western Australian hemp industry.”⁸³ The Tasmanian government has invested in developing the industrial hemp market by providing “targeted education” to “licensed growers.”⁸⁴

⁷⁷ *Industrial Hemp*, Agriculture Victoria, *supra* note 43.

⁷⁸ Industrial Hemp Regulations 2016 (Tas) reg 7, <https://perma.cc/6HUW-4CW9>.

⁷⁹ *Industrial Hemp Production in South Australia*, *supra* note 24.

⁸⁰ Drugs Misuse Regulation 1987 (Qld) div 7A.

⁸¹ *Legislation*, Office of Drug Control, Department of Health and Aged Care, <https://perma.cc/DJ6N-93QS>. See also Narcotic Drugs Regulation 2016 (Cth) pt 2, <https://perma.cc/ME6W-PJYB>.

⁸² *Medicinal Cannabis Cultivation Production Licence and Permits*, Office of Drug Control, Department of Health and Aged Care (Jan. 2, 2020), <https://perma.cc/K28E-AP2F>.

⁸³ *Industrial Hemp Grants Scheme – Successful Recipients*, Department of Primary Industries and Regional Development (last updated June 2, 2021), <https://perma.cc/8WGM-4ZMX>.

⁸⁴ Press Release, Guy Barnett, Minister for Primary Industries and Water, Supporting Growth and Resilience in Tasmania’s Agricultural Industries, Aug. 28, 2021, <https://perma.cc/8K79-JRLJ>.

More broadly, in March 2022, AgriFutures Australia released the *Australian Industrial Hemp Strategic RD&E Plan (2022-2027)*.⁸⁵ The plan, which acknowledges the growth of the industrial hemp industry in Australia, sets out a series of recommendations to grow Australia’s “industrial hemp production” to over “\$10 million per annum by 2026.”⁸⁶ The report sets out key recommendations, including the establishment of a consistent regulatory environment, the establishment of a “nationally coordinated industrial hemp variety trial system,” the development of mechanisms to “collect industry data to enable and facilitate” policy development in the area, and the development of communications strategies to allow for the “adoption of hemp research outcomes.”⁸⁷

III. Hemp Processing and Hemp-Containing Products

At present, it does not appear that state and territory governments have set out requirements for how processing of hemp should be conducted.⁸⁸ As noted in Part II.D. above, licenses are issued for cultivation and processing, but the legislation does not appear to provide details on processing itself.⁸⁹ A 2020 report published by the Industrial Hemp Taskforce Victoria, for example, stated that hemp licenses issued by “Agriculture Victoria cannot authorise the processing of leaves and flowering heads, which is where the cannabinoids are found.”⁹⁰

In terms of products that contain hemp, the manner in which they are regulated depends on the type of product being produced.⁹¹ For example, medicinal cannabis is defined under the Poisons Standard and regulated by each state and territory based on the level of CBD.⁹² Broadly, “therapeutic goods,” which include “cannabis and products that contain THC and CBD,” are federally regulated under the Therapeutic Goods Act 1989 (Cth).⁹³ Generally speaking, the “non-therapeutic use of cannabis and cannabis products . . . is prohibited by Australian state and territory law.”⁹⁴

⁸⁵ Jefferies, *supra* note 1, at 2.

⁸⁶ *Id.* at 8.

⁸⁷ *Id.* at 9.

⁸⁸ *Industrial Hemp*, AgriFutures Australia, *supra* note 7.

⁸⁹ See, e.g., Department of Primary Industries and Regions South Australia, Fact Sheet: Growing Industrial Hemp in South Australia (May 2019), <https://perma.cc/XJE4-6S3U>, noting, “At the time of publication there is no fibre processing infrastructure in South Australia. Fibre production will remain uneconomic until such time as suitable facilities are available within a short distance from production areas. Hemp straw is very lightweight, and transporting unprocessed straw over any significant distance is extremely costly.”

⁹⁰ 2020 *Industrial Hemp Update*, *supra* note 2.

⁹¹ Madar et al., *supra* note 26.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

In 2017, Food Standards Australia New Zealand accepted a proposal to update the Australia New Zealand Food Standards Code to permit the “sale of food derived from the seeds of low delta 9-tetrahydrocannabinol varieties of *Cannabis sativa* (low THC hemp).”⁹⁵ The draft standard was subsequently supported by Australian and New Zealand ministers responsible for food safety, who noted, “[t]here is still a range of New Zealand and State and Territory legislation that currently prohibits the sale of low-THC hemp seeds as a food which will need to be amended.”⁹⁶ The amendments to the Code came into effect on November 12, 2017.⁹⁷

The Australian federal government is responsible for “ensuring that low-THC hemp seed food products imported into Australia comply with the provisions of the Code.”⁹⁸ Each state and territory is responsible for regulating the cultivation of low-THC hemp within their jurisdictions, and for enforcing food safety requirements. In New South Wales, for example, such cultivation is controlled by a licensing system managed by the Department of Primary Industries, while the “NSW Food Authority is responsible for ensuring that low THC hemp seed foods produced or manufactured in NSW comply with the Code.”⁹⁹ However, “[s]urveillance and monitoring of low-THC hemp seed food products in the marketplace is being coordinated nationally.”¹⁰⁰

⁹⁵ See Food Standards Australia New Zealand, *Approval Report – Proposal P1042: Low THC Hemp Seeds as Food*, supra note 10; *Hemp Seeds as Food*, Food Standards Australia New Zealand (June 2017), <https://perma.cc/T645-TBGF>.

⁹⁶ Australia New Zealand Ministerial Forum on Food Regulation, *Communiqué 28 April 2017*, <https://perma.cc/2G78-CHHC>.

⁹⁷ See Food Authority New South Wales, *Low-THC Hemp as Food* (July 2021), <https://perma.cc/MCS7-KQ2E>. See also Rachel Burton, *Hemp Can Now Be Sold as Food in Australia (and It’s Super Good for You)*, *The Conversation* (Nov. 12, 2017), <https://perma.cc/CG9X-BDB7>; *Hemp-Based Food to be Legalised in Australia*, *Mills Oakley* (May 2017), <https://perma.cc/QJ2R-LSHK>.

⁹⁸ Food Authority New South Wales, *Low-THC Hemp as Food*, supra note 97. See also *Hemp Seed and Hemp Seed Products*, Department of Agriculture, Fisheries and Forestry, <https://perma.cc/YNZ6-GBT4>.

⁹⁹ Food Authority New South Wales, *Low-THC Hemp as Food*, supra note 97.

¹⁰⁰ *Id.*

Brazil

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Brazil currently has a bill of law pending approval at the National Congress that would legalize the cultivation of *Cannabis sativa* for medicinal, veterinary, scientific, and industrial purposes.¹ The bill also addresses industrial use and commercialization of products derived from hemp, a version of cannabis that is not able to cause intoxicating effects because of the low THC concentration found in the plant.²

On June 8, 2021, Bill of Law No. 399/2015 was approved by the Special Commission of the Chamber of Deputies and could have been immediately forwarded for debating and voting to the Federal Senate.³ However, Federal Deputy Diego Garcia filed a motion that June arguing against the bill being immediately forwarded to the Senate and requesting that the bill first be debated and voted at the plenary of the Chamber of Deputies.⁴ The President of the Chamber of Deputies has yet to decide whether to accept the motion and submit it to the plenary for consideration by the 513 federal deputies or deny it and forward it to the Senate.⁵

¹ Câmara dos Deputados, Projeto de Lei [PL] 399/2015, <https://perma.cc/PZC8-4WMA>.

² Luciano Nascimento, *Comissão da Câmara Aprova Projeto que Autoriza Plantio de Cannabis*, Agência Brasil (June 6, 2021), <https://perma.cc/5M53-3QMX>.

³ Id.

⁴ Anita Krepp, *Por Que a Legislação sobre Cannabis Não Avança no Brasil?* Terra (Aug. 11, 2022), <https://perma.cc/KT82-5PF2>.

⁵ Id.

Canada

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SUMMARY Industrial hemp has been legal in Canada since 1998, with new Industrial Hemp Regulations being promulgated in 2018. The allowable delta-9-tetrahydrocannabinol (THC) content in industrial hemp is 0.3% THC. Industrial hemp licenses have identification and ownership verification requirements. Cultivation of industrial hemp requires testing a representative sample of the crop to determine the THC content, while a processing license requires testing to ensure the non-viability of the grain. While the cultivation and processing of industrial hemp is conducted by private entities, the Government of Canada controls the licensing process, and also aids in promotion of the industry. The sale of hemp-containing products is largely controlled by the provincial governments, though products with less than 10 µg/g THC content are exempt from regulation.

I. Introduction

Industrial hemp in Canada is regulated under the Industrial Hemp Regulations (IHR) made in accordance with the Cannabis Act of 2018.¹ Industrial hemp, first legalized in 1998, was previously governed as a controlled substance under a similar regulatory regime.² In 2020, there were 1,269 production licenses issued by Health Canada under the IHR, up from 866 in 2019.³ The top provinces for licensing are Ontario, Alberta, and British Columbia, though the top provinces by cultivation area are Alberta, Saskatchewan, and Manitoba.⁴ In 2020, the total hectareage of industrial hemp cultivation in Canada was 22,243.42 (54,965 acres).⁵

II. Cultivation/Production of Hemp

A. Legalization

As noted above, industrial hemp was legalized in 1998, under the framework of the Controlled Drugs and Substances Act. With the legalization of recreational cannabis in 2018, the IHR were transferred to the legislative framework of the Cannabis Act.⁶

¹ Industrial Hemp Regulations, SOR/2018-145, <https://perma.cc/GL5P-MFN3/>.

² Industrial Hemp Regulations, SOR/98-156 [repealed], <https://perma.cc/MVD9-KCFB>.

³ Health Canada, *Industrial Hemp Licensing Statistics*, <https://perma.cc/UJ7H-9LJ7>.

⁴ Id.

⁵ Id.

⁶ Cannabis Act, S.C. 2018, c. 16, <https://perma.cc/Q7Y7-2NHJ>.

B. Definition of Hemp (Allowable THC Content)

The IHR defines industrial hemp as “a cannabis plant – or any part of the plant – in which the concentration of [delta-9-tetrahydrocannabinol (THC)] is 0.3% (weight by weight) or less in the flowering heads and leaves.”⁷ The Health Canada application guide for industrial hemp growers states that

not every activity that involves industrial hemp falls within the scope of the *Industrial Hemp Regulations*. A good example is the extraction of CBD or another phytocannabinoid from the flowering heads, leaves, and branches of the plant; this activity falls under the *Cannabis Regulations* and requires a cannabis processing licence.⁸

C. Exemptions/Restrictions

Health Canada provides the following clarification of licensing requirements for various industrial hemp scenarios:

I want to...	In the form of...	Licence required
Grow industrial hemp	Approved cultivars/varieties	Industrial hemp licence
	Unapproved cultivars/varieties with less than 0.3% THC (weight/weight) in the flowering heads and leaves (for plant breeding/propagation purposes)	Industrial hemp licence
Make derivatives/products from industrial hemp	Grain (viable grain) (e.g. for hulled hemp seed, hemp protein powder, hemp seed oil)	Industrial hemp licence
	Non-viable grain (grain that have been specifically rendered non-viable or sterile)	No licence required under the <i>Cannabis Act</i>
	Bare mature stalks or fibre from those stalks	No licence required under the <i>Cannabis Act</i>
	Roots or parts of the root	No licence required under the <i>Cannabis Act</i>

⁷ Industrial Hemp Regulations s 1(2).

⁸ Health Canada, *Industrial Hemp Processing Application Guide*, October 9, 2020, <https://perma.cc/4SDR-SCZH>.

	Flowering heads, leaves, and branches (e.g. extraction to make CBD oil)	Cannabis processing or cultivation licence	
Sell industrial hemp	Seed (pedigreed seed)	Industrial hemp licence	
	Grain (viable grain)	Industrial hemp licence	
	Products/derivatives made from grain (e.g. hulled hemp seed, hemp seed oil, hemp protein powder) that contain little to no phytocannabinoids	No licence required if less than 10µg/g THC after testing and compliant with paragraph 2(1)(b) of the <i>Industrial Hemp Regulations</i> in the case of wholesale sale	
	Products/derivatives made from flowering heads, leaves, or branches (e.g. CBD/CBD oil)	Sale to provincial retailers:	Cannabis processing or cultivation licence
		Sale to consumers:	Provincial or territorial sales licence (depends on province or territory)
Sale to registered medical users:		Cannabis medical sales licence	
	Flowering heads, leaves, and branches (to holders of an industrial hemp licence or licence under the <i>Cannabis Regulations</i> only)	Industrial hemp licence	
	Non-viable grain (grain that have been specifically rendered non-viable or sterile)	No licence required under the <i>Cannabis Act</i>	
	Bare mature stalks or fibre from those stalks	No licence required under the <i>Cannabis Act</i>	
	Roots or parts of the root	No licence required under the <i>Cannabis Act</i>	

Regulation of Hemp: Canada

Import/export industrial hemp	Seed (pedigreed seed)	Industrial hemp licence (import/export permit also required for each shipment)
	Grain (viable grain)	Industrial hemp licence (import/export permit also required for each shipment)
	Non-viable grain (grain that have been specifically rendered non-viable)	No licence required under the <i>Cannabis Act</i>
	Bare mature stalks or fibre from those stalks	No licence required under the <i>Cannabis Act</i>
	Roots or parts of the root	No licence required under the <i>Cannabis Act</i>
	Flowering heads, leaves, and branches	Any licence under the <i>Cannabis Regulations</i> – only for medical and scientific purposes (import/export permit also required for each shipment)
	Products/derivatives made from grain (e.g. hulled hemp seed, hemp seed oil, hemp protein powder) that do not contain any phytocannabinoids	No licence required if less than 10µg/g THC after testing and compliant with paragraph 2(1)(a) of the <i>Industrial Hemp Regulations</i>
	Products/derivatives made from flowering heads, leaves, or branches (e.g. CBD/CBD oil)	Any licence under the <i>Cannabis Regulations</i> – only for medical and scientific purposes (import/export permit also required for each shipment)
Sterilize (render non-viable) grain to make non-viable grain	Grain (viable grain)	Industrial hemp licence
Clean industrial hemp seed or grain	Seed (pedigreed seed) or grain (viable grain)	Industrial hemp licence

Prepare (condition) industrial hemp seed	Seed (pedigreed seed)	Industrial hemp licence
Agronomical Research (soil, plots, crop rotation)	Grain (viable grain), fibre or flowering heads, leaves and branches	Industrial hemp licence
Research (analytical testing, feminized seeds)	Seed (pedigreed seed), grain (viable grain), fibre or flowering heads, leaves and branches	Research or Analytical Testing Licence under the <i>Cannabis Regulations</i>

Source: Health Canada, *Industrial Hemp Processing Application Guide*, October 9, 2020, <https://perma.cc/4SDR-SCZH>; green shading means an industrial hemp license is required, purple shading means a cannabis license is required, grey shading means no license is required under the Cannabis Act.

D. Certification/Licensing/Registration Requirements

Applications for an industrial hemp license are done through the Cannabis Tracking and Licensing System (CTLS).⁹ Information requirements for individuals applying through the CTLS include: name, date of birth, copy of a government-issued photo identification, contact information, address of the industrial hemp storage site, forms and purpose of cultivation (e.g. growing, seed production) or non-cultivation (e.g. selling, distributing, exporting) of industrial hemp, cultivation site ownership details, record keep site details, and consent to communicate with a representative.¹⁰ Similar requirements exist for corporate applications with the addition of information on the incorporation, the officers and directors of the corporation, as well as the administrative contact for the corporation.¹¹ A notable change in the IHR from the 1998 version to the 2018 version was the removal of the criminal record background check from the requirements.¹²

E. Sampling & Testing Requirements

Under the IHR, the holder of a cultivation license must have a “representative sample” of flowering heads and leaves collected and dried for the purposes of determining the concentration of THC.¹³ The flowering heads and leaves are tested in a “competent laboratory” using “validated test methods.”¹⁴ A “competent laboratory is defined as “owned or operated by a holder of a licence for analytical testing issued under subsection 62(1) of the [Cannabis] Act, or a laboratory outside Canada that is recognized as a qualified laboratory, for the application of the United

⁹ Id.

¹⁰ Id.

¹¹ Id.

¹² Farm Products Council of Canada, *Canadian Industrial Hemp Promotion and Research Agency Request: Panel Report*, November 2021, <https://perma.cc/35EX-CJQM/>.

¹³ Industrial Hemp Regulations s 29(1).

¹⁴ Id.

Nations' Single Convention on Narcotic Drugs, 1961.”¹⁵ The test results, expressed as a percentage w/w must be sent to the Minister within 15 days, and the representative sample must be retained for at least one year.¹⁶

F. Government Initiatives

While Health Canada is in charge of the regulation of industrial hemp products, the cultivation and processing is done by private companies. The Farm Products Council of Canada (FPCC), an agricultural promotion supervisory body part of Agriculture and Agri-Food Canada, published a report in November 2021 concerning the establishment of a Canadian industrial hemp promotion and research agency (PRA).¹⁷ The FPCC found that there was support from hemp farmers for the establishment of a hemp PRA, which would have “potential positive effects . . . on the development of the industry, its competitiveness and markets, rural economies and the Canadian agriculture and agri-food sector.”¹⁸ In September 2018, the minister of agriculture and agri-food announced an investment of \$330,550 (approximately US\$240,745) to the Canadian Hemp Trade Alliance to “[help] develop industry grading standards to ensure Canadian hemp products are known globally as being of the highest quality.”¹⁹

III. Hemp Processing and Hemp Containing Products

A. Hemp Processing

For information on the licensing requirements for hemp processing, please see the table in part I(C). Under the IHR, license holders for hemp processing must render the grain non-viable, and have it tested for viability at a laboratory accredited under section 2.1 of the Seeds Act.²⁰ The license holder must also retain records that attest to the grain's non-viability.²¹

B. Hemp Containing Products

For information on the licensing requirements for selling hemp containing products, please see the table in part I(C). Hemp containing products with less than 10 µg/g THC are exempt from the IHR and the Cannabis Act licensing rules.²² Products or derivatives made with the flowering heads, leaves or branches of the hemp plant require licenses under the Cannabis Act for sale to

¹⁵ Id. s 1(1).

¹⁶ Id. s 29(2).

¹⁷ *Canadian Industrial Hemp Promotion and Research Agency Request: Panel Report*, supra note 12.

¹⁸ Id.

¹⁹ Agriculture and Agri-Food Canada, *Growing the Canadian Hemp Sector Through Investment and Cannabis Legislation* (Sept. 4, 2018), <https://perma.cc/QXA5-3FNB>.

²⁰ Industrial Hemp Regulations s 25.

²¹ Id.

²² Id. s 2.

provincially or territorially-regulated cannabis retailers,²³ a provincial or territorial license for sale to consumers,²⁴ or a cannabis medical sales license for sale as a medical product.²⁵

²³ Cannabis Act s 69.

²⁴ Health Canada, *Authorized Cannabis Retailers in the Provinces and Territories*, <https://perma.cc/783B-GXX7>.

²⁵ Cannabis Regulations, SOR/2018-144, ss 8(5), 26, 27, <https://perma.cc/N3V9-MTZL>.

China

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SUMMARY The national antidrug law prohibits any illegal cultivation of cannabis plants, without defining their tetrahydrocannabinol (THC) content level. Two provinces, Yunnan and Heilongjiang, have promulgated local legislation regulating industrial hemp in their jurisdictions. In 2010, Yunnan enacted the country's first local government rules regulating industrial hemp. In 2017, Heilongjiang added a chapter governing industrial hemp to its antidrug regulations. The allowable THC content for industrial hemp is less than 0.3%.

In Yunnan, the cultivation of industrial hemp for scientific research, seed breeding, and industrial raw materials purposes is subject to a prior licensing requirement. Processing hemp flowers and leaves also requires a license. Cultivation for gardening and folk custom purposes must be reported to the local government for its records. In Heilongjiang, the provincial agricultural department is responsible for the variety certification of hemp seeds. Cultivation and processing of industrial hemp are subject to record filing requirements.

In 2019, China's National Narcotics Control Commission reportedly reiterated that the purposes of cultivating and processing industrial hemp should be limited to fiber and seeds, excluding the medical and food additives uses. Cannabidiol and hemp fruit, seed oil, and leaf extracts were banned in cosmetics in May 2021.

I. Introduction

China has not enacted a national law that regulates hemp or hemp-containing products. The national Drug Control Law provides for strict government control over the cultivation of plants that may be used for refining or processing narcotic drugs, which includes marijuana. The law prohibits any illegal cultivation of cannabis plants, without defining their tetrahydrocannabinol (THC) content level.¹ Illegal cultivation of cannabis plants can be administratively or criminally punished.² Under the Criminal Law, the offense is punishable by imprisonment for up to five years, which is raised to 15 years if the quantity of the cultivated plants is large.³

* Law Library of Congress foreign law intern Xiaozhu Zhong contributed to this report.

¹ Drug Control Law of the People's Republic of China (PRC) (adopted by the Nat'l People's Cong. Standing Comm. on Dec. 29, 2007, effective June 1, 2008) arts. 2, 19, Central People's Gov. of PRC, <https://perma.cc/V2AB-TVWE> (in Chinese).

² Id. art. 59.

³ PRC Criminal Law (adopted by the Nat'l People's Cong. on July 1, 1979, rev. Mar. 14, 1997, last amended Dec. 26, 2020), PRC Standing Comm. Nat'l People's Cong. Gaz., 2021 Special Publication: PRC Criminal Law (Mar. 15, 2021) arts. 45, 351, <https://perma.cc/9385-Y475> (in Chinese).

The country has a history of growing hemp for centuries.⁴ While a legal definition of hemp does not exist in national laws, in 2018, the central government agricultural department issued industry standards for industrial hemp that contains less than 0.3% of THC. “Under the supervision of the National Narcotics Control Commission, local public security anti-drug departments, and legal cannabis franchise enterprises,” industrial hemp is grown in a number of Chinese provinces, including Yunnan, Heilongjiang, Anhui, Henan, Shanxi, Hebei, Inner Mongolia, Jilin, Liaoning, Gansu, Ningxia, Guizhou, Sichuan, and Shandong.⁵

Two provinces have promulgated local legislation regulating industrial hemp: the southwestern province Yunnan and the northeastern province Heilongjiang. These local regulations allow, although they still highly regulate, the cultivating and processing of industrial hemp in their jurisdictions.

II. Cultivation/Production of Hemp

A. Legalization

As early as 2003, the public security department of the Yunnan provincial government formulated interim provisions regulating industrial hemp.⁶ On January 1, 2010, the country’s first local government rules regulating industrial hemp, the Yunnan Province Licensing Provisions on Industrial Hemp Cultivation and Processing, went into effect (Yunnan Licensing Provisions).⁷ In 2018, the provincial legislature revised the provincial antidrug regulations, adding a provision to require licenses for the cultivation and processing of industrial hemp in the province.⁸

In 2017, the provincial legislature of Heilongjiang revised its antidrug regulations, adding a chapter governing industrial hemp.⁹ The revised Heilongjiang Province Antidrug Regulations took effect on May 1, 2017 (Heilongjiang Regulations).¹⁰

⁴ Peng Wu et al., *The Enlightenment of the Legalization of Industrial Hemp Planting and Processing in Yunnan and Heilongjiang Provinces to Jilin Province*, 43(02) *Plant Fiber Sciences in China* (2021) (in Chinese).

⁵ Id.

⁶ Id.

⁷ Yunnan Province Licensing Provisions on Industrial Hemp Cultivation and Processing (promulgated by Yunnan Province People’s Gov. on Oct. 22, 2009, effective Jan. 1, 2010) (Yunnan Licensing Provisions), People’s Gov. of Yunnan Province, <https://perma.cc/M77J-EYM5> (in Chinese).

⁸ Yunnan Province Antidrug Regulations (adopted by Yunnan Province People’s Cong. Standing Comm. on Mar. 31, 2018, effective June 1, 2018) art. 20, National Laws and Regulations Database, <https://perma.cc/9QKJ-RVWM> (in Chinese)).

⁹ Heilongjiang Province Antidrug Regulations (adopted by Heilongjiang Province People’s Cong. Standing Comm. on Apr. 7, 2017, effective May 1, 2017) ch. 4, National Laws and Regulations Database, <https://perma.cc/5TY2-DFF3> (in Chinese).

¹⁰ Id.

B. Definition of Hemp (Allowable THC Content)

In July 2018, China's Ministry of Agriculture and Rural Affairs issued agricultural industry standards for industrial hemp seeds.¹¹ According to the standards, the allowable THC content for industrial hemp is less than 0.3%.¹²

Under the Yunnan Licensing Provisions, industrial hemp refers to cannabis plants and extracted products with a THC content of less than 0.3% (dry matter weight percentage). Products extracted from industrial hemp flowers and leaves with THC content exceeding 0.3% are subject to antidrug laws and regulations.¹³ The definition does not mention cannabidiol (CBD).

The allowable THC content is not specified in the Heilongjiang Regulations. Rather, the regulations provide that the industrial hemp allowed in the province must be certified by the provincial government agricultural department in accordance with relevant national provisions.¹⁴ That department issued the certification measures in 2020, which also limit the THC level to 0.3%.¹⁵

C. Exemptions/Restrictions

In Yunnan, industrial hemp may be cultivated for the purposes of scientific research, seed breeding, industrial raw material, gardening, and folk custom, subject to the requirements of licenses or record filing with the government.¹⁶

The Heilongjiang Regulations define industrial hemp to be for industrial uses, which may include fiber, food, health products, medicines, animal feed, and manufacturing and processing of building materials.¹⁷

In 2019, China's National Narcotics Control Commission reportedly issued a circular to local antidrug authorities, reiterating that the purposes of cultivating and processing industrial hemp should be limited to fiber and seeds. The circular stated that the country had not approved the use of industrial hemp for medical or food additives purposes and asked local authorities to abide by the relevant provisions.¹⁸

¹¹ Ministry of Agriculture and Rural Affairs Announcement No. 50 (July 27, 2018), <https://perma.cc/8JY8-3P53>.

¹² Wu et al., *supra* note 4.

¹³ Yunnan Licensing Provisions art. 2.

¹⁴ Heilongjiang Regulations art. 50.

¹⁵ Heilongjiang Province Industrial Hemp Certification Measures (issued by Heilongjiang Province Dep't Agric. & Rural Aff., June 3, 2020), <https://perma.cc/U273-8NFG> (partial content provided by Chinalawinfo; in Chinese).

¹⁶ Yunnan Licensing Provisions art. 4.

¹⁷ Heilongjiang Regulations art. 50.

¹⁸ Keren Wu, *National Narcotics Control Commission: To Strictly Control the Approval of Industrial Hemp Licenses*, *The Paper* (Mar. 27, 2019), <https://perma.cc/PMK9-FFXM> (in Chinese).

D. Certification/Licensing/Registration Requirements

In Yunnan, the cultivation of industrial hemp for scientific research, seed breeding, and industrial raw materials purposes are subject to licensing requirements. Cultivation for gardening and folk custom purposes is required to be reported to the local public security bureaus for their record.¹⁹

The Yunnan Licensing Provisions set out detailed licensing requirements for industrial hemp cultivation for various purposes. A license for cultivation for scientific research purposes, for example, requires the applicant to have

- a recognized project for scientific research,
- more than three professionals engaged in scientific research cultivation,
- THC testing equipment and testing personnel,
- safe storage facilities for industrial hemp seeds, and
- management systems for testing, storage, and records.²⁰

While not specifically requiring background checks to receive a license, the Yunnan Licensing Provisions prohibit entities or individuals who have a record of violating antidrug laws or regulations from engaging in industrial hemp cultivation and processing.²¹

In Heilongjiang, the provincial agricultural department is responsible for the variety certification of hemp seeds.²² Within 10 working days after planting industrial hemp, entities or individuals are required to report doing so to the local public security authority for its records. The filer must provide the certificate for the source of the seeds or varieties and state the cultivation acreage, area, and usage.²³

E. Sampling and Testing Requirements

In Yunnan, the license holder of industrial hemp cultivation for the purpose of scientific research must conduct safety tests on the hemp varieties that have been selected to ensure that they meet the specified standards. The license holder is responsible for preventing the loss or spreading of any hemp materials with THC content exceeding 0.3%.²⁴ For cultivation for seed breeding, the license holder must conduct safety tests during the breeding period and mark the qualified seeds with special labels.²⁵

¹⁹ Yunnan Licensing Provisions arts. 4, 22.

²⁰ Id. art. 6.

²¹ Id. art. 3.

²² Heilongjiang Regulations art. 24.

²³ Id. art. 25.

²⁴ Yunnan Licensing Provisions art. 17.

²⁵ Id.

The public security authority may also test any samples or products, among other supervision and inspection measures that are specified by the Yunnan Licensing Provisions.²⁶

F. Government Initiatives

The Heilongjiang Regulations provide that the local government “plan, guide, supervise, and manage” the variety selection and breeding, cultivation, sales, and processing of industrial hemp. The government is also engaged in the publicity and education of relevant knowledge such as the differences between industrial cannabis and drug cannabis.²⁷

Some other provincial governments have reportedly been considering the legalization of hemp cultivation and processing in their jurisdictions. The government of Jilin Province, for example, was actively promoting the revision of its antidrug regulations in 2018, aiming to become the third Chinese province to legalize industrial hemp.²⁸

III. Hemp Processing and Hemp-Containing Products

A. Hemp Processing

Under the Yunnan Licensing Provisions, processing of industrial hemp refers to hemp flower and leaf processing, hemp stalk processing, and hemp seed processing. Hemp flower and leaf processing requires a license.²⁹

Local public security bureaus at or above the county level are in charge of issuing processing licenses and supervising processing activities.³⁰ The licensing requirements include

- having registered capital of not less than RMB20 million yuan (about US\$2.8 million) or being a scientific research institution (public institution) of medicines, food, and chemicals,
- having plans for the source of raw materials, use of raw materials, product types, and product processing,
- having special testing equipment, storage, processing, and other facilities and places, and
- having management systems for testing, storage, and records.³¹

²⁶ Id. art. 19.

²⁷ Heilongjiang Regulations art. 24.

²⁸ Chen Yonghui, *Jilin Promotes Revision of the Antidrug Regulations. When Will the Third Province to Liberalize Industrial Hemp Arrive?* STCN (Mar. 26, 2020), <https://perma.cc/NH6S-5JU5> (in Chinese); Wu et al., *supra* note 4.

²⁹ Yunnan Licensing Provisions art. 4.

³⁰ Id. art. 5.

³¹ Id. art. 12.

In Heilongjiang, entities or individuals must report to the local public security authority at the county level for its record within 10 working days of processing hemp flowers, leaves, or seeds. The filer must state the source of raw materials, processing quantity, processing losses, etc.³²

B. Hemp-Containing Products

As discussed in Part II above, the national antidrug authority reiterated in 2019 that the use of industrial hemp in medicines or foods is not allowed.³³

In addition, CBD and hemp fruit, seed oil, and leaf extracts have been banned in cosmetics. In May 2021, the National Medical Products Administration (NMPA) updated the catalogs of materials that are prohibited to be used in cosmetics. CBD, hemp fruit (*cannabis sativa* fruit), hemp seed oil (*cannabis sativa* seed oil), and hemp leaf extract (*cannabis sativa* leaf extract) are listed as prohibited materials in the catalog.³⁴

³² Heilongjiang Regulations art. 25.

³³ Wu, *supra* note 18.

³⁴ NMPA *Updates Catalog of Prohibited Ingredients in Cosmetics*, State Admin. for Mkt. Reg. (June 11, 2021), <https://perma.cc/J5FR-JXX6> (in Chinese).

Colombia

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SUMMARY A Colombian law enacted in May 2022, Ley 2204/2022, creates the legal framework for the use of hemp fiber and grain with a tetrahydrocannabinol (THC) content, including isomers, salts, and acid forms, of less than or equal to 0.3%. It provides for the requirements to obtain authorizations for hemp production and pertinent registration. Its implementing regulation has not yet been enacted.

I. Introduction

The industrial and scientific use of hemp is already a reality in Colombia, since the enactment, in May 2022, of Law No. 2204 Por la Cual se Crea el Marco Legal para el Uso Industrial y Científico del Cáñamo en Colombia y Se Dictan Otras Disposiciones (Law 2204/2022 by which the Legal Framework for the Industrial and Scientific Use of Hemp in Colombia is Created and Other Provisions are Enacted). This law allows the use of fiber and grain of this material with a tetrahydrocannabinol (THC) content, including salts and acid forms, of equal to or less than 0.3%.¹ Promoters of the new law emphasize the benefits that the use of hemp can provide for the country, including bringing new opportunities for foreign trade, and also for Colombian citizens, because it will create new jobs, allow for growth of the industry, provide a substitution of land previously used for illegal crops, and create a redirection of many illicit activities.²

Law 2204 covers the use of seeds for planting, grain, plants in a vegetative state or vegetable component, as well as the regulation of the commercialization, import, export, and acquisition of the plant for industrial and scientific purposes in the country.³

II. Cultivation/Production of Hemp

A. Legalization

Ley 2204/2022 creates the legal framework for the use of hemp fiber and grain, where the content of tetrahydrocannabinol (THC), including isomers, salts, and acid forms, is equal to or less than 0.3% or another percentage established by the national government. This includes the use of seeds for sowing and cultivation intended for the production of grain, plants in a vegetative state or vegetable component. This law also regulates the commercialization, import, export, acquisition

¹ *El Uso Industrial y Científico del Cáñamo ya es una Realidad en Colombia*, Contexto Ganadero (May 24, 2022), <https://perma.cc/34GA-2UNB>.

² Id.

³ Id.

of any title, storage, transportation, and final disposal of seeds for sowing, grain, plants in a vegetative state, and plant components for industrial and scientific purposes.⁴

B. Definition of Hemp (Allowable THC Content)

Hemp is defined as the growth of the cannabis plant whose name is derived from the fiber obtained from it. The flowering or fruiting tops that would be obtained from this plant must have a tetrahydrocannabinol (THC) content less than or equal to a percentage established by the national government.

When it comes to plants for the use of fiber or grain, the phenotypic characteristics are, among others and not limited to these, tall, straight and fast-growing stems, and canopies that cover the cultivation area. They are plants with a stem more or less branched to obtain seeds. While the stem to obtain fiber is less branched, it is sown outdoors, in high densities that allow the elongation of the stems to an average of 1.80 meters in height.⁵

C. Exemptions/Restrictions

Hemp cultivation is allowed for industrial and scientific purposes.⁶ Products for animal use or consumption may only be manufactured from grain or hemp plant components, if they comply with current regulations issued by the Colombian Agricultural Institute (ICA).⁷

D. Certification/Licensing/Registration Requirements

The Ministry of Justice and Law, through the Under Directorate for the Control and Supervision of Chemical Substances and Narcotic Drugs (UDCSCSND), is the authority in charge of the evaluation of applications and the issuance of authorizations for sowing and use of hemp fiber and grain with a THC content, including isomers, salts, and acid forms, of equal to or less than 0.3% or the percentage established by the national government. The UDCSCSND also monitors those who have been granted authorization.⁸

The UDCSCSND or the ICA may, at any time, require documentation or carry out control and monitoring visits to the venues where hemp-related activities are carried out in order to verify compliance with authorized activities.⁹

⁴ Ley 2204 Por la Cual se Crea el Marco Legal para el Uso Industrial y Científico del Cánamo en Colombia y Se Dictan Otras Disposiciones, Diario Oficial (DO) May 10, 2022, art. 1, <https://perma.cc/DPQ3-3BHD>.

⁵ Id. art. 3(e).

⁶ Id. art. 1, last para.

⁷ Id. art. 11, para 2.

⁸ Id. art. 4.

⁹ Id. art. 10.

The authorization may be canceled or suspended if the beneficiary does not comply with legal and regulatory standards.¹⁰ If the cultivation is for medical, adult, or illicit use, or the production of flower tops or fruit for commercial purposes, the authorization will be revoked.¹¹

The UDCSCSND may decide to cancel, suspend, or revoke the authorization granted, guaranteeing due process and applicable rules of administrative procedure.¹²

E. Sampling & Testing Requirements

No testing or sampling provisions have been provided under Law 2204/2022, whose regulation is still awaiting enactment.¹³

F. Government Initiatives

The ICA will allow the registration of hemp cultivars, including isomers, salts, and acid forms, with THC equal to or less than 0.3 percent or that percentage established by the national government, in the National Registry of Commercial Cultivars, to those who meet the following requirements:

- have authorization or a license for the cultivation of non-psychoactive cannabis plants issued by the Ministry of Justice and Law;
- demonstrate that the seeds come from the cultivars reported to the ICA as part of the hemp seed source for industrial purposes, from seeds from a Plant Breeding Research Unit registered with the ICA, or from imported seeds; and
- have registered a plant breeding research unit or an agronomic evaluation unit issued by the ICA.¹⁴

III. Hemp Processing and Hemp Containing Products

Cosmetic products, food, beverages, alcoholic beverages, and dietary supplements for human use and consumption that contain grain or vegetable components of hemp, must comply with the health regulations issued by the Ministry of Health and Social Protection, complete the procedures before the National Institute Surveillance of Medicines and Food (Invima), and have the authorization applicable to each product.¹⁵

¹⁰ Id. art. 10, para 1.

¹¹ Id.

¹² Id. art. 10, para 2.

¹³ Id. art. 6.

¹⁴ Id. art. 14.

¹⁵ Id. art. 11.

The authorized production of hemp flower tops or fruit of the plant will only be allowed for the production of seeds for planting and grain of cannabinoids.¹⁶

Products for human or animal use or consumption with a hemp grain or plant component, such as food, beverages, alcoholic beverages, cosmetics, or dietary supplements, among others, may not be manufactured if they have a THC percentage higher than that established by the Ministry of Health and Social Protection as a control limit for special control products.¹⁷

¹⁶ Id. art. 11, para 1.

¹⁷ Id. art. 11, para 2.

Ecuador

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SUMMARY In June 2020, Ecuador decriminalized the sowing, cultivation, production, industrialization, commercialization and export of non-psychoactive cannabis or so-called industrial hemp, where the Tetrahydrocannabinol (THC) molecule is less than 1 percent. Hemp production-related activities are subject to registration and monitoring requirements.

I. Introduction

The Law of December 24, 2019, amending the Código Orgánico Integral Penal (Comprehensive Organic Criminal Code) (COIP), enacted an amendment to the Law on the Organic Law of Comprehensive Prevention of the Socioeconomic Phenomenon of Drugs and of the Regulation and Control of the Use of Cataloged Substances Subject to Supervision, making it legal to plant, cultivate, and harvest hemp.¹ Since June 21, 2020, when the reforms to the COIP became effective, the sowing, cultivation, production, industrialization, commercialization, and export of non-psychoactive cannabis or so-called industrial hemp, with a Tetrahydrocannabinol (THC) molecule of less than 1 percent, has been decriminalized.²

Article 127 of the reforms to the COIP allows the cultivation of industrial hemp in Ecuador, where the production, commercialization, distribution, use, and consumption of this variety of cannabis is excluded from penalties.³

According to Hemp Today, a Polish organization promoting hemp, there are around 40 companies that already have licenses for hemp production in Ecuador.⁴ The advantages offered by the country are unique; first, because of its geography, since it allows to have several harvests throughout the year, and secondly, because practically 100% of the hemp can be used.⁵ Recently-enacted regulations issued by the Ministry of Agriculture and the Ministry of Health provide that

¹ Ley Reformatoria del Código Orgánico Integral Penal (Comprehensive Organic Criminal Code) (COIP), Registro Oficial (RO) Dec. 24, 2019, art. 127, amending Ley Orgánica de Prevención Integral del Fenómeno Socioeconómico de las Drogas y de Regulación y Control del Uso de Sustancias Catalogadas Sujetas a Fiscalización, Disposición General Tercera, RO Suplemento Oct. 26, 2015, <https://perma.cc/MBU5-UR59>.

² *La Legalización de la Siembra, Cultivo y Cosecha de Cannabis en Ecuador Entró en Vigencia*, El Universo (June 28, 2020), <https://perma.cc/5CHJ-JGAS>.

³ *Ley del Cábano Entra en Vigencia en Ecuador con un Limite de 1.0 % de THC*, Hemp Today (July 16, 2020), <https://perma.cc/5RVM-XXCZ>.

⁴ *Ecuador se Muestra Prometedor Como el Próximo «Hot Spot» para el Cábano en América Latina*, Hemp Today (Feb. 14, 2022), <https://perma.cc/B89Z-AUEK>.

⁵ Id.

any product can be manufactured with the derivatives of the hemp plant.⁶ There are already some 200 registered products for sale to the public, such as coffee with CBD, tea, chocolates, gummies, food supplements, cosmetics, etc.⁷

According to Hemp Today, it could be said that Ecuador, because of its regulatory framework, is one of the countries with more flexibility to work with non-psychoactive cannabis.⁸ Products that have already been tested in the local market are expected to be exported around the world, with the support of the central government and its production ministry, leading hemp to become one of Ecuador's five largest export products.⁹

II. Cultivation/Production of Hemp

A. Legalization

The Ley Orgánica de Prevención Integral del Fenómeno Socioeconómico de las Drogas y de Regulación y Control del Uso de Sustancias Catalogadas Sujetas a Fiscalización was amended, removing non-psychoactive cannabis or hemp, such as the cannabis plant or any part thereof, with a THC content of less than 1 percent from the list of substances subject to fiscalization of the National Agrarian Authority.¹⁰

B. Definition of Hemp (Allowable THC Content)

Industrial hemp is defined as non-psychoactive cannabis or hemp, including its seeds and its derivatives, extracts, cannabinoids, terpenes, isomers, acids, salts, and salts of the isomers, for industrial production, including stems, grain, biomass or any other unprocessed foliar material with a THC content lower than 1 percent.¹¹

C. Exemptions/Restrictions

Hemp cultivation is limited to agricultural and industrial purposes.¹²

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Ley Reformativa del Código Orgánico Integral Penal, RO Dec. 24, 2019, art. 127.

¹¹ Acuerdo Ministerial 109/2020 Reglamento para la Importación, Siembra, Cultivo, Cosecha, Post Cosecha, Almacenamiento, Transporte, Porcesamiento, Comercialización y Exportación de Cannabis no Psicoactivo o Canamo y Canamo para Uso Industrial, Ministerio de Agricultura y Ganadería, (AM 109/2020) art. 3.12, <https://perma.cc/68Q3-2RXX>.

¹² Id. art. 1.

D. Certification/Licensing/Registration Requirements

On October 19, 2020, the Ministerio de Agricultura y Ganaderia enacted the Regulation for the Import, Sowing, Cultivation, Harvesting and Post-Harvesting, Storage, Transportation, Processing, Commercialization, and Export of Non-Psychoactive Cannabis or Industrial Hemp.¹³

The instrument regulates the licensing requirements for industrial hemp importation; commercialization; growing and production; cultivation; processing; plant breeding and/or germplasm and research banks; and acquisition of derivatives and/or biomass.¹⁴

Licenses may be granted to entities, cooperatives, associations, or universities legally based or domiciled in Ecuador, which may develop one or more activities provided for in the regulation.¹⁵

There is a required minimum extension of land that is required, depending on the type of crop that may be cultivated gradually according to the Agricultural Production Plan approved by the Autoridad Agraria Nacional (AAN, National Agrarian Authority), ranging from two to five hectares.¹⁶

Acuerdo Ministerial 109/2022 provides for general license requirements as follows:

- license application form
- copy of the Taxpayer Registry (RUC), which must include the activity or activities to be carried out by the applicant;
- copy of the by-law of the entity, public entity, cooperative, association, legally constituted, whose objective includes the activities to be carried out by the applicant;
- notarized copy of the appointments of the legal representatives;
- affidavit stating the activities that will be carried out for this purpose;
- criminal background check of the applicant and other representatives including stock holders with a stake higher than 6% of the company's capital stock. They will be checked for any past or present criminal liability with a final conviction, for drug trafficking, money laundering, corruption and related crimes. In the case of foreign entities, they must file the equivalent document issued by the competent authority of the country of origin; duly legalized;
- detailed information of the organizational structure of the applicant and its members;
- declaration of the legal destination of funds; and
- proof of payment of the government license fee corresponding to the type of license applied.¹⁷

¹³ AM 109/2020.

¹⁴ Id. art. 22.

¹⁵ Id.

¹⁶ Id.

¹⁷ Id. art. 23.

E. Sampling & Testing Requirements

The first harvest has to be tested in a laboratory authorized by the AAN, detailing the percentage of THC in the dry weight of each variety of hemp.¹⁸ The first harvest and the cultivation development will be supervised by the AAN.¹⁹ Testing will be exempted for holders of a license authorized under the Ley Orgánica Agrodiversidad de Semillas y Fomento de la Agricultura Sustentable (LOASFAS).²⁰

F. Government Initiatives

Ecuador has implemented a government control system of hemp production by individual producers through registration and licenses issued by the AAN.²¹

III. Hemp Processing and Hemp Containing Products

Hemp seeds are only allowed to be produced once the producer has been authorized and obtained the pertinent license issued by the AAN.²² The producer has to be registered in the Registro Nacional de Licenciatarías (National Registry of Licensees).²³ The cultivation of hemp for industrial use requires a minimum land extension of 5 hectares.²⁴

There is post-harvest testing to verify that the hemp seeds have a THC content lower than the 1 percent level authorized by law.²⁵ The producer will not be able to operate the harvest until the verification is concluded in a postharvest location authorized by the AAN.²⁶

The AAN may conduct inspections of the land authorized for hemp cultivation in the pertinent license, in order to monitor compliance with the quantity of sowed plants, its THC levels and other requirements under DM 109/2020.²⁷

A traceability open source secured system will be in place to provide a technology platform for the control of the processes involved in hemp production.²⁸

¹⁸ Id. art. 8.

¹⁹ Id.

²⁰ Id.; Ley Orgánica Agrodiversidad de Semillas y Fomento de la Agricultura Sustentable (LOASFAS), RO June 8, 2017, art. 33, <https://perma.cc/7P7L-XMQ6>.

²¹ LOASFAS art. 40.

²² Id. art. 9.

²³ Id.

²⁴ Id.

²⁵ Id. arts. 11, 12.

²⁶ Id.

²⁷ Id. art. 45.

²⁸ Id. art. 47.

European Union

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SUMMARY The Treaty on the Functioning of the European Union requires the EU to establish a common agricultural policy (CAP), which, among other objectives, provides income support to farmers through direct payments. In 1970, within the framework of the EU's CAP, a common system of aid for flax and true hemp (*Cannabis sativa*) produced in the EU was set up. Direct payments are only available to active farmers who use seeds from a list of certified seed varieties for hemp which do not exceed a THC content of currently below 0.2%. Starting January 2023, the THC content will be raised to 0.3%. Farmers must submit an application to the competent national authority to receive payments. The EU has detailed rules in place for the sampling and testing of the THC content.

Furthermore, the Novel Foods Regulation and medicinal products legislation might be applicable to hemp containing products.

I. Introduction

In 2019, 34,960 hectares of land were used for hemp cultivation in the European Union (EU), producing a total of 152,820 metric tons of hemp.¹ Hemp production in the EU has seen an increase of 62.4% since 2015.² The largest producer of hemp by far is France (70% of EU production), followed by the Netherlands (10%) and Austria (4%).³

The Treaty on the Functioning of the European Union (TFEU) requires the EU to establish a common agricultural policy (CAP), which, among other objectives, provides income support to farmers through direct payments.⁴ In 1970, within the framework of the EU's CAP, the EU passed a regulation on the common organization of the market in flax and hemp.⁵ The regulation set up a common system of aid for flax and true hemp (*Cannabis sativa*) produced in the EU.⁶ Detailed rules for granting such aid were adopted by the European Commission in 1974, and updated in 1989.⁷ Regulations on the allowable tetrahydrocannabinol (THC) content and a list of certified

¹ *Hemp Production in the EU*, European Commission, <https://perma.cc/8N5H-AN74>.

² *Id.*

³ *Id.*

⁴ For more information on CAP, see Consolidated Version of the Treaty on the Functioning of the European Union (TFEU), 2016 O.J. (C 202) 1, arts. 38-44, <https://perma.cc/FBA8-VBX5>.

⁵ Regulation (EEC) No. 1308/70, 1970 O.J. (L 146) 1, <https://perma.cc/M8TQ-5X2C>.

⁶ *Id.* art. 4; Regulation (EEC) No. 619/71, 1971 O.J. (L 72) 2, <https://perma.cc/PW4C-J8PJ>.

⁷ Commission Regulation (EEC) No. 771/74, 1974 O.J. (L 92) 13, <https://perma.cc/6PGU-RUDP>; Commission Regulation (EEC) No. 1164/89, 1989 O.J. (L 121) 4, <https://perma.cc/R6T4-U5PM>.

seed varieties for hemp were added in 1984.⁸ The currently applicable CAP aid system was set up in 2013.⁹ However, in 2018, reform discussions were started which culminated in the adoption of a new CAP on December 2, 2021. The new CAP incorporates the goals of the European Green Deal and will be implemented starting on January 1, 2023. A transitional regulation is in force for the years 2021-22.¹⁰

Furthermore, in 2019, the European Commission added CBD and other hemp-derived cannabinoids to the EU's Novel Foods Catalogue.¹¹ The EU's Novel Foods Catalogue is a non-exhaustive list of substances subject to the Novel Food Regulation based on information submitted by the EU Member States.¹² Several requests are pending whether cannabinoids require authorization under the Novel Food Regulation and may be put on the Union list of authorized novel foods. The European Commission has requested a safety assessment by the European Food Safety Authority (EFSA), which is currently on hold.¹³

Lastly, medicinal products legislation might be applicable to hemp-containing products.

II. Cultivation/Production of Hemp

A. Legalization

The common system of aid for flax and true hemp (*Cannabis sativa*) produced in the EU was set up in 1970 within the framework of the EU's CAP. The aid was first available for the marketing year starting on August 1, 1970.¹⁴

The CAP is financed from the EU budget, in particular from the European agricultural guarantee fund (EAGF) and the European agricultural fund for rural development (EAFRD).¹⁵ Each EU country manages the payments at the national level.¹⁶

⁸ Council Regulation (EEC) No. 2059/84, 1984 O.J. (L 191) 6, <https://perma.cc/TX3Q-VNS9>; Commission Regulation (EEC) No. 2188/84 of 27 July 1984, 2014 O.J. (L 199) 23, <https://perma.cc/6Z87-TTTB>.

⁹ Consolidated Version of Regulation (EU) No. 1307/2013, 2013 O.J. (L 347) 608, art. 32, para. 6, <https://perma.cc/DH4Y-8DPR>; Consolidated Version of Regulation (EU) No. 1308/2013, 2013 O.J. (L 347) 671, art. 189, <https://perma.cc/76KL-GS7U>.

¹⁰ Regulation (EU) 2020/2220, 2020 O.J. (L 437) 1, <https://perma.cc/P2QH-RVWB>.

¹¹ *EU Novel Food Catalogue*, European Commission, <https://perma.cc/Z4RS-Z5BP>.

¹² Consolidated Version of Novel Foods Regulation, 2015 O.J. (L 327) 1, <https://perma.cc/8PHL-7X39>.

¹³ *Id.* art. 11; EFSA NDA Panel, *Statement on Safety of Cannabidiol as a Novel Food: Data Gaps and Uncertainties*, 20 EFSA Journal 7322 (2022), <https://perma.cc/8UTP-LZYC>.

¹⁴ Regulation (EEC) No. 1308/70, arts. 4, 17.

¹⁵ Consolidated Version of Regulation (EU) No. 1306/2013, art. 3, 2013 O.J. (L 347) 549, <https://perma.cc/EL6H-B3BV>.

¹⁶ *Id.* art. 7.

B. Definition of Hemp (Allowable THC Content)

1. True Hemp

Regulation (EEC) No 1308/70, which set up the common aid system, applied to true hemp (*Cannabis sativa*), raw or processed but not spun; tow and waste of true hemp (including pulled or garneted rags or ropes).¹⁷ “Hemp straws” were defined as “true hemp, raw or retted” whereas “hemp fibers” were defined as “true hemp, scutched, combed or otherwise processed but not spun, and tow and waste of true hemp including pulled or garneted rags or ropes.”¹⁸

In 1984, aid rules were amended to provide that aid would only be granted for hemp grown from certified seeds of varieties contained in a list to be drawn up in accordance with the procedure laid down in article 12 of Regulation (EEC) No 1308/70.¹⁹ Furthermore, only varieties with an average THC content not exceeding 0.5% for the marketing years 1984/85 to 1986/87 were to be included on the list.²⁰ For subsequent marketing years, the limit was set at 0.3%.²¹ Likewise, imports of raw true hemp had to abide by the same THC content restrictions and seeds of hemp varieties from non EU Member States had to be included on the list of certified seed varieties.²²

Starting with the marketing year 2001/02, the allowable THC content for the used seed varieties was lowered to 0.2%.²³ In 2022, following a scientific opinion and a scientific report by the EFSA, aid rules were amended to raise the allowable THC content to 0.3%.²⁴ The changes will apply from January 1, 2023.²⁵

¹⁷ Regulation (EEC) No. 1308/70, art. 1, para. 1.

¹⁸ Id. art. 1, para. 2.

¹⁹ Council Regulation (EEC) No. 2059/84, art. 1.

²⁰ Id.

²¹ Id.

²² Id. art. 2.

²³ Council Regulation (EC) No. 1672/2000, 2000 O.J. (L 193) 13, art. 1, no. 4, art. 3, <https://perma.cc/TG5J-QQ3W>. Currently codified in Regulation No. 1307/2013, art. 32, para. 6 & art. 35, para. 3.

²⁴ Commission Regulation (EU) 2022/1393, art. 1 in conjunction with annex, 2022 O.J. (L 211) 83, <https://perma.cc/EN5X-KRKK>, amending Regulation (EC) No. 1881/2006, 2006 O.J. (L 364) 5, <https://perma.cc/YR43-JP2D>.

²⁵ Commission Regulation (EU) 2022/1393, art. 3.

The current list of certified seed varieties is available from the European Commission and is updated regularly.²⁶ Updates are published in the Official Journal of the EU. As of October 2022, there are 96 registered varieties of hemp-cannabis sativa.²⁷

2. Cannabidiol (CBD)

Cannabidiol (CBD) is a substance which can be obtained from the *Cannabis sativa* L. plant in its entirety. According to the Court of Justice of the European Union (CJEU), CBD extract is neither a drug within the meaning of the 1961 UN Single Convention on Narcotic Drugs nor an agricultural product within the scope of the CAP regulations on industrial hemp.²⁸

C. Exemptions/Restrictions

Direct payments for industrial hemp cultivation under CAP are only available if farmers use certified seeds of varieties listed in the EU's Common Catalogue of Varieties of Agricultural Plant Species, which have a THC content of currently below 0.2%.²⁹ As of October 2022, there are 96 registered varieties of hemp-cannabis sativa.³⁰ National legislation in the EU Member States might have other restrictions for the cultivation of industrial hemp outside of the CAP framework. As an example, in the EU Member State Germany, industrial hemp may be used for industrial or scientific purposes if it is either authorized under the EU's Common Catalogue of Varieties of Agricultural Plant Species or if it contains less than 0.2% of THC and the possibility of misuse is excluded.³¹

D. Certification/Licensing/Registration Requirements

Only active farmers may apply for direct payments under CAP, meaning they must carry out a minimum activity on agricultural areas as defined by the EU Member States.³² Farmers who wish to receive direct payments for growing industrial hemp must submit an application to the

²⁶ Consolidated Version of Council Directive 2002/53/EC, 2002 O.J. (L 193) 1, <https://perma.cc/UV4Y-YE6X>; European Commission, Consolidated Version of Common Catalogue of Varieties of Agricultural Plant Species (Dec. 13, 2021), <https://perma.cc/GGT6-B9XK>; *Plant Variety Catalogues, Databases & Information Systems. Agricultural and Vegetable Species. Updates Published in 2022*, European Commission, <https://perma.cc/USG5-KGUB>.

²⁷ *EU Plant Variety Database: Agricultural Species – Varieties: Species A - 85 - Hemp - Cannabis Sativa*, European Commission, <https://perma.cc/ZPW2-PU5V>.

²⁸ CJEU, Case C-663/18, B S and C A v. Ministère public et Conseil national de l'ordre des pharmaciens, ECLI:EU:C:2020:938, paras. 56, , 58, 75, 76, <https://perma.cc/H3TP-LLJ6>; Single Convention on Narcotic Drugs, Mar. 30, 1961, 50 U.N.T.S. 7515, <https://perma.cc/JZW4-SBLD>.

²⁹ Regulation (EU) No. 1307/2013, art. 32, para. 6, art. 35, para. 3; Consolidated Version of Commission Delegated Regulation (EU) No. 639/2014, art. 9, 2014 O.J. (L181) 1, <https://perma.cc/6LH4-556N>.

³⁰ *EU Plant Variety Database*, supra note 27.

³¹ *Betäubungsmittelgesetz [BtMG]*, Mar. 1, 1994, Bundesgesetzblatt [BGBl.] I at 358, as amended, annex I, cannabis, letter b), <https://perma.cc/B6S6-DBMX>.

³² Regulation (EU) No. 1307/2013, art. 9.

competent national authority.³³ The application must contain all necessary information to determine aid eligibility, in particular

- the identity of the beneficiary;
- details of the direct payment schemes and/or rural development measures concerned;
- the identification of the payment entitlements in accordance with the identification and registration system provided for in Article 7 of Delegated Regulation (EU) No 640/2014³⁴ for the purposes of the basic payment scheme;
- particulars permitting the unambiguous identification of all agricultural parcels on the holding, their area expressed in hectares to two decimal places, their location and, and where required, further specifications on the use of the agricultural parcels;
- where applicable, particulars permitting the unambiguous identification of non-agricultural land for which support under rural development measures is being claimed;
- where appropriate, any supporting documents needed to establish the eligibility for the scheme and/or measure concerned;
- a statement by the beneficiary that he is aware of the conditions pertaining to the direct payment schemes and/or rural development measures in question;
- where applicable, an indication by the beneficiary that he is covered by the list of non-agricultural businesses or activities referred to in the first and second subparagraphs of Article 9(2) of Regulation (EU) No 1307/2013;
- all information required for the identification of the parcels sown with hemp, indicating the varieties of seed used;
- an indication as to the quantities of the seeds used (kg per hectare);
- the official labels used on the packaging of the seeds in accordance with Council Directive 2002/57/EC.³⁵

E. Sampling & Testing Requirements

The competent national authorities are required to perform administrative checks and on-the-spot checks to verify, in particular, that the information in the aid application is correct and complete and that the farmer complies with all eligibility criteria.³⁶ They may carry out checks by monitoring to verify the THC content in hemp.³⁷ The verification is made for 30% of the area or 20% of the area in case the Member State has a system of prior approval in place.³⁸

³³ Id. art. 32, paras. 1 & 6, art. 33; Consolidated Version of Commission Implementing Regulation (EU) No. 809/2014, 2014 O.J. (L 227) 69, <https://perma.cc/6AZK-84G2>.

³⁴ Consolidated Version of Commission Delegated Regulation (EU) No. 640/2014, 2014 O.J. (L 181) 48, <https://perma.cc/TP2R-ULD9>.

³⁵ Commission Implementing Regulation (EU) No. 809/2014, art. 14, art. 17, para. 7.

³⁶ Id. art. 24.

³⁷ Id. art. 40a, para. 2(b).

³⁸ Id.

Member States must develop a system to determine the THC content in hemp varieties and keep records.³⁹ The system must enable them to use the EU method established in annex III of Commission Delegated Regulation (EU) No. 639/2014. The records must include for each variety at least

- the results in terms of THC content from each sample expressed in percentage to two decimal places;
- the procedure used;
- the number of tests carried out;
- an indication of the point at which the sample was taken; and
- measures taken at national level.⁴⁰

The EU method for determining the THC content is based on the quantitative determination of THC by gas chromatography (GC) after extraction with a suitable solvent.⁴¹ It sets out two different procedures depending on whether the Member State has a system of prior approval for the cultivation of hemp in place (procedure B) or not (procedure A).⁴² Samples are “taken during the day following a systematic pattern to ensure that the sample is representative of the field, but excluding the edges of the crop.”⁴³

For procedure A

in a standing crop of a given variety of hemp, a 30 cm part containing at least one female inflorescence of each plant selected shall be taken. Sampling shall be carried out during the period running from 20 days after the start of flowering to 10 days after the end of flowering. . . . [T]he sample shall comprise parts of 50 plants per field.⁴⁴

For procedure B

in a standing crop of a given variety of hemp, the upper third of each plant selected shall be taken. Sampling shall be carried out during the 10 days following the end of flowering or, for hemp cultivated as catch crop, in the absence of female inflorescences, just before the end of the vegetation period, once the leaves begin presenting the first sign of yellowing, but no later than the onset of a forecast period of frost. In the case of dioecious varieties, only female plants shall be taken. [T]he sample shall comprise parts of 200 plants per field.⁴⁵

³⁹ Commission Delegated Regulation (EU) No. 639/2014, art. 9, paras. 2, 3.

⁴⁰ Id. art. 9, para. 3.

⁴¹ Id. annex III, para. 1.

⁴² Id. annex III, paras. 1.1. & 1.2.

⁴³ Id. annex III, para. 2.1.

⁴⁴ Id. annex III, para. 2.1.1. & 2.2.

⁴⁵ Id. annex III, paras. 2.1.2. & 2.2.

In general, each sample must be placed in a fabric or paper bag, without crushing it, and be sent to the laboratory for analysis. The samples must be dried as soon as possible, or at the latest within 48 hours, using any method below 70°C to a constant weight and to a moisture content of between 8% and 13%. After drying, they must be kept without crushing them at below 25°C in a dark place.⁴⁶

To determine the THC content, the following rules must be followed:

3.1. *Preparation of the test sample*

Stems and seeds over 2 mm in size shall be removed from the dried samples.

The dried samples shall be grinded to obtain a semi-fine powder (passing through a 1 mm mesh sieve).

The powder may be stored for 10 weeks at below 25 °C in a dark, dry place.

3.2. *Reagents and extraction solution*

Reagents

- Δ9-tetrahydrocannabinol, pure for chromatographic purposes,
- squalane, pure for chromatographic purposes, as an internal standard.

Extraction solution

- 35 mg of squalane per 100 ml hexane.

3.3. *Extraction of THC*

100 mg of the powdered test sample shall be weighed, be placed in a centrifuge tube and 5 ml of extraction solution shall be added containing the internal standard.

The sample shall be placed in an ultrasound bath and be left for 20 minutes. It shall be centrifuged for 5 minutes at 3 000 r.p.m. and then the supernatant THC solution shall be removed. The solution shall be injected into the chromatograph and a quantitative analysis shall be carried out.

3.4. *Gas chromatography*

(a) Apparatus

- gas chromatograph with a flame ionisation detector and a split/splitless injector,
- column allowing good separation of cannabinoids, for example a glass capillary column 25 m long and 0,22 mm in diameter impregnated with a 5 % non-polar phenyl-methyl-siloxane phase.

(b) Calibration ranges

At least three points for procedure A and five points for procedure B, including points 0,04 and 0,50 mg/ml THC in extraction solution.

(c) Experimental conditions

The following conditions are given as an example for the column referred to in (a):

- oven temperature 260°C,
- injector temperature 300°C,
- detector temperature 300°C.

(d) Volume injected: 1 µl.⁴⁷

The results are expressed to two decimal places in grams of THC per 100 grams (g) of analytical sample dried to constant weight. A tolerance of 0.03g per 100g applies.⁴⁸

⁴⁶ Id. annex III, paras. 2.2. & 2.3.

⁴⁷ Id. annex III, paras. 3.1-3.4.

⁴⁸ Id. annex III, para. 4.

F. Government Initiatives

As explained above, active farmers who submit an application setting out their eligibility for aid may receive direct payments under the EU's CAP. In addition, farmers growing hemp may receive voluntary coupled support (VCS).⁴⁹ In 2022, France, Poland, and Romania were the only EU Member States granting VHS for hemp to farmers.⁵⁰ VHS is a "production-limiting scheme" that Member States may grant for enumerated economically, socially, or environmentally particularly important agricultural sectors that undergo certain difficulties.⁵¹ It is distributed as an annual payment based on fixed areas and yields.

III. Hemp Processing and Hemp Containing Products

A. Novel Foods

CBD might be subject to the requirements of the Novel Foods Regulation.⁵² Novel foods are generally defined as "food that was not used for human consumption to a significant degree within the Union before 15 May 1997."⁵³ Food business operators that wish to place food on the EU market must first verify if the food is covered by the Novel Foods Regulation.⁵⁴ If they are unsure, they must consult the authorities in the Member State where they first intend to place the novel food.⁵⁵ Member States' authorities may consult other Member States and the European Commission.⁵⁶ In addition, the European Commission may decide, on its own initiative or upon a request by a Member State, whether or not a particular food falls within the definition of novel food.⁵⁷

The European Commission keeps a Union list of novel foods that are authorized in the EU.⁵⁸ Only food that does not pose a safety risk to human health is put on the list.⁵⁹ The Union list is updated either on the European Commission's initiative or following an application by an applicant.⁶⁰ With regard to CBD, the European Commission has received more than 150 applications for CBD

⁴⁹ Regulation (EU) No. 1307/2013, arts. 52-55.

⁵⁰ European Commission, *Voluntary Coupled Support. Member States' Support Decisions Applicable for Claim Year 2022*, at 8, 36 (May 2022), <https://perma.cc/62ZG-F3CQ>.

⁵¹ Regulation (EU) No. 1307/2013, art. 52.

⁵² Novel Foods Regulation, *supra* note 12.

⁵³ *Id.* art. 3, para. 2 (a).

⁵⁴ *Id.* art. 4, para. 1.

⁵⁵ *Id.* art. 4, para. 2.

⁵⁶ *Id.* art. 4, para. 3.

⁵⁷ *Id.* art. 5.

⁵⁸ *Id.* art. 6; Consolidated Version of Commission Implementing Regulation (EU) 2017/2470, 2017 O.J. (L 351) 72, <https://perma.cc/M5J5-WP7W>.

⁵⁹ Novel Foods Regulation, art. 7.

⁶⁰ *Id.* art. 10.

as a novel food and 19 of those are currently under assessment by EFSA.⁶¹ It has asked the EFSA for its opinion on the safety of CBD for human consumption.⁶² However, the EFSA has put the safety assessment on hold “due to data gaps and uncertainties about potential hazards related to CBD intake” but stresses that they “have not concluded that CBD is unsafe as food.”⁶³ As long as the safety assessment has not been concluded, food businesses may not place CBD on the EU market.

B. Medicinal Products

Furthermore, medicinal products legislation might be applicable to hemp containing products.⁶⁴ Since 2019, Epidyolex, a prescription medicine containing a CBD extract from *Cannabis sativa* with a purity of $\geq 98\%$, has been authorized for use in the EU.⁶⁵ It was favorably assessed by the European Medicines Agency (EMA) and authorized by the European Commission as an adjunctive therapy for seizures associated with Lennox–Gastaut syndrome, Dravet syndrome (intractable childhood epilepsy), or tuberous sclerosis complex for patients two years of age and older.⁶⁶

⁶¹ EFSA, *supra* note 13.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ Consolidated Version of Regulation (EC) No. 726/2004, 2004 O.J. (L 136) 1, <https://perma.cc/V4JJ-9ZSN>; Consolidated Version of Directive 2001/83/EC, 2001 O.J. (L 311) 67, <https://perma.cc/KC8T-Z65W>.

⁶⁵ *Epidyolex*, European Medicines Agency (EMA), <https://perma.cc/74AT-VYTF>.

⁶⁶ *Id.*; Summary of European Union decisions on marketing authorisations in respect of medicinal products from 1 September 2019 to 30 September 2019, 2019 O.J. (C 369) 1, <https://perma.cc/Q5SG-D8PJ>.

Great Britain

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SUMMARY The Misuse of Drugs Act 1971 controls dangerous and harmful drugs in Great Britain and provides for a three-tier system of classification, A, B and C, according to their level of harm to individuals or society at large when misused, with A being considered the most harmful. Cannabis is currently a class B drug. Drugs that are included in schedule 2 of the Misuse of Drugs Act 1971 are illegal to possess, supply, produce, import, or export without a license.

Cannabis with a THC level of below 0.2% can be cultivated for industrial purposes under a license issued from the Home Office. The license application is detailed and includes an enhanced background check. Once issued, the license is non-transferrable. The Home Office may attach any conditions that it sees fit to the license. Only the stalk and seeds of the plant may be kept under this license.

I. Introduction

The Misuse of Drugs Act 1971 is the primary statute responsible for the control of dangerous or harmful drugs and serves to implement the United Kingdom's (UK's)¹ international obligations under treaties relating to drugs to which it is a signatory.² The Misuse of Drugs Act controls drugs that are "dangerous or otherwise harmful" and lists these substances by name in schedule 2 of the Act, which provides for a three-tier system of classification, A, B and C, according to their level of harm to individuals or society at large when misused, with A being considered the most harmful.³ Each tier has its own range of penalties that are set "with reference to the harm a drug has or is capable of having when misused and the type of illegal activity undertaken in regard to that drug."⁴ Drugs placed in any of the three tiers of schedule 2 are illegal to possess, supply, produce, import, or export without a license.⁵

Under the Misuse of Drugs Act 1971, low tetrahydrocannabinol (THC) cannabis (referred to interchangeably in government reports as low THC cannabis or industrial hemp) may lawfully

¹ The United Kingdom refers to England, Wales, Scotland and Northern Ireland. This request focuses on the laws of Great Britain, which is England, Wales and Scotland.

² Misuse of Drugs Act 1971, c. 38, <https://perma.cc/942N-TA32>.

³ The Police Foundation, *Drugs and the Law: Report of the Independent Inquiry into the Misuse of Drugs Act 1971* (2000), <https://perma.cc/H6FK-X6CF>. Class A includes drugs such as fentanyl, cocaine, morphine, opium, heroin, and methadone; Class B includes drugs such as amphetamines, barbiturates, codeine, and methylamphetamine; and Class C includes drugs such as anabolic steroids, benzodiazepines, and phentermine.

⁴ Home Office, Home Office Circular 010/2010: A Change to the Misuse of Drugs Act 1971: Control of Mephedrone and other Cathinone Derivatives (2010) ¶ 7, <https://perma.cc/8MLQ-TUUR>.

⁵ Id. ¶ 10.

be cultivated in Great Britain with a license issued by the Home Office.⁶ In 2020, there was 800 hectares of low THC cannabis grown in the country, with a market value of £11.4 million (about US\$13 million).⁷ The government has launched a project to increase this to 80,000 hectares annually in order to add £700 million (about US\$793 million) to the economy and “sequester or displace 1 million tonnes of carbon dioxide each year.”⁸

II. Cultivation/Production of Hemp

A. Legalization

Cannabis is currently a Class B controlled drug and it is illegal to possess, produce, cultivate, supply, import or export it without a license from the Home Office.⁹ The cultivation of hemp for industrial purposes was legalized in Britain in 1993 when the Home Office began to issue licenses to grow it.¹⁰

Licenses are issued by the Home Office in accordance with the provisions of the Misuse of Drugs Regulations 2001 and are required for the both the cultivation and possession of cannabis.¹¹ These regulations provide for two separate licensing systems: one for cannabis varieties that have THC levels under 0.2% and one for those with THC levels at 0.2% and above (high THC cannabis).¹² This report focuses on the regime as it applies to low THC cannabis.

B. Definition of Hemp (Allowable THC Content)

Cannabis is defined in section 37 of the Misuse of Drugs Act 1971 as:

“cannabis” (except in the expression “cannabis resin”) means any plant of the genus *Cannabis* or any part of any such plant (by whatever name designated) except that it does not include cannabis resin or any of the following products after separation from the rest of the plant, namely –

- (a) mature stalk of any such plant,
- (b) fibre produced from mature stalk of any such plant, and
- (c) seed of any such plant[.]¹³

⁶ *Industrial Hemp Licensing: Factsheet*, gov.uk (last updated May 12, 2021), <https://perma.cc/ZVL4-GFKB>.

⁷ University of York et al., *Hemp-30 Phase I Final Report* 16, <https://perma.cc/FYS9-H49A>.

⁸ Id.

⁹ *Industrial Hemp Licensing: Factsheet*, supra note 6.

¹⁰ 580 Parl. Deb. (5th ser.) HL (1997-8) WA35, <https://perma.cc/98WQ-EQXS>.

¹¹ Misuse of Drugs Regulations 2001, SI 2001/3998, reg. 5, <https://perma.cc/GV7B-P7AQ>.

¹² This distinction is contained in the Misuse of Drugs (Licence Fees) Regulations 2010, SI 2010/2497, <https://perma.cc/Z4A3-KJ3X>.

¹³ Misuse of Drugs Act 1971, § 37(1).

Cannabis resin is defined as “the separated resin, whether crude or purified, obtained from any plant of the genus *Cannabis*.”¹⁴

Cannabinol derivatives are considered to be

the following substances, except where contained in cannabis or cannabis resin, namely tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives.¹⁵

Plants under the genus *Cannabis* are regulated under the Misuse of Drugs Regulations 2001; the cultivation of low THC cannabis is permitted “for the commercial production of industrial hemp fibre or the pressing of seed for oil [which] is an ‘other special purpose’ within the meaning of Section 7(4)(a) of the [Misuse of Drugs Act 1971].”¹⁶

Licenses for low THC cannabis are only granted to European Union-approved seeds that have a THC content below 0.2%. The government has noted the “‘0.2%’ reference is used solely to identify varieties which may potentially be cultivated, within the scope of this policy, and to differentiate between [which] fee level is applicable under the Misuse of Drugs (Fees) Regulations 2010.”¹⁷

C. Exemptions/Restrictions

The cultivation of low THC cannabis is limited to certain specified purposes. The Home Office notes its policy is to issue licenses

for the cultivation of cannabis plants with a low tetrahydrocannabinol (THC) content for the production of hemp fibre for industrial purposes or the obtaining of seeds which are then pressed for their oil. For both of these uses, licences are granted to enable the use of non-controlled parts of the plant (ie seeds and fibre / mature stalk only).¹⁸

This means that the low THC cannabis license requires the destruction of the flowers and leaves of the plants. This approach has been criticized by the Centre for Medicinal Cannabis, which has stated that this approach means the “hemp industry is not financially viable in the UK long-term.”¹⁹ A report from a group of educational institutions and organizations also criticized the current regulatory regime, stating “the current licensing process is unwieldy, untimely and expensive for growers as well as limiting opportunities for UK processing of high value extractives.”²⁰

¹⁴ Id.

¹⁵ Id. sched. 2, part IV.

¹⁶ Home Office, *Low THC Cannabis (Industrial Hemp) Licensing Factsheet*, <https://perma.cc/49D5-BTCC>.

¹⁷ *Industrial Hemp Licensing: Factsheet*, supra note 6, referring to the Misuse of Drugs (Licence Fees) Regulations 2010, SI 2010/2497, <https://perma.cc/6DJQ-VUUY>.

¹⁸ *Industrial Hemp Licensing: Factsheet*, supra note 6.

¹⁹ Centre for Medicinal Cannabis, *CBD in the UK: Executive Summary 4* (2019), <https://perma.cc/D7RD-KHX6>.

²⁰ University of York et al, supra note 7, annex 1, at 2.

D. Certification/Licensing/Registration Requirements

The Home Office grants licenses to grow low THC cannabis that are valid only for the hemp fiber, and for seeds, which may be pressed for oil. The fee for this license is £580 (about US\$655) and £326 (about US\$370) for renewals.²¹ The secretary of state may waive this fee.²² Licenses extend only to the non-controlled part of the plant (stalk and seeds) and do not extend to the green materials, that is the leaves and flowers, of the plant. As a result, the use of a low THC cannabis license to obtain CBD oil, which is extracted from the controlled part of the plant, cannot be granted under this type of license, “as they do not fit with the applicable policy, irrespective of what ‘variety’ of cannabis is intended to be cultivated.”²³

To obtain a license, the applicant must first register as a customer on the controlled drugs licensing system²⁴ for an industrial hemp (low THC cannabis) cultivation license.²⁵ These applications for registration are “considered carefully on its merits taking account of the ability of the applicant to comply with regulatory standards.”²⁶

An “enhanced” criminal background check, known as a Disclosure and Barring Service (DBS) check,²⁷ is required for each person named on the application.²⁸ The enhanced background check must be performed by a particular DBS contractor, “Security Watchdog.”²⁹ The DBS check may not be older than three years from the date of application.³⁰ The enhanced background check

shows spent and unspent convictions, cautions, reprimands and final warnings which are not subject to filtering . . . plus any information held by local police that the Chief Officer reasonably believes to be relevant and, in the Chief Officer’s opinion, ought to be included in the certificate, relating to the child or adult workforces. Where the application is for any other role, the police will consider the nature of the role in the release of information.³¹

²¹ Misuse of Drugs (Licence Fees) Regulations 2010, reg. 2(5)(a).

²² Misuse of Drugs (Licence Fees) Regulations 2010, reg. 2(6), as inserted by the Misuse of Drugs (Amendments) (Cannabis and Licence Fees) (England, Wales and Scotland) Regulations 2018, SI 2018/1055, reg. 8(1), <https://perma.cc/WD9P-QNHU>.

²³ *Industrial Hemp Licensing: Factsheet*, supra note 6.

²⁴ *Controlled Drugs and Precursor Chemicals Registration*, gov.uk, <https://perma.cc/4HTD-UH7D>.

²⁵ *Guidance: Industrial Hemp Licensing*, gov.uk (last updated Sept. 29, 2022), <https://perma.cc/Q6KP-HQF8>.

²⁶ *Id.*

²⁷ *Check Someone’s Criminal Record as an Employer*, Gov.uk, <https://perma.cc/NA9E-5AGW>.

²⁸ *Guidance: Industrial Hemp Licensing*, supra note 255.

²⁹ *Id.*; *DBS Application Guide*, Security Watchdog, <https://perma.cc/8FS6-JFH2>.

³⁰ *Guidance: Industrial Hemp Licensing*, supra note 25.

³¹ *Policy Paper: Standard and Enhanced DBS Check Privacy Policy*, gov.uk (last updated Jan. 25, 2021), <https://perma.cc/P5TN-8TA6>.

There do not appear to be any exemptions for the requirement to have an enhanced background check.

The application to grow low THC cannabis must be made online using the controlled drug licensing portal³² and must include the following:

- name, business address and contact details of the person growing the crop and of any other person included on the license, such as the person responsible for security and regulatory compliance
- details of the nature of the farm business entity, e.g. profit, charity, etc.
- any other licenses held by the applicants, such as a firearms license or shot gun certificate
- reason the license is requested, such as to cultivate or possess low THC cannabis
- purpose for the license, i.e. to produce hemp oil from the seeds or to produce hemp fiber
- DBS check details for each person named on the application
- description of the premises, including the cultivation location, size of the field, field references, physical security arrangements, etc.
- details of what records will be held and audited
- type of seeds to be used, including the brand, THC content and confirmation that it is an EU approved seed
- customers for the industrial end product
- name of the supplier of the seeds
- relevant documents, such as invoices for any seeds purchased, a map or photographs of the growing location, and confirmation of the end customer
- payment of a fee
- address the license should be sent to³³

The Home Office previously required crops to be screened and away from schools, places with access to vehicles, and public rights of way. It currently does not have as many restrictions, because hemp fiber has become a more widely used industrial crop, but it still asks that growers “site the crop sensitively.”³⁴

The Home Office currently considers applications using what it calls a “light touch” approach, meaning that “licence applications are generally considered on the papers . . . in the vast majority

³² *Controlled Drugs Licensing*, gov.uk, <https://perma.cc/QQQ3-B3AB>.

³³ *Industrial Hemp Licensing: Application Guidance*, Gov.uk (last updated May 12, 2021), <https://perma.cc/SNF3-AAQT>. See also *Low THC Cannabis (Industrial Hemp) Licensing Factsheet*, supra note 166, at 1-2; *Guidance: Industrial Hemp Licensing*, supra note 25.

³⁴ *Low THC Cannabis (Industrial Hemp) Licensing Factsheet*, supra note 16, at 2.

of applications [the Home Office does] not expect to have to undertake a site or compliance visit.”³⁵

Licenses are valid for three growing seasons and expire on December 31 of the third year the license was issued. Applications for the coming year open on January 3, 2023.³⁶ The Home Office encourages early applications to ensure the application is processed in time for the first growing season to be used.³⁷ For example, a license granted in March would allow three growing seasons, whereas a license granted in July would only permit two growing seasons. The last date for applications for the 2023 growing season is April 3, 2023, for new or repeat growers; applications after this date may be rejected.³⁸

A license is only valid for the company, farm location, brand of seeds, and activity specified in the application.³⁹ While the license covers a whole farm location, enabling the crops to be moved around on that particular farm,⁴⁰ the license cannot be transferred to another farm location, even if it is owned by the same farmer. Additionally, the license cannot be transferred to another company affiliated with the grower.⁴¹ It also does not apply to other scheduled drugs under the Misuse of Drugs Act 1971.⁴²

The Home Office may attach conditions to the license:

some conditions are standard to all licences, some may be dependent on schedules and activities and others are specific to the individual case situation. Conditions are reasonable, rational and proportionate and not for negotiation.⁴³

One condition is the requirement to submit a grower statement by May 1 of each year.⁴⁴ If this is not completed and submitted, the license may be revoked.⁴⁵ Cultivating low THC cannabis within the terms and in compliance of any conditions attached to the license is not unlawful.⁴⁶

The Home Office can withdraw an application if the applicant fails to take action within a reasonable time. The most common reason for withdrawal is the applicant’s failure to provide a

³⁵ Id. at 2.

³⁶ *Guidance: Industrial Hemp Licensing*, supra note 255.

³⁷ *Industrial Hemp Licensing: Factsheet*, supra note 6, at 3.

³⁸ *Guidance: Industrial Hemp Licensing*, supra note 255.

³⁹ Id.

⁴⁰ *Low THC Cannabis (Industrial Hemp) Licensing Factsheet*, supra note 16, at 3.

⁴¹ *Industrial Hemp Licensing: Factsheet*, supra note 6.

⁴² Misuse of Drugs Act 1971, c. 38, <https://perma.cc/942N-TA32>.

⁴³ *Guidance: Industrial Hemp Licensing*, supra note 255.

⁴⁴ *Annual License Review: Grower Statement*, Home Office, <https://perma.cc/VA7S-U6K7>.

⁴⁵ *Industrial Hemp Licensing: Factsheet*, supra note 6, at 3.

⁴⁶ Misuse of Drugs Regulations 2001, SI 2001/3998, reg. 12, <https://perma.cc/GV7B-P7AQ>.

completed criminal background check.⁴⁷ If the Home Office rejects an application, the applicant has one calendar month to submit further documents or responses to address the reasons for the refusal. There is no appeals process from this decision. If the application continues to be refused, a subsequent application is permitted, but must “address the points outlined in [the] unsuccessful registration application.”⁴⁸

The Home Office can revoke or suspend the license if it believes the licensee has failed to follow the conditions of the license or no longer meets the competency and integrity criteria.⁴⁹ It is illegal to possess or sell scheduled drugs without a license or without being registered, or if the licensee fails to appoint a responsible officer, or does not follow documentation, labelling or notification requirements.⁵⁰

E. Sampling & Testing Requirements

There do not appear to be any testing requirements for low THC cannabis prior to harvesting.

F. Government Initiatives

There currently do not appear to be any government-run programs for the production of hemp across Great Britain, nor does there appear to be any programs that are specific to the production of industrial hemp. There are a number of agricultural programs that low THC cannabis growers may be eligible for. The government runs a basic payment scheme (BPS) that provides financial assistance to the farming industry.⁵¹ It covers land used for agricultural activity, as well as for non-agricultural land that is used for specified purposes.⁵² The cultivation of low THC cannabis for industrial purposes is considered to be a crop grown for fiber, which falls within the definition of arable land in the BPS.⁵³ The Rural Payments Agency states:

Under BPS, farmers need to hold an entitlement for every hectare of eligible land they are claiming on. The size of farmers’ payments will depend on how many entitlements they use, supported by eligible land and the value of those entitlements.⁵⁴

⁴⁷ *Industrial Hemp Licensing: Factsheet*, supra note 6.

⁴⁸ *Guidance: Industrial Hemp Licensing*, supra note 255.

⁴⁹ *Licence to Possess or Sell Drug Precursor Chemicals*, gov.uk, <https://perma.cc/WM35-SDMK>.

⁵⁰ Id.

⁵¹ Basic Payment Scheme 2022 Entitlement Rates, Press Release, Rural Payments Agency, Sept. 20, 2022, <https://perma.cc/TL66-7D9N>.

⁵² Basic Payment Scheme: Rules for 2021, Gov.uk (Mar. 18, 2021), <https://perma.cc/ZHQ4-AGX7>.

⁵³ Id.

⁵⁴ Id.

The highest entitlement rate is £233.30 (about US\$260). The government runs a number of other programs that provide financial help or grants, including the sustainable farming incentive;⁵⁵ farming investment fund; the farming transformation fund;⁵⁶ the farming innovation fund;⁵⁷ and the future farming resilience fund.⁵⁸

III. Hemp Processing and Hemp-Containing Products

Apart from the licensing requirements discussed above for cultivating low THC cannabis plants to produce industrial fiber and seeds, no other regulations for processing hemp or hemp-containing products were located.

⁵⁵ *Sustainable Farming Incentive: Full Guidance*, Gov.uk (last updated Sept. 2, 2022), <https://perma.cc/DTM3-WXGG>.

⁵⁶ *Farming Investment Fund: Guidance*, Gov.uk (last updated Aug. 17, 2022), <https://perma.cc/XQ56-7GUN>.

⁵⁷ Department for Environment, Food & Rural Affairs and UK Research and Innovation, *Farming Innovation: Find out About Funding* (2022), <https://perma.cc/5PKL-P3D5>.

⁵⁸ *The Future Farming Resilience Fund: Access Free Support*, Gov.uk (July 13, 2021) <https://perma.cc/HSG7-Y7JC>.

India

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SUMMARY The Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, prohibits the cultivation of cannabis plants but allows state governments to regulate and permit their cultivation exclusively for medical, scientific, industrial, and horticultural purposes. A few states, including Uttarakhand and Uttar Pradesh, have allowed very controlled cultivation of industrial hemp for these restricted purposes. There is no specific mention of tetrahydrocannabinol (THC) content in the NDPS law itself for the purposes of cultivating cannabis plants. Both Uttarakhand and Uttar Pradesh have approved the cultivation of hemp with a THC content of 0.3% or less.

I. Introduction

The laws for the governing control of cannabis and cannabis plants in India is the Narcotic Drugs and Psychotropic Substances (NDPS) Act, No. 61 of 1985,¹ along with its subsidiary rules.² The NDPS deals with the prohibition, control, and regulation of narcotic drugs, psychotropic substances, and controlled substances. The NDPS prohibits the cultivation of cannabis plants,³ except for medical, scientific, industrial, and horticultural purposes as provided by the provisions the act or the rules or orders made under the law.⁴

State-level excise laws and rules and excise departments in some states also play a role in the regulation (including licensing) of the cultivation, possession, and use of hemp.⁵

According to a news report from 2021, the industry for hemp-based products (food, therapeutic, personal care products, accessories, etc.) in India appears to have boomed over the last few years, with over 100 startups. Although the industry's size is unclear, the founder of one of India's largest hemp firms estimates that it is worth US\$2 million to US\$3 million and "optimistically predicts this will grow to \$500-700 million over the next few years."⁶

¹ Narcotic Drugs and Psychotropic Substances (NDPS) Act, No. 61 of 1985, <https://perma.cc/Y983-TU6P>.

² Narcotic Drugs and Psychotropic Substances Rules, 1985, <https://perma.cc/5YL5-C4GT>.

³ NDPS Act § 8(b).

⁴ Id. §§ 8, 14.

⁵ Aparna Sridharan, *India: The Regulatory Highs and Lows of Launching Medicinal Hemp Products*, Mondaq.com (July 19, 2022), <https://perma.cc/77KR-552G>.

⁶ Arun Janardhan, *The Rise and Rise of the Indian hemp Industry*, Mint Lounge (Aug. 7, 2021), <https://perma.cc/68PD-GWHS>.

II. Cultivation/Production of Hemp

A. Legalization

1. Union/Central

Although the NDPS Act prohibits the general cultivation, possession, and use of cannabis and cannabis plants, “it allows state governments to permit the cultivation of cannabis exclusively for horticultural, industrial, medical and scientific purposes.”⁷ According to one article “Cannabis is not completely barred in India, but it is highly regulated. The government, in an ongoing case in the Delhi High Court, *Great Legalisation Movement India Trust v Union of India*, stated that there is no complete ban on cannabis under the NDPS Act, and it can be used for medical, scientific, industrial and horticultural purposes under permission from state governments.”⁸

Section 8 of the NDPS prohibits the cultivation of cannabis plants “except for medical or scientific purposes” and in the manner and to the extent provided by the provisions of the act or the rules or orders made under the law.⁹ Section 10 allows state governments to regulate and permit the cultivation of any cannabis plant subject to the following statutory conditions:

- provide that the limits within which licences may be given for the cultivation of any cannabis plant shall be fixed from time to time by or under the orders of the State Government;
- provide that only the cultivators licenced by the prescribed authority of the State Government shall be authorised to engage in cultivation of any cannabis plant;
- require that all cannabis, the produce of land cultivated with cannabis plant, shall be delivered by the cultivators to the officers of the State Government authorised in this behalf;
- empower the State Government to fix from time to time, the price to be paid to the cultivators for the cannabis delivered[.]¹⁰

The 2017 National Policy on Narcotic Drugs reiterates, “Section 10 of the NDPS Act, 1985 read with section 8 of the Act empowers the State Governments to licence cultivation of cannabis for medical and scientific purposes.”¹¹

Section 14 of the law also contains a special provision relating to the cultivation of cannabis plants for industrial or horticultural purposes.

⁷ *Hemp: High Time for Legalisation?*, Ikigai Law (Oct. 31, 2018), <https://perma.cc/S7HS-3E4R>.

⁸ Essense Obhan & Charul Yadav, *FSSAI Notification Gives Major Boost to Hemp Industry*, India Bus. L.J. (Mar. 30 2022), <https://perma.cc/9EUG-LLEQ>.

⁹ NDPS Act § 8.

¹⁰ Id. § 10(2)(b)-(e).

¹¹ India Revenue Dep’t, *National Policy on Narcotic Drugs and Psychotropic Substances* 9 (2017), <https://perma.cc/K7JY-KZNX>.

14. Special provision relating to cannabis.—Notwithstanding anything contained in section 8, Government may, by general or special order and subject to such conditions as may be specified in such order, allow cultivation of any cannabis plant for industrial purposes only of obtaining fibre or seed or for horticultural purposes.¹²

The 2017 National Policy also describes the role section 14 plays in the cultivation of cannabis plants for industrial purposes:

22. Cannabis plant can be a source of biomass and fibre for industrial purposes. Cannabis seeds can be used to produce cannabis seed oil - a high value oil. Some countries license cultivation of cannabis varieties which have very low content of tetrahydrocannabinol (THC), the active ingredient which has the intoxicating effect. These varieties of cannabis are used to produce fibres which are, in turn, used in production of fabrics and for production of biomass.

23. Section 14 of the NDPS Act empowers the Government to, by general or special order, permit cultivation of cannabis exclusively for horticultural and industrial purposes. The Central Government shall encourage research and trials of cultivars of cannabis with low THC content. The Central Government shall, however, follow a cautious, evidence-based approach towards cultivation of cannabis for horticultural and/or industrial purposes and shall take decisions based on results of research.¹³

2. State Level

A few states have allowed very controlled cultivation of industrial hemp for restricted purposes. On December 5, 2016, Uttarakhand was the first state to approve the cultivation of “Industrial Hemp” by “exercising the powers under Section 14 of the NDPS Act, 1985.”¹⁴ On April 18, 2018, the government approved the medical and scientific use of cannabis plants by the Research & Development (R&D) institutions.¹⁵ In July 2018, it was also the first state to approve a license to Indian Industrial Hemp Association (IIHA), a nonprofit organization, for the cultivation of industrial hemp for high-quality fiber on a pilot basis.¹⁶

The cultivation of the hemp plant is prohibited throughout Uttar Pradesh under its excise rules except in certain districts or areas.¹⁷ In late October 2018, it was reported that the state government

¹² NDPS Act § 14.

¹³ India Revenue Dep’t, *supra* note 11, at 10.

¹⁴ *Hemp*, Centre for Aromatic Plants, Uttarakhand Gov’t, <https://perma.cc/HD7G-5F7G>.

¹⁵ *Id.*

¹⁶ Khashti Dasila et al., *Livelihood Improvement Through Industrial Hemp (Cannabis Sativa L.): A Multipurpose Plant of Uttarakhand*, 28 *Envis Bull. Himalayan Ecology* 60 (2020), <https://perma.cc/WLX4-7T47>; Ty Jayan, *Cannabis Cultivation Is Now Legal in Uttarakhand*, *Hindu BusinessLine* (July 10, 2018), <https://perma.cc/46GL-UFC4>.

¹⁷ United Provinces Excise Act, 1910, § 17(1)(b), <https://perma.cc/4MMB-AHHA>; Related to Administration, Duties & Powers and General Instructions etc., Chapter XI [Hemp Drugs], § 523. (1), <https://perma.cc/486H-D5VH>.

of Uttar Pradesh had also approved the farming of hemp for medicinal and industrial use.¹⁸ On November 16, 2018, the state issued The Uttar Pradesh Excise (Research Oriented Cultivation of Hemp to Develop Medicinal and Industrial Grade Plant of Hemp) Rules, 2018,¹⁹ regulating hemp farming.

Other states, such as Madhya Pradesh and Himachal Pradesh, are reported to have or are in the process of allowing the cultivation of hemp for similar purposes. The state of Punjab also allows district administrations to grant a license for hemp cultivation to temples, dharamsalas (spiritual dwellings), and other religious institutions on their land.²⁰

B. Definition of Hemp (Allowable THC Content)

1. Union/Central

The NDPS includes three main terms that are regulated. “Cannabis Plant” is defined under section 2(iv) to mean “any plant of the genus *Cannabis*,” which would include Hemp (or *Cannabis sativa* L., which is a botanical class of *Cannabis sativa*).²¹

Section 2(iii) defines “Cannabis (Hemp)” in these terms:

- (a) charas, that is, the separated resin, in whatever form, whether crude or purified, obtained from the cannabis plant and also includes concentrated preparation and resin known as hashish oil or liquid hashish; (b) ganja, that is, the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated; and
- (c) any mixture, with or without any neutral material, of any of the above forms of cannabis or any drink prepared therefrom[.]²²

Please note that NDPS Act excludes “cannabis seeds” and “leaves” from the definition of cannabis (Hemp), “and companies already use leaves for medical preparations.”²³ According to one article, “leaves of cannabis plant are not regulated as narcotic drugs in India under the NDPS Act. They are regulated as narcotic drug only when they are associated with a narcotic drug, *i.e.* when they are attached to the cannabis plant or its flowering or fruiting tops or when they contain resin from the cannabis plant.”²⁴ “Medicinal cannabis,” that is, medicinal hemp, means “any extract or tincture of cannabis (hemp).”²⁵

¹⁸ *UP Farmers Can Grow Bhang Now*, Times of India (Oct. 31, 2018), <https://perma.cc/Z2FL-ZCHN>.

¹⁹ The Uttar Pradesh Excise (Research Oriented Cultivation of Hemp to Develop Medicinal and Industrial Grade Plant of Hemp) Rules, 2018, <https://perma.cc/5G7C-RWK3> (in Hindi).

²⁰ Punjab Hemp Cultivation and Bhang Permit and Pass Rules, 1955, <https://perma.cc/M2WB-5FT6>.

²¹ NDPS Act § 2(iv).

²² *Id.* § 2(iii).

²³ Obhan & Yadav, *supra* note 8.

²⁴ *The Use of Cannabis Leaves in Indian Ayurvedic Medicine – Legalities and Limitations*, Arogya Legal (Oct. 12, 2020), <https://perma.cc/5P63-J3SA>.

²⁵ NDPS Act § 2(xii).

There is no specific mention of THC content in the law itself for the purposes of cultivating cannabis plants.

For the purposes of the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, as amended by Food Safety and Standards (Food Products Standards and Food Additives) Fifth Amendment Regulations, 2021, “hemp seed” means the hulled, non-viable seeds “obtained from *Cannabis sativa*/ other indigenous Cannabis species. The cultivation of Cannabis species for the purpose of hemp seeds in India shall comply with Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 and rules made thereunder.”²⁶ THC parameters for hemp seeds and hemp-containing products can found in Part III of this report.

2. State Level

Uttarakhand is the first state to approve the cultivation of industrial hemp “within the limits of 0.3 THC.”²⁷ However, one case seems to indicate that the THC content is 0.3% to 1.5%.²⁸ In Uttar Pradesh, the United Provinces Excise Act, 1910, considers the “Indian hemp plant” as “*Cannabis sativa* L.” and hemp plant as “*Cannabis sativa*.”²⁹ The Uttar Pradesh Excise (Research Oriented Cultivation of Hemp to Develop Medicinal and Industrial Grade Plant of Hemp) Rules, 2018, defines “Hemp” to mean “the male or female plant of any variety of Hemp.”³⁰ Conditions for a license state that the “institution shall develop the variety [sic] of hemp having Tetrahydro Cannabinol (THC) 0.3% or less than that.”³¹

C. Exemptions/Restrictions

1. Union/Central

As noted above, the NDPS Act’s prohibition on cultivation of cannabis plants is subject to certain statutory exceptions that allow state governments to regulate and permit the cultivation of cannabis exclusively for horticultural, industrial, medical, and scientific purposes.

²⁶ Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, <https://perma.cc/PZ4Y-STLJ>, as amended by Food Safety and Standards (Food Products Standards and Food Additives) Fifth Amendment Regulations, 2021, <https://perma.cc/N398-YNDE> (in Hindi & English). Section 2(10) of the 2021 amendment adding Reg. 2.16 states that hulled seeds “mean seeds from which the outer coat or hull of seeds has been removed,” nonviable seeds are “seeds that are not able to germinate,” and seeds “include a part of a seed.”

²⁷ Centre for Aromatic Plants, *supra* note 14.

²⁸ *Deshinder Khanna v. State of Himachal Pradesh* (Oct. 8, 2018), <https://perma.cc/3FPQ-H858>.

²⁹ United Provinces Excise Act, 1910, §§ 12(i), 17(1)(b), <https://perma.cc/4MMB-AHHA>.

³⁰ Uttar Pradesh Excise (Research Oriented Cultivation of Hemp to Develop Medicinal and Industrial Grade Plant of Hemp) Rules, 2018, Rule 2(f).

³¹ *Id.* Rule 6(e).

2. State Level

The Uttarakhand state government allows medical and scientific use of cannabis plants by the R&D institutions. It has also issued the first license for commercial cultivation of hemp for high-quality fibre on a pilot basis to the IIHA.³²

Under the Uttar Pradesh Excise (Research Oriented Cultivation of Hemp to Develop Medicinal and Industrial Grade Plant of Hemp) Rules, 2018, allows research institutions that are granted a license to develop medicinal or industrial grade hemp. One of the conditions of the license is that “[t]he crop of industrial hemp will be used extract seeds and fibre only.”³³

D. Certification/Licensing/Registration Requirements

In Uttarakhand, a license is also required for hemp cultivation, for which an application must be submitted to the local district magistrate.³⁴ It includes rules on proof of land ownership, the exact location of hemp cultivation (land description and geographical coordinates), proof of the facility for storage, and other requirements. One of the documents required for the license application is a “good character certificate,” which appears to be obtainable from a local police station. “[T]here should be no bailable or criminal case pending in any court of law” against the applicant.³⁵ In Uttar Pradesh, only research institutions that are license holders are able to cultivate hemp. The Uttar Pradesh Excise (Research Oriented Cultivation of Hemp to Develop Medicinal and Industrial Grade Plant of Hemp) Rules, 2018, include rules on the grant of a license, procedure for obtaining a license, application form, conditions of license, and other miscellaneous rules. There are no specific provisions on background checks, but the rule does state that the license will only be granted or renewed “after due inquiry by the Excise Commissioner in favour of the research institution.”³⁶

E. Sampling and Testing Requirements

In Uttarakhand, the state government has authorized the Centre for Aromatic Plants in Selaqui, Dehradun, and the National Botanical Research Institute in Lucknow as “technical testing labs” to test crop samples³⁷ for THC concentration in Industrial Hemp that is cultivated for medicinal and scientific purposes.³⁸

³² Press Release, 1st Industrial Hemp Cultivation Licence of India Granted to Indian Industrial Hemp Association (IIHA) by Uttarakhand [sic] Government, IIHA (Aug. 19, 2019), <https://perma.cc/794E-5AJV>.

³³ Uttar Pradesh Excise (Research Oriented Cultivation of Hemp to Develop Medicinal and Industrial Grade Plant of Hemp) Rules, 2018, Rule 6(c).

³⁴ *To Get License for Hemp Cultivation*, Uttarakhand Excise Dep’t, <https://perma.cc/VB2N-G8TY> (in Hindi).

³⁵ FSSAI *on Hemp Products: Obtaining a Hemp License in Uttarakhand*, ILO Consulting (June 14, 2022), <https://perma.cc/5WUU-GWQZ>.

³⁶ Uttar Pradesh Excise (Research Oriented Cultivation of Hemp to Develop Medicinal and Industrial Grade Plant of Hemp) Rules, 2018, Rule 4(2).

³⁷ Centre for Aromatic Plants, *supra* note 14.

³⁸ Vineet Aneja, Vasudha Luniya *Cannabis - The Development of the Regulatory and Legal Landscape and the Investment Opportunities in This Sector*, *Clasis Law* (July 8, 2022), <https://perma.cc/5TP5-3Y5Y>.

In Uttar Pradesh, before harvesting the cultivated hemp crop, the licensee is required to inform the district excise officer of the concerned district, and “[i]f the Tetrahydro Cannabinol (THC) content in the harvested hemp exceeds 0.3% the crop shall be destroyed as per the direction of the Excise Commission.”³⁹ One of the conditions of a license is for the licensee to “maintain all the accounts of cultivation and crop in the manner as may be directed by the Excise Commissioner from time to time.”⁴⁰ Officers of the Excise Department are also empowered to enter premises at all reasonable times and without notice where cultivation is being carried out or the crop is being stored to inspect the stock, records, and accounts.⁴¹

F. Government Initiatives

As noted above, state governments have allowed cultivation of hemp for very restricted and controlled purposes. These are done through a licensing process that involves R&D institutions and other nonprofit organizations. These licensees are not allowed to sell or transfer any part of the crop or sell it as an intoxicant.

III. Hemp Processing and Hemp-Containing Products

A. Hemp Processing

Section 10 of the NDPS Act also allows state governments to regulate and permit the production and manufacturing of cannabis plants. Licensing for manufacturing of drugs containing cannabis is also subject to manufacturing requirements under the Drugs & Cosmetics Act, 1940,⁴² and the rules and guidelines issued by the Ministry of Ayush.⁴³ As noted in Part III.B. below, the ingredient “*Cannabis sativa* Linn. (Except seeds)” can be used in certain alternative forms of medicine known as Ayurvedic, Siddha, and Unani (ASU) drugs.

The Drugs and Cosmetics Rules, 1945,⁴⁴ set out the conditions under which a manufacturing license (or a loan license)⁴⁵ for ASU drugs are issued and renewed.⁴⁶ Applications for a license to

³⁹ Id. Rule 6(e).

⁴⁰ Id. Rule 6(f).

⁴¹ Id. Rule 7(2).

⁴² Drugs and Cosmetics Act, 1940, <https://perma.cc/ZS4P-2RHJ>.

⁴³ Cent. Council for Rsch. in Ayurvedic Sci., Ayush Ministry, *General Guidelines for Drug Development of Ayurvedic Formulations* (2018), <https://perma.cc/T4GQ-2K9K>.

⁴⁴ Drugs and Cosmetics Rules, 1945, <https://perma.cc/GT4K-D46U>.

⁴⁵ According to one article, “[t]here are two types of manufacturing licences. One is issued for manufacturing in one’s own premises with one’s own resources, the other is called a loan licence, in which the resources of a third party are utilized to manufacture the products.” Abhinav Goyal, *Primer: Cannabis Laws in India*, Sigma Chambers (Jan. 4, 2021), <https://perma.cc/HLU3-9VJP>.

⁴⁶ Drugs and Cosmetics Rules, 1945, Part XVI.

manufacture and sell ASU drugs are made to the licensing authority appointed by the state government under the 1940 act.⁴⁷

One article notes, “[s]upply is controlled by the government, with only a handful of companies having an Ayush licence to manufacture hemp that’s supplied to retailers.”⁴⁸

B. Hemp-Containing Products

1. Hemp in Food Products

One article notes, “Hemp-based products have been available in Indian markets for some years now, but remained largely unregulated.”⁴⁹ As noted in Part II.B.1. above, the NDPS Act excludes cannabis seeds and leaves from the definition of cannabis. In addition, Bhang, made from the leaves of the cannabis plant, is an edible preparation used in food or drink, is therefore, also not covered in the definition of cannabis. Several states have issued rules⁵⁰ that “permit the production and sale of Bhang by licensed shops only. Whoever is so licensed to produce Bhang is allowed to produce it from the leaves of the wildy grown cannabis plants only.”⁵¹

More recently, the Food Safety and Standards Authority of India (FSSAI) issued a notification in November 2021 amending the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011,⁵² titled Food Safety and Standards (Food Products Standards and Food Additives) Fifth Amendment Regulations, 2021.⁵³ The amendment states that “The hemp seed, hemp seed oil and hemp seed flour shall be sold as food or used as an ingredient in a food for sale subject to conforming”⁵⁴ to certain stipulated standards including THC parameters.⁵⁵

⁴⁷ Id. Rule 152.

⁴⁸ Janardhan, *supra* note 6.

⁴⁹ Obhan & Yadav, *supra* note 8.

⁵⁰ See, e.g., the Madhya Pradesh Bhang Rules, 1960, <https://perma.cc/HYB4-LE9C>.

⁵¹ Goyal, *supra* note 45.

⁵² Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011.

⁵³ Food Safety and Standards (Food Products Standards and Food Additives) Fifth Amendment Regulations, 2021.

⁵⁴ Id. § 2(10) adding Reg. 2.16. “Hemp seeds and seed products.”

⁵⁵ Id. § 2(10) adding Reg. 2.16(2).

Regulation of Hemp: India

Product	(Total THC, ⁵⁶ mg/kg, Max.)
Hemp Seed	5.0
Oil extracted from hemp seeds	10.0
Hemp seed flour	5.0

Source: Food Safety and Standards (Food Products Standards and Food Additives) Fifth Amendment Regulations, 2021, § 2(10) adding Reg. 2.16(2) to Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011.

The regulations also include the following other requirements:

- The total THC shall not exceed 0.2 mg/kg in any beverages made from hemp seeds.
- Any other food for sale that consists of hemp seed or seed products shall not exceed Total THC content of 5 mg/kg.
- The level of cannabidiol (CBD)⁵⁷ in any food for sale consisting of hemp seed or seed products shall not exceed 75 mg/kg.
- Cannabinoids⁵⁸ in any food for sale consisting of hemp seed or seed products shall only be present naturally in or on the seeds.
- The food for sale that consists of hemp seed or seed products shall not be labelled or otherwise presented for sale in a form which expressly or by implication suggests that the product has a psychoactive effect.
- The label for the food containing hemp seed or seed products for sale shall not include:
 - (a) a nutrient content claim about cannabidiol; or
 - (b) a health claim about cannabidiol; or
 - (c) an image or representation of any part of the Cannabis plant (including the leaf of that plant) other than the seed; or
 - (d) the words ‘cannabis’, ‘marijuana’ or words of similar meaning.
- The label for the food containing hemp seed or seed products for sale may include the word ‘Hemp’.
- No person shall manufacture, import or sell any food product containing hemp seed or seed products intended for administration to infants up to the age of 24 months.⁵⁹

⁵⁶ Id.; Total THC “means the total amount of delta 9-tetrahydrocannabinol (THC) and delta 9-tetrahydrocannabinolic acid.”

⁵⁷ Id.; Cannabidiol (CBD) is the “non-psychoactive component of the Cannabis species.”

⁵⁸ Id.; Cannabinoids means “any of various naturally occurring, biologically active, chemical constituents such as cannabidiol or cannabinol of the Cannabis species, including some that possess psychoactive properties like delta 9-tetrahydrocannabinol (THC).”

⁵⁹ Food Safety and Standards (Food Products Standards and Food Additives) Fifth Amendment Regulations, 2021, Reg. 2.16(6).

2. *Hemp in Medicines*

As noted Part II.B.1. above, the NDPS Act excludes “cannabis seeds and leaves from the definition of cannabis, and companies already use leaves for medical preparations.”⁶⁰

Medicines in India are regulated by the Drugs and Cosmetics Act, 1940, and its rules.⁶¹ Schedule E1 of the Drugs and Cosmetics Rules, 1945, comprises the list of poisonous drugs from plant, animal, and mineral origins that are used in Ayurvedic (including Siddha) and Unani alternative systems of medicine that can only be purchased under medical supervision.⁶² The schedule includes “*Cannabis sativa* Linn. (Except seeds)” as an ingredient in these alternative forms of medicine.⁶³ Rule 161(2) of the rules includes the following labeling requirement:

(2) The container of a medicine for internal use made up ready for the treatment of human ailments shall, if it is made up from a substance specified in Schedule E(1), be labelled conspicuously with the words ‘Caution: to be taken under medical supervision’ both in English and Hindi languages[.]

⁶⁰ Obhan & Yadav, *supra* note 8.

⁶¹ Drugs and Cosmetics Rules, 1945, <https://perma.cc/GT4K-D46U>.

⁶² Cent. Consumer Prot. Auth., Advisory F. No. J-25/64/2022-CCPA (July 14, 2022), <https://perma.cc/PHD5-P8YJ>.

⁶³ Sridharan, *supra* note 5.

Israel

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SUMMARY Cannabis is considered a dangerous drug, which is prohibited in the absence of special authorization. The general manager (GM) of the Ministry of Health (MOH) or the GM's designee may grant authorization to grow cannabis for health and research purposes. The possession and use of cannabis for personal consumption without a license was decriminalized on January 2, 2019.

A number of private member bills were submitted in recent years to amend the Dangerous Drugs Ordinance (DDO) to allow the cultivation of hemp with a THC content below 0.3%. According to a March 2022 MOH press release, the Minister of Health determined to exclude the CBD component and its derivatives from the DDO. Procedures for the adoption of the exclusion, however, have been stalled.

The conditions for licensing for cultivation and production of cannabis under the DDO include background checks. The law further authorizes the police, upon a reasonable suspicion that an offense has been committed, to carry out tests, take measurements or samples of materials as well as to deliver such samples to a laboratory for verification.

I. Introduction

Israeli law considers cannabis a dangerous drug, which is regulated under the Dangerous Drugs Ordinance, [New Version], 5733-1973, as amended (DDO).¹ The DDO definition of cannabis excludes oil extracted from cannabis seeds.²

The lists of dangerous drugs contained in the supplements to the DDO may be modified or subject to stipulations by the Minister of Health, with the approval of the Knesset's (parliament) Public Services Committee and by notice in the official gazette.³

While otherwise prohibited, the cultivation and production of cannabis for health and research purposes was authorized under conditions enumerated as of May 1, 2019.⁴ The possession and

¹ Dangerous Drugs Ordinance (DDO) [New Version], 5733-1973, Dine Medinat Israel (New Version) No. 27, p. 526 (1973), as amended; Full up-to-date text available at Nevo Legal Database (Nevo), <https://perma.cc/NBU7-AD5Z> (in Hebrew, by subscription).

² Id. 1st Supp. (Announcement 2001).

³ DDO § 41.

⁴ Dangerous Drugs (Amendment No. 16) Law (DDO 2019 Amendment), 5779-2019, SH 5779 No. 2770 p. 126, Nevo, <https://perma.cc/8QCC-KRN4> (in Hebrew, by subscription).

use of cannabis for personal consumption without a license was decriminalized on January 2, 2019.⁵

At the time of writing of this report there were reportedly eight licensed growers and four factories licensed to produce cannabis for medical use. Seven more growers and one additional plant for the production of cannabis for medical use were expected to be licensed in the near future. Additional entrepreneurs were in various stages of their integration in the field.⁶

In 2017, the Ministry of Agriculture reportedly launched a pilot project for the cultivation of industrial hemp in three different regions: Arava, Lachish, and the southern Golan Heights. The project tests growing two strains of industrial hemp of THC levels below 1% in different growing seasons and at different densities to examine whether industrial hemp could be turned into a legal industry, including domestic production of oil to be used as a food supplement.⁷

Authors of a 2022 report on the subject have suggested that if the project proves successful, “hemp seeds as well as other parts of the plant may be excluded from the definition of dangerous drugs.”⁸

II. Cultivation/Production of Hemp

A. Legalization

Cultivation and production of cannabis requires a license. In accordance with the Dangerous Drugs (Amendment No. 16) Law, 5779-2019, adopted on May 1, 2019, the director of the Ministry of Health (MOH) or the director’s designee may issue a license for cultivation or production of cannabis for medical and research objectives.⁹ As noted above, the possession and use of cannabis for personal consumption without a license was decriminalized on January 2, 2019.¹⁰

B. Definition of Hemp

Hemp is not defined under Israeli law.

The DDO defines cannabis as “any plant of the type of cannabis and any part thereof, including its roots but excluding oil extracted from its seeds.”¹¹

⁵ Administrative Offenses (Administrative Fine-Cannabis Possession and Use for Personal Use) Regulations, 5782-2022, KT 5782 No. 10070 p. 2434, <https://perma.cc/VK3P-SRLP> (in Hebrew).

⁶ *Information about Cannabis*, MOH, <https://perma.cc/8S24-QJ27> (in Hebrew).

⁷ CBS-Intel, Regulatory and Market Intelligence for the CBD Sector, *Israel: CBD and Cannabis Regulation, Regulatory Report* (19th May 2022) p. 4, (on file with author) [hereinafter CBS-Intel Report].

⁸ Id.

⁹ DDO 2019 Amendment.

¹⁰ Administrative Offenses (Administrative Fine-Cannabis Possession and Use for Personal Use) Regulations.

¹¹ DDO Appendix 1.

The DDO lists Delta-Tetrahydrocannabinola as well as certain synthetic cannabinoids in Part 1 of the schedule as prohibited drugs. The Israeli Anti-Drug Authority (IADA) regularly updates the list of scheduled synthetic cannabinoids.¹²

C. Exemptions

A 2001 directive issued by the MOH authorized the import of oil produced from the seeds of the cannabis plant (hemp seed oil) and its use in food and cosmetics under conditions enumerated.¹³ Hemp seeds, however, are not permitted to be sold in Israel as they are considered a part of the cannabis plant and come under the DDO.¹⁴

Authorization for cultivation of cannabis appears limited to health and research purposes only.¹⁵

It should be noted that a number of private member bills proposing amendments to the DDO to allow the cultivation of hemp with a THC content below 0.3% were submitted in recent years, with the last one filed by Knesset Member Yoav Kisch on October 4, 2021.¹⁶

A March 2022 MOH press release announced that Minister of Health Nitzan Horowitz “resolved to exclude the CBD component and its derivatives from the Dangerous Drugs Ordinance.”¹⁷ The minister’s resolution was based on the recommendations of a special committee that had examined the implications of the exclusion of substances or products containing the CBD component from the DDO.¹⁸

A 2022 CBS-Intel report suggests that “[t]his lift of the ban over those products could also potentially trigger a lift of the hemp cultivation ban, in an effort to promote the country’s CBD market and position itself as an important CBD exporter.”¹⁹

According to information posted on the MOH website, the minister was supposed to publish a draft order excluding CBD from the DDO for public comments. However, a search for the draft and any additional steps taken following the March 2022 press release has not identified any progress in this regard.

¹² CBS-Intel Report, *supra* note 7, at p. 3.

¹³ Authorization for Import of Hemp Seed Oil, Procedure 39, 2nd amend. (Aug. 21, 2001), <https://perma.cc/VW3N-AL2X> (in Hebrew).

¹⁴ CBS-Intel Report, *supra* note 7, at p. 3.

¹⁵ DDO Ch. C1.

¹⁶ DDO Amendment (Change in Definition of Cannabis) Private Member Bill, 5782-2021, Knesset website, <https://perma.cc/S3RV-AKNF> (in Hebrew).

¹⁷ Ministry of Health Press Release: Minister Horovitz Resolved: CBD to be Excluded from the Dangerous Drugs Ordinance (March 1, 2022), <https://perma.cc/2ZXP-AEPP>.

¹⁸ *Id.*

¹⁹ CBS-Intel Report, *supra* note 7, at p. 4.

As noted, any modification in the list of dangerous drugs under the DDO requires the Minister of Health to obtain approval by the Knesset's Public Services Committee.²⁰ However, with the dissolution of the Knesset on June 30, 2022, and the scheduling of national elections for November 1, 2022, it is unknown if and when any relevant legislation will be considered in the near future.²¹

D. Licensing Requirements

1. Licensing

Growing cannabis requires a license.²²

The MOH clarifies that

[a]ccording to Israeli law, the cannabis plant and everything extracted from it (except for oil extracted from its seeds) is defined as a dangerous drug that is prohibited for use and possession and in order to use and possess it, a special license issued by the MCU (Medical Cannabis Unit in the Ministry of Health) or a doctor authorized by the Ministry of Health.²³

The MOH director has the discretion to grant a license to produce cannabis based on requirements made by the head of the MOH Security and Licensing Division or for other reasons the director deems fit. The law requires the MOH to publish on its website all the conditions applicants must meet and documents they must submit in order to be granted a license to produce and deal with hemp.²⁴

2. Background Checks

The DDO requires the MOH director to contact the Israel Police for a recommendation as to “whether there exists any hindrance to grant an individual applicant, or in the case of a corporation, the corporation's interested parties, a license for reasons of public safety and security, including the applicant's criminal record or credibility.”²⁵

A license will not be granted until the recommendation is given or notice is delivered by the Police Investigations and Intelligence Division or by an officer with the rank of superintendent or higher who has been authorized to do so, within 30 days from the date of request, that the circumstances of the matter do not require his or her recommendation.²⁶

²⁰ DDO § 41.

²¹ Law for the Dissolution of the 24th Knesset and Parties' Financing Law, 5782-2022, SH 5782 No 2981 p. 898, <https://perma.cc/272P-LZfZ> (in Hebrew).

²² DDO § 6.

²³ *Information about Cannabis*, supra note 6.

²⁴ DDO § 25B.

²⁵ Id. § 25C.

²⁶ Id.

The issue of a license requires approval by a committee composed of the ministers of public security, finance, and the economy, as well as by the Inspector General of the Israel Police or their designees. The Minister of Health may also designate a ministry's employee to serve as an observer.²⁷

3. Licensing Procedures

According to the MOH, an application for a medical cannabis use license must be submitted online through the government portal by a family doctor who is an expert in the field of specialization relevant to the disease. The application must contain a summary of complete and up-to-date medical information from the family doctor, as well as a report of drugs purchased by the patient during the past year.²⁸

E. Sampling & Testing Requirements

Requirements for sampling and testing have not been identified. The DDO, however, authorizes a police officer authorized by the head of the Policing Division, based on a reasonable suspicion that an offense is committed among others, to “carry out tests, take measurements or take samples of materials and deliver the tests to the laboratory, keep them or otherwise treat them.”²⁹

F. Government Initiatives

To implement the reform introduced by the DDO 2019 amendment law the MOH has engaged in the development of an integrative computer system that supports various aspects, including

- Management of applications for cannabis use beginning with their registration by the doctor in the community and their receipt, scanning the accompanying documents, transferring the files to the managing physicians and at the end - responding to the requests - issuing licenses or rejection letters.
- Management of the cannabis system (production, distribution, suppliers, etc.), in addition - linking to the pharma chains.
- Supply chain reporting portal of cannabis product manufacturing process
- Manage a cannabis product catalog.³⁰

III. Hemp Processing and Hemp Containing Products

The use of hemp seed oil in food requires approval by the National Food Service, a department of the MOH. Similarly, the use of hemp seed oil in cosmetics requires authorization by the MOH pharmacy department. With regard to CBD-containing vaping products, only those produced

²⁷ Id. § 25D.

²⁸ *Information about Cannabis*, supra note 6.

²⁹ DDO § 25F(a)(2).

³⁰ *Medical Cannabis Reform*, MOH, <https://perma.cc/9AVS-2KHK> (in Hebrew).

and distributed as medical cannabis products are allowed, with the first cannabis vaporizer approved by the Ministry of Health in March 2018.³¹

³¹ CBS-Intel Report, *supra* note 7, at pp. 7-8.

Italy

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SUMMARY Hemp cultivation has a long history in Italy, as the country was a top producer of it in the 1940s. Since 2016, legislation has permitted the cultivation of cannabis for industrial purposes, that is, under 0.2% of THC content, without need for any governmental license or authorization. However, farmers are not penalized for cultivating cannabis with THC content above 0.2% but lower than 0.6%. Content higher than 0.6% carries criminal penalties. THC content is determined according to domestic and European Union legislation. In 2020 there existed about 800 farms cultivating 4,000 hectares of hemp. The main uses of hemp include the food industry (seeds, flour and oil), green building, cosmetics, and the pharmaceutical sector. Hemp growers must keep the tags of the seed purchased for not less than twelve months. The State Forestry Corps carries out the necessary controls, including sampling and laboratory analyses, on hemp cultivations, which otherwise must be performed in accordance with EU legislation.

I. Introduction

In the 1940s, Italy was the second-largest producer of hemp in the world (after Russia), with approximately 100,000 hectares cultivated to produce textiles and ropes for the naval industry.¹ The introduction of cheaper synthetic fibers (nylon) and the entry into force of international treaties on narcotics in the 1950s caused a gradual decline of hemp cultivation in Italy, to 400 hectares in 2013.²

Law No. 242 of 2016 brought a liberalization of the use of “light cannabis” with THC content below 0.6%.³ As of 2020, about 1,300 “light cannabis” shops, delivery services, and vending machines were functioning in Italy.⁴ As the law does not permit the consumption of *Cannabis sativa* in any form, it is instead sold as a “collectors’ item” to be used only for “technical purposes.”⁵ The law does not prohibit the commercialization of hemp flowers, which has allowed the sale of light cannabis to grow, with more than 500 stores existing in Italy as of 2018.⁶

¹ US Dept. of Agric., Foreign Agric. Serv., *Italian Industrial Hemp Overview 2020*, at 2 (Feb. 21, 2020), <https://perma.cc/27XY-3RSS>.

² *Id.*

³ Legge 2 dicembre 2016, n. 242, Disposizioni per la promozione della coltivazione e della filiera agroindustriale della canapa [Law No. 242 of 2016], <https://perma.cc/C5TZ-R3JM>.

⁴ US Dept. of Agric., Foreign Agric. Serv., *supra* note 1, at 2-3.

⁵ *Cannabis in Italy – Laws, Use, and History*, Sensi Seeds (Sept. 26, 2021), <https://perma.cc/4Y65-4JV8>.

⁶ Lorenzo Tondo, ‘It Saved Our Business’: Italy’s Farmers Turn Low into High with Cannabis, *The Guardian* (Aug. 30, 2018), <https://perma.cc/5C23-24E9>.

A. Non-Hemp Cannabis Regulatory Conditions

1. In General

Italian law punishes anyone who, without authorization, imports, exports, purchases, receives or holds medicines containing narcotic or psychotropic substances that exceed the prescribed quantity.⁷ Consequently, it is illegal to sell or cultivate *Cannabis sativa* with high THC levels.⁸

Sale of *Cannabis sativa* carries a maximum of six years of imprisonment.⁹ Some exceptions exist in the case of minor offenses, which carry a penalty between six months and four years.¹⁰ Criteria for sentencing include the mode of sale, and the offender's character, conduct and motives for selling.¹¹ The possession of *Cannabis sativa* may result in the suspension of a driving license.¹² First-time offenders usually receive a warning and a formal request to stop using *Cannabis sativa*.¹³

According to the European Monitoring Centre for Drugs and Drug Addiction, in Italy *Cannabis sativa* remains the "illicit drug most commonly used by the general population," with 9.2% of its population of 61 million using it, according to the 2016 UN World Drug Report.¹⁴ Italy ranks third in Europe for consumption of *Cannabis sativa*.¹⁵ Hash is one of the most popular cannabis products, which is chiefly trafficked by the Mafia.¹⁶

2. Medical Cannabis

Since 2013, cannabis for medical use has been legal in Italy, subject to medical prescription.¹⁷ Eligible conditions include multiple sclerosis, glaucoma, Tourette's syndrome, chronic pain, nausea from chemotherapy or HIV treatments, spinal cord injury, anorexia, and cachexia.¹⁸

⁷ Laura Opilio et al., *Cannabis Law and Legislation in Italy*, CMS Law, <https://perma.cc/4KQX-7WAS>.

⁸ Legge 16 maggio 2014, n. 79, Conversione in legge, con modificazioni, del Decreto-Legge 20 Marzo 2014, n. 36, recante Disposizioni Urgenti in materia di Disciplina degli Stupefacenti e Sostanze Psicotrope, Prevenzione, Cura e Riabilitazione dei relativi Stati di Tossicodipendenza, di cui al Decreto del Presidente della Repubblica 9 Ottobre 1990, n. 309, nonché di Impiego di Medicinali Meno Onerosi da parte del Servizio Sanitario Nazionale [Law No. 79 of 2014], art. 1, amending Decree Law No. 36 of March 20, 2014, art. 14, para. 4, <https://perma.cc/FNF8-PDQ4>.

⁹ *Cannabis in Italy*, supra note 5.

¹⁰ Id.

¹¹ Law No. 79 of 2014, art. 24-ter.

¹² *Cannabis in Italy*, supra note 5.

¹³ Id.

¹⁴ Danielle Guercio, *La Vita Alta: What's Happening with the Changing Face of Cannabis in Italy?* (Oct. 22, 2018), <https://perma.cc/X2YK-9AND>.

¹⁵ Tondo, supra note 6.

¹⁶ Guercio, supra note 14.

¹⁷ US Dep't of Agric., Foreign Agric. Serv., supra note 1, at 3.

¹⁸ Id.

Growing, selling and importing medical *Cannabis sativa* require prior authorization of the Ministry of Health.¹⁹ The authorization can only be granted under strict criteria to institutions or companies.²⁰

In 2017, the Ministries of Defense and Health signed an agreement granting exclusive cannabis production (300 kg/year) and distribution to an Italian military chemical and pharmaceutical plant based in Florence.²¹

B. Statistics on Hemp Cultivation and Trade

In 2020 in Italy there were more than 800 farms cultivating about 4,000 hectares of hemp as an alternative to durum wheat.²² Hemp crops are distributed 80% for the food industry and the remaining for green building, cosmetics, and the nutraceutical sector.²³ Industry estimates contemplate a profit of approximately 600 euros (€) per hectare, double of those for durum wheat.²⁴

The hemp sector in Italy is currently valued at €40 million.²⁵

According to the Italian Statistics Institute, in 2018 Italy imported: (a) 557 metric tons (MT) of hempseeds other than for sowing (884 MT in 2017), mainly from Canada, France, the Netherlands, Germany, and China; (b) 46 MT of hempseeds for sowing (8 MT in 2017), mainly from Germany, France, and the Netherlands; and (c) 11 MT of hemp fiber raw (0.3 MT in 2017), mainly from China, Germany, and France.²⁶

In Sicily, many farmers have substituted wheat with hemp in order to diversify their farming of land threatened by monoculture wheat cultivation.²⁷ According to data from Italy's Council for Agricultural Research and Analysis of Agricultural Economics, land planted with durum wheat decreased by 7.4% in southern Italy in 2017 alone, and by more than 9% in the north of the country.²⁸

¹⁹ Opilio et al., *supra* note 7, at 3.

²⁰ *Id.*

²¹ US Dep't of Agric., Foreign Agric. Serv., *supra* note 1, at 3.

²² *Id.* at 2.

²³ *Id.* at 1.

²⁴ *Id.* at 2. In late October 2022, the exchange rate for one euro has been around .99 US dollars.

²⁵ *Id.* at 3.

²⁶ *Id.* at 3-4.

²⁷ Tondo, *supra* note 6.

²⁸ *Id.*

II. Cultivation/Production of Hemp

A. Legalization

Law No. 79 of 2014 decriminalized hemp (cannabis for industrial use) grown exclusively for the production of fibers or for other industrial uses.²⁹

Law No. 242 of 2016 made hemp cultivation legal in Italy.³⁰ It provides that the cultivation of hemp with THC content up to 0.2% does not require any kind of license or authorization from the government, but such authorization is required for the cultivation of plants that have THC content of over 0.2%, as specified by European regulation.³¹ Farmers cultivating plants with a THC content higher than 0.2% but lower than 0.6% are not penalized.³² When an examination of hemp that has already been authorized shows that it contains a THC rate of over 0.6%, judicial authorities have the power to seize or destroy a cultivation facility.³³

On May 22, 2018, the Italian Ministry of Agricultural, Food, and Forestry Policies issued a directive summarizing and clarifying Law No. 242 of 2016.³⁴ The directive's main points are summarized as follows:

1. reproduction of hemp plants is permitted exclusively from certified seeds
2. reproduction through self-fertilization of material for marketing is not legal
3. . . . the owner must be able to provide evidence for keeping industrial hemp seeds and proof of purchase of no less than 12 months, and, in any case, for the entire duration of the cultivation and production of industrial hemp
4. commercialization of plants as ornamental commodity does not require government authorization
5. horticulture of *Cannabis sativa* is regulated by [a prior directive] on protection standards against the introduction and distribution of detrimental organisms against plants and plant products
6. importing industrial hemp plants for commercial purpose, from foreign countries (outside Italy) must abide by domestic and EU laws

²⁹ Law No. 79 of 2014, art. 1.

³⁰ Law No. 242 of 2016, art. 1.

³¹ Andrea Li, *Italy Publishes New Regulation on Hemp Production and Sale*, EU Watch (July 4, 2018), <https://perma.cc/63D6-F2GU>.

³² Opilio et al., *supra* note 7.

³³ Li, *supra* note 31.

³⁴ Vice Ministro delle politiche agricole alimentari e forestali, Circolare del 22 maggio 2018, Oggetto: Chiarimenti sull'applicazione della legge 2 dicembre 2016, n. 242 [Circular of May 22, 2018], <https://perma.cc/2W4B-JPVQ>.

7. with regard to inflorescence—a mode of development and arrangement of industrial hemp—. . . all rules on horticulture of industrial hemp apply. All plants must derive from a variety of the *Cannabis sativa* that is recognized and accepted by domestic law, and the THC of the plants must not go beyond the limits established by the directive and also must not contain properties that may negatively impact on citizens' health.³⁵

A decree of the Health Ministry issued on November 4, 2019, defined the maximum levels of THC in food.³⁶ Annex I of the decree defines food deriving from hemp (seeds, flour obtained from seeds, and oil obtained from seeds),³⁷ while annex II specifies their maximum limits of THC.³⁸ Hemp food products not specified in the decree must comply with article 2 of EC Regulation No. 1881/2006, which sets maximum levels for certain contaminants in foodstuffs.³⁹

Finally, in September 2021, the Health Ministry approved guidelines for the authorization of *Cannabis sativa* from certified seeds of varieties permitted under European law for the purpose of supplying certified pharmaceutical companies.⁴⁰ The same guidelines also indicate that, prior authorization, industrial cannabis may be cultivated for supplying pharmaceutical companies authorized to manufacture active pharmaceutical ingredients (API).⁴¹

B. Definition of Hemp (Allowable THC Content)

The Decree of 2019 defined “Hemp” as a *Cannabis sativa L.* plant meeting the requirements of article 32, paragraph 6, of EU Regulation No. 1307/2013.⁴²

Law No. 242 of 2016 contains rules for the support and promotion of the cultivation and supply chain of hemp as a crop capable of contributing to the reduction of the environmental impact of agriculture; to the reduction of soil consumption, desertification, and loss of biodiversity; as a possible substitute for surplus crops; and as a crop for rotation.⁴³

The law covers hemp crops of varieties registered in the European Union’s “Common Catalogue of Varieties of Agricultural Plant Species,” pursuant to Article 17 of Council Directive 2002/53/EC of June 13, 2002, which fall outside the scope of Italy’s law on narcotic drugs and

³⁵ Li, *supra* note 31.

³⁶ Ministero della Salute, Decreto 4 novembre 2019 Definizione di Livelli Massimi di Tetraidrocannabinolo (THC) negli Alimenti (Decree of 2019), <https://perma.cc/YH9G-YV2W>.

³⁷ Id. art. 2(2)(b) & Annex I.

³⁸ Id. art. 2(2)(c) & Annex II.

³⁹ Id. art. 5(2).

⁴⁰ Opilio et al., *supra* note 7.

⁴¹ Id.

⁴² Decree of 2019, art. 2(2)(a).

⁴³ Law No. 242 of 2016, art. 1(1).

psychotropic substances.⁴⁴ The cultivation of this type of hemp does not require prior authorization.⁴⁵

The US Department of Agriculture notes with respect to Italian trade regulation of hemp:

In accordance with article 189 of the EU Regulation No. 1308/2013, Italy's Law No. 242 of 2016 allows the importation of:

- hempseeds for sowing (HS code 12079920), with a THC content not exceeding 0.2 percent as per articles 32(6) and 35(3) of EU Regulation No. 1307/2013;
- hempseeds other than for sowing (HS code 12079991), imported only by authorized importers to ensure that such seeds are not intended for sowing; and
- hemp fiber raw (HS code 53021000), with a THC content not exceeding 0.2 percent as per articles 32(6) and 35(3) of EU Regulation No. 1307/2013.

. . . [F]urther import requirements [are set forth in] EU Regulation No. 1239/2016 and the TARIC (Integrated Tariff of the European Union) database.⁴⁶

C. Exemptions/Restrictions

Law No. 242 of 2016 regulates the following aspects related to hemp:

- the cultivation and production of industrial hemp;
- the use and consumption of hemp-derived compounds from local production;
- the development of local supply chains that enhance research, and promotion of a sustainable and eco-friendly economy – a 'new hemp economy';
- the production of goods, beauty products, and renewable raw materials and intermediate products for various sectors;
- and the development of bioengineering work, land recycling, and research on industrial hemp.⁴⁷

The law also directs the Ministry of Agricultural, Food and Forestry Policies to promote the recognition of a food quality system for products derived from hemp, in accordance with EU law.⁴⁸

The production and commercialization of hemp for ornamental purposes is legal and does not need government authorization.⁴⁹

⁴⁴ Id. art. 1(2), citing Decreto del Presidente della Repubblica 9 ottobre 1990, n. 309 Testo Unico delle Leggi in materia di Disciplina degli Stupefacenti e Sostanze Psicotrope, Prevenzione, Cura e Riabilitazione dei relativi Stati di Tossicodipendenza, <https://perma.cc/2CUM-UNJG>.

⁴⁵ Id. art. 2(1).

⁴⁶ US Dep't of Agric., Foreign Agric. Serv., *supra* note 1, at 3.

⁴⁷ Li, *supra* note 31.

⁴⁸ Law No. 242 of 2016, art. 9(1), citing Regulation (EU) No. 1305/2013, art. 16, para. 1(b), (c), <https://perma.cc/W97S-2ZVF>.

⁴⁹ Li, *supra* note 31.

Importing industrial hemp into Italy for commercialization must abide by national rules and European regulation.⁵⁰

D. Certification/Licensing/Registration Requirements

As noted in Part I.A.2 above, growing, selling or importing medical *Cannabis sativa* requires prior authorization of the Ministry of Health.

As discussed in Part II.A, the cultivation of hemp does not need any kind of license or authorization from the government, but such is required for the cultivation of plants that have a THC rate of over 0.2%, as specified by European regulation.

Under Law No. 242 of 2016, hemp growers must keep the tags of purchased seed for a period of not less than twelve months, and seed purchase invoices for the period provided for by law.⁵¹

E. Sampling & Testing Requirements

Law No. 242 of 2016 empowers national authorities to carry out sampling and laboratory analyzes on hemp cultivations.⁵² Methods for taking, storing, and analyzing samples of hemp varieties from open field crops to determine their THC content must comply with EU and national legislation.⁵³

Inspectors are required to carry out the sampling in the presence of the farmer, and also to release a sample to the farmer for cross-checking.⁵⁴ If the check shows a total THC content of the cultivation higher than 0.2 percent, but within the limit of 0.6 percent, no responsibility is placed on the farmer under the law.⁵⁵ Tests for the THC content of crops must refer to averages between plant samples.⁵⁶

The judicial authority may order the seizure or destruction of hemp crops with THC content above 0.6% following an investigation meeting these requirements.⁵⁷

⁵⁰ Id.

⁵¹ Law No. 242, art. 3(1).

⁵² Id. art. 4(1).

⁵³ Id. art. 4(3).

⁵⁴ Id. art. 4(4).

⁵⁵ Id. art. 4(5).

⁵⁶ Id. art. 4(6).

⁵⁷ Id. art. 4(7).

F. Government Initiatives

Law No. 242 of 2016 contains incentives for public research entities, universities, regional development and innovation agencies to reproduce certified seeds acquired in the previous year for use in use them for small experimental or cultural demonstrations upon prior notice to the Ministry of Agricultural, Food and Forestry Policies.⁵⁸

In addition, per EU legislation on state aid, the Ministry of Agricultural, Food and Forestry Policies is authorized to allocate up to €700,000 annually to incentivize improvements in hemp production and processing conditions.⁵⁹ The ministry may also allocate funds the financing of research and development projects for the hemp production aimed at reconstituting the genetic heritage and the identification of correct mechanization processes.⁶⁰

The state, regions and autonomous provinces are authorized to promote training activities favoring operators within the hemp supply chain and to disseminate information about the properties of hemp and its uses for agronomic, agro-industrial, nutraceutical, green building, bio-components, and packaging purposes.⁶¹

III. Hemp Processing and Hemp-Containing Products

A. Hemp Processing

Law No. 242 of 2016 provides for government promotion of hemp processing, including for use in products such as food, cosmetics, biodegradable raw materials, and innovative semi-finished products for industries in various sectors.⁶²

B. Hemp Containing Products

Under Law No. 242, hemp can be used for products including the following:

- foods and cosmetics produced exclusively in compliance with their respective regulations⁶³
- semi-finished products, such as fibers, sheaves, powders, wood chips, oils or fuels, for supplies to industries and craft activities in various sectors, including energy⁶⁴
- material intended for use as green manure⁶⁵

⁵⁸ Id. art. 7(1).

⁵⁹ Id. art. 6(1).

⁶⁰ Id. art. 6(2).

⁶¹ Id. art. 8(1).

⁶² Id. art. 1(3)(d).

⁶³ Id. art. 2(2)(a).

⁶⁴ Id. art. 2(2)(b).

⁶⁵ Id. art. 2(2)(c).

- organic material for bioengineering works or products useful for green building⁶⁶
- crops intended for floriculture⁶⁷

⁶⁶ Id. art. 2(2)(d).

⁶⁷ Id. art. 2(2)(g).

Japan

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SUMMARY The Japanese Cannabis Control Act does not distinguish cannabis plants with high THC from ones with low THC. It allows cultivation of cannabis for production of fiber from mature stalks, seeds for food, and research by licensed persons. The government has been reviewing the cannabis regulation and are planning to establish new regulations.

I. Introduction

Cannabis plants have been cultivated and used in Japan since the Neolithic era.¹ The first regulation of cannabis plants was set after Japan ratified the International Opium Convention in 1928. The Ministry of Interior issued the Narcotics Control Ordinance in 1930.² This ordinance regulated only *Cannabis indica*, which is not a kind of cannabis native to Japan.³

After World War II (1945–52), the Allied Powers occupied Japan. The Allied Occupation was carried out almost entirely by U.S. forces under Gen. Douglas MacArthur.⁴ The Allied Occupation ordered the Japanese government to regulate narcotics, including cannabis, in October 1945.⁵ The Ministry of Health and Welfare (MHW) issued an ordinance on November 24, 1945, the Prohibition of Cultivation of Narcotic Plants, and Manufacture, Import and Export of Narcotics.⁶ The ordinance covered *Cannabis indica* as a narcotic and prohibited its cultivation, manufacture, sale, import and export.⁷ Because the General Headquarters (GHQ) of the Allied Occupation insisted that *Cannabis indica* and native cannabis in Japan were the same, the MHW issued another ordinance that stated the words “*Cannabis indica*” included *Cannabis sativa* in 1946.⁸ However, in order to protect *Cannabis sativa* farmers, the Ministry of Agriculture and

¹ 栽培免許について (*Cultivation license*), Hokkaido Industrial Hemp Association (HIHA), <https://perma.cc/F3TT-PMMQ> (in Japanese).

² Narcotics Control Ordinance, Ministry of Interior Ordinance No. 17 of 1930, <https://perma.cc/987A-LN8G> (in Japanese).

³ *Id.* art. 1, item 6.

⁴ *Occupation of Japan, Japanese History [1945–1952]*, Britannica, <https://perma.cc/2WFZ-MDWZ>.

⁵ HIHA, *supra* note 1.

⁶ Prohibition of Cultivation of Narcotic Plants, and Manufacture, Import and Export of Narcotics, MHW Ordinance No. 46 of 1945, <https://perma.cc/HZ4T-PJ7W> (in Japanese).

⁷ *Id.* art. 1.

⁸ Narcotics Control Ordinance, MHW Ordinance No. 25 of 1946, art. 2, item 4, <https://perma.cc/CQ4A-HEDN> (in Japanese).

Forestry (MAF) negotiated with the GHQ to legalize farming of cannabis native to Japan and its use.⁹ In 1947, the MHW and MAF jointly issued the Cannabis Control Ordinance.¹⁰

In 1948, the Diet (Japan's Parliament) passed the Cannabis Control Act,¹¹ which replaced the Cannabis Control Ordinance, although its content was similar. The act requires a person who cultivates cannabis to obtain a license from a competent prefectural governor.¹² The number of cannabis farmers peaked in 1955 at 37,313.¹³ As of 2019, there were only 35 licensed hemp cultivators.¹⁴ The total area of hemp cultivation peaked in 1952, at nearly 5,000 ha (12,355 acres), and, as of 2014, it was down to 6 ha (14.8 acres).¹⁵

II. Cultivation / Production of Hemp

A. Legalization

As shown in the previous section, hemp cultivation was banned for about a year when Japan was under the Allied Occupation. Since 1947, licensed persons have been able to cultivate cannabis.

B. Definition of Hemp (Allowable THC Content)

The Cannabis Control Act bans cultivation of all kinds of cannabis plants, regardless of THC (tetrahydrocannabinol) content. However, the Cannabis Control Act allows utilization of the mature stalk and seeds of cannabis plants.¹⁶

C. Exemptions/Restrictions

Cannabis cultivation is limited to three purposes: to make fiber from stems, obtain seeds for food, and research.¹⁷

⁹ HIHA, *supra* note 1.

¹⁰ Cannabis Control Ordinance, MHW & MAF Ordinance No. 1 of 1947, <https://perma.cc/B27P-4HKV> (in Japanese).

¹¹ Cannabis Control Act, Act No. 128 of 1948, as amended by Act No. 37 of 2019, <https://perma.cc/9ATT-U3MT> (in Japanese).

¹² *Id.* art. 5.

¹³ Ministry of Health, Labor and Welfare (MHLW), *Please Be Careful, Town Revitalization by Cannabis Cultivation* 9, <https://perma.cc/V2VZ-V4LZ> (in Japanese).

¹⁴ 大麻等の薬物対策のあり方検討会とりまとめ (*Statistics*), Study Panel on Measures Against Cannabis And Other Drugs, 7 (2021), <https://perma.cc/7BW4-TEZN> (in Japanese).

¹⁵ *Please Be Careful, Town Revitalization by Cannabis Cultivation*, *supra* note 13, at 9.

¹⁶ Cannabis Control Act art. 1.

¹⁷ *Id.* art. 2.

D. Certification/Licensing/Registration Requirements

A competent prefectural governor issues a license to a person who intends to cultivate cannabis plants.¹⁸ Licenses may not be granted to the following persons:

- an addict of narcotics, cannabis, or opium;
- a person sentenced to imprisonment without work or other punishment more severe than that;
- an adult ward, a person under curatorship or a minor; or
- a person who is unable to properly handle cannabis plants due to mental or physical disorders.¹⁹

An applicant for a license must attach a medical doctor's certificate to the application form that states the applicant does not have an impairment of mental functions and is not a drug, cannabis, or opium addict. An applicant for a research license must also attach his or her resume.²⁰

The cannabis license expires at the end of the year.²¹ A new license is required the following year if a person wants to keep cultivating cannabis plants.

E. Sampling & Testing Requirements

Under the Cannabis Control Act, there is no requirement for sampling or testing for THC. However, the Act also states that a condition may be added to a license or authorization under the Act and it may be changed.²² One prefecture conducts pharmacological effect tests of cannabis plants every year.²³

F. Government Initiatives

No government initiatives were located.

III. Hemp Processing and Hemp Containing Products

No license is required to process mature stalks and seeds of cannabis plant.

¹⁸ Id. art. 5, para. 1.

¹⁹ Id. art. 5, para. 2.

²⁰ Cannabis Control Act Enforcement Ordinance, MHW & MAF Ordinance No. 1 of 1948, as amended by MHLW Ordinance No. 175, of 2021, art. 2, para. 2, <https://perma.cc/M5D8-KWGN> (in Japanese).

²¹ Cannabis Control Act art. 8.

²² Id. art. 22-2.

²³ 日本の麻栽培／精麻加工の現状 (*Current situation of hemp cultivation /hemp fiber production in Japan*), Ise Hemp Promotion Ass'n, <https://perma.cc/X9ZH-C5SW> (in Japanese).

In recent years, sales of CBD (cannabidiol) products have increased in Japan. Because cultivation of cannabis plants in Japan is very limited, most CBD products are imported.²⁴ To prohibit imports of cannabis products that are prohibited in Japan, the Ministry of Health, Labor and Welfare (MHLW) checks these products. The MHLW states on its website that

[t]hrough products containing CBD extracted and manufactured only from the mature stems and seeds of cannabis plants do not fall under the category of “cannabis” under the Cannabis Control Act, before importing them, the Narcotics Control Department decides whether it applies the product.²⁵

IV. Ongoing Review of the Cannabis Control Act

There have been changes in social conditions and international trends regarding cannabis. Marijuana offenses are on the rise in Japan. Distribution of a wide variety of cannabis products is expanding. Medicines using cannabis have been legally marketed in other countries. In response to these events, the MHLW established the Study Panel on Measures Against Cannabis and Other Drugs in January 2021.²⁶ After several meetings, the panel released a report in June 2021. It states, among other things:

- That in the Cannabis Control Law, restrictions apply to parts of the cannabis plant, but in fact, the focus is on the harmful ingredients of THC. Therefore, it is appropriate to review the regulations that focus on the ingredients (THC) contained by cannabis;
- The usefulness of pharmaceuticals manufactured from cannabis has been recognized under the Single Convention on Narcotic Drugs. A system of distribution control should be introduced to enable its production and application;
- In response to the case of illegal activities by a person who had a cannabis cultivation license in 2016, the management of cannabis cultivation has been strengthened. Many prefectures stopped granting new licenses in practice. In addition, the license for cannabis cultivation for distribution beyond the prefectural border has been effectively suspended. However, cannabis plants in Japan, which are grown under domestic licenses, are varieties with low THC content. It is appropriate to review unreasonable restrictions on licenses for cannabis cultivation.²⁷

²⁴ CBD や CBD オイルの国産のおすすめは？ 日本製と海外製の違いは？ (*Recommendation for CBD or CBD oil made in Japan. Difference between made in Japan and Overseas?*), Asada Pharma Inc. (Jan. 15, 2022), <https://perma.cc/7GFU-RKYD> (in Japanese).

²⁵ *About Cannabidiol (CBD)*, MHLW, <https://perma.cc/5NFH-P7NZ> (in Japanese).

²⁶ MHLW, 大麻等の薬物対策のあり方検討会 開催要綱 (*Launch of the Study Panel on Measures against Cannabis and Other Drugs*), <https://perma.cc/6G7D-XANH> (in Japanese).

²⁷ MHLW, 大麻等の薬物対策のあり方検討会とりまとめ (*Study Panel on Measures against Cannabis and Other Drugs Report*) (June 25, 2021), <https://perma.cc/ZQF3-BF7T> (in Japanese).

Based on the report, the MHLW set up the Cannabis Regulation Review Subcommittee in May 2022, to further discuss cannabis regulations.²⁸ The subcommittee will have its fourth meeting on September 29, 2022, and wrap up its discussions.²⁹

²⁸ 大麻規制検討小委員会 (*Cannabis Regulation Review Subcommittee*), MHLW, <https://perma.cc/44YU-8HDM> (in Japanese).

²⁹ *Id.*

Mexico

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I. Bill to Regulate Hemp Pending in Mexico's Congress

In November 2021, a bill was introduced in Mexico's House of Representatives to regulate the cultivation, processing, and commercialization of industrial hemp.¹ As of October 2022, the bill is pending review in the House's Health and Agriculture committees.²

II. Judicial Ruling on Hemp Cultivation

In 2020, a company sued a number of Mexico's health authorities in federal court after they refused to authorize its request to cultivate low-THC hemp, on the basis that Mexican law currently does not expressly allow it.³ In court, the company argued that the denial of its request was unconstitutional, as it violated its right to freedom of work and commerce, among other arguments.⁴ The case made its way to Mexico's Supreme Court, which, in December 2021, ruled in favor of the company, and ordered Mexico's health authorities to issue a license to the company to cultivate hemp, subject to the requirements

- that the hemp crops have a THC content equal to or lower than 1%, and
- that cultivation take place under monitoring, control and security measures that Mexico's health authorities deem necessary to protect public health and order.⁵

The court indicated this ruling is applicable to the plaintiff only.⁶ As of September 29, 2022, the plaintiff is reportedly working with Mexican authorities on the implementation of this ruling.⁷

¹ Iniciativa Que Expide La Ley Federal Para La Regulación Del Cáñamo Industrial, A Cargo De La Diputada María Clemente García Moreno, Del Grupo Parlamentario De Morena, Gaceta Parlamentaria no. 5917-III, Nov. 30, 2021, <https://perma.cc/ZFM9-J8V5>.

² Iniciativa Que Expide La Ley Federal Para La Regulación Del Cáñamo Industrial, turnada a las Comisiones Unidas de Salud, y de Desarrollo y Conservación Rural, Agrícola y Autosuficiencia Alimentaria, Gaceta Parlamentaria, Base de datos de iniciativas, Oct. 17, 2022, <https://perma.cc/A3BP-AVFB>.

³ Amparo en Revision 355/2020, Primera Sala, Semanario Judicial de la Federacion, July 15, 2022, <https://perma.cc/FM5B-69JG>.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ *Xebra to Receive Cannabis Authorizations from Mexican FDA Imminently*, PR Newswire (Sept. 29, 2022), <https://perma.cc/FAJ4-QLNT>.

New Zealand

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SUMMARY In New Zealand, the industrial hemp industry is expected to grow. At present, hemp is regulated by the Misuse of Drugs Act 1975, the Misuse of Drugs (Industrial Hemp) Regulations 2006, and the Misuse of Drugs (Medicinal Cannabis) Regulations 2019. New Zealand’s Ministry of Health is responsible for administering the regulatory framework, the aim of which is to facilitate the cultivation of hemp for industrial, medicinal, and research purposes. For the most part, it seems New Zealand’s hemp industry is in its infancy, with organizations such as Hemp New Zealand advocating for some regulatory refinement to facilitate the industry’s growth.

I. Introduction

New Zealand’s industrial hemp industry started to develop following amendments to New Zealand’s Misuse of Drugs (Industrial Hemp) Regulations 2006 in 2018.¹ According to Hemp New Zealand, the industry is considered to be at the stage of “commercial startup,” although it is anticipated that it will progressively grow.² The benefits of industrial hemp, also referred to as a “non-psychoactive cultivar,” are highlighted by Hemp New Zealand.³ In particular, Hemp New Zealand sees potential for hemp “to be a new export industry,”⁴ noting its use in products such as hemp seed oil for paints, hemp “for the manufacture of rope and textiles,” and hemp pulp or herd for the “production of paper” and “hempcrete.”⁵ Hemp is now also being used in food products, following its legalization, with certain hemp-based companies producing products such as hemp oil, milk, seeds, protein powder,⁶ cereals, and more.⁷

In terms of cultivation, between 2019 and 2020, “at least 1200ha to 1500ha [about 3,000 acres to 3,700 acres] of hemp was farmed” in New Zealand.⁸ According to a report published by Hemp New Zealand and funded by the Agricultural and Marketing Research and Development Trust

¹ Misuse of Drugs (Industrial Hemp) Amendment Regulations 2018, <https://perma.cc/H9YL-TLEY>.

² *Economic Benefits for New Zealand from Industrial Hemp*, Hemp New Zealand, <https://perma.cc/F59P-WCNA>.

³ Id.

⁴ Id.

⁵ Id.

⁶ Sarah Downs, *Why Hemp-Based Food is on the Rise in New Zealand*, Viva (Feb. 2, 2019), <https://perma.cc/A95E-4D2P>.

⁷ Hemp New Zealand, *supra* note 2.

⁸ Jamie Gray, *Hemp: The Once-Banned Crop That’s Coming in from the Cold*, The Spinoff (Oct. 11, 2022), <https://perma.cc/2LXG-SKSR>.

(AGMARDT), which was established by the government, cultivation will continue to grow, with the level of growth dependent on the regulatory framework.⁹

At present, hemp cultivation is regulated by the Misuse of Drugs Act 1975,¹⁰ the Misuse of Drugs (Industrial Hemp) Regulations 2006,¹¹ and the Misuse of Drugs (Medicinal Cannabis) Regulations 2019.¹²

II. Cultivation/Production of Hemp

A. Legalization

Cannabis cultivation in New Zealand was previously prohibited for any purpose under the Misuse of Drugs Act 1975. In 2001, the government announced, “cultivation of trial plots of industrial hemp would be allowed under strict guidelines.”¹³ Subsequently, the Misuse of Drugs (Industrial Hemp) Regulations 2006 (Industrial Hemp Regulations) were introduced under the Misuse of Drugs Act 1975.

The Industrial Hemp Regulations aimed to “establish a licensing system to license the cultivation, processing, and distribution of industrial hemp as an agricultural crop.”¹⁴ In so doing, a general license for the “cultivation and processing of . . . approved cultivars” was created, along with a “research and breeding” license for research purposes.¹⁵ In circumstances where cannabis was not defined as industrial hemp, the Misuse of Drugs Act 1975 and the Misuse of Drugs Regulations 1977 would continue to apply.¹⁶

The Industrial Hemp Regulations were amended in 2018 to adopt changes to the Australia New Zealand Food Standards Code and to allow the “possession, use, trade, and import and export of low THC hemp products.”¹⁷ Updates were also made to the Food Regulations 2015,¹⁸ to “provide for consistency between the Food Standards Code” by allowing “low-tetrahydrocannabinol (THC) hemp seed as food.”¹⁹ The regulations declare “low-THC hemp seed to be food” and seek

⁹ Hemp New Zealand, *supra* note 2.

¹⁰ Misuse of Drugs Act 1975, <https://perma.cc/539B-5MFP>.

¹¹ Misuse of Drugs (Industrial Hemp) Regulations 2006, <https://perma.cc/4WNM-VXHG>.

¹² Misuse of Drugs (Medicinal Cannabis) Regulations 2019, <https://perma.cc/LRS6-CXKP>.

¹³ Press Release, Annette King, Minister of Health, Trial Cultivation of Industrial Hemp (Apr. 26, 2001), <https://perma.cc/23HE-MVQJ>.

¹⁴ Misuse of Drugs (Industrial Hemp) Regulations 2006 (as made), Explanatory Note, <https://perma.cc/LP3B-XYHB>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Misuse of Drugs (Industrial Hemp) Amendment Regulations 2018, Explanatory Note.

¹⁸ Food Regulations 2015, <https://perma.cc/3FN9-RF9Y>.

¹⁹ *Proposed Changes to the Misuse of Drugs (Industrial Hemp) Regulations 2006 and Regulations Under the Food Act 2015*, Ministry for Primary Industries, <https://perma.cc/WY9R-7UVT>.

to facilitate “greater flexibility around licensing to possess, cultivate, and trade in low-THC hemp.”²⁰

In December 2018, the Misuse of Drugs (Medicinal Cannabis) Amendment Act 2018 was enacted,²¹ allowing for the domestic manufacture of medicinal cannabis products under a “medicinal cannabis scheme” and removing cannabidiol as a controlled drug so that it became a prescription medicine.²² Subsequently, the Misuse of Drugs (Medicinal Cannabis) Regulations 2019 (Medicinal Cannabis Regulations) were made and came into force on April 1, 2020. The regulations “impose a minimum quality standard for medicinal cannabis products and related material and ingredients,” and “provide for medicinal cannabis licences that authorise various activities relating to medicinal cannabis products and related material and ingredients.”²³

Under the Medicinal Cannabis Regulations, persons who hold a medicinal cannabis license with a “cultivation” activity can

- cultivate cannabis for use in a medicinal cannabis product
- cultivate and supply seeds/plants to another cultivator or appropriate medicinal cannabis licence holder
- cultivate starting material for export by a licensed supplier, or
- undertake research involving cultivation (for example, research into breeding cultivars with specific characteristics).²⁴

B. Definition of Hemp (Allowable THC Content)

Hemp is defined according to the purpose for which it is cultivated and used.

1. Industrial Hemp

Industrial hemp is not classified as a drug in New Zealand and is regulated under the Industrial Hemp Regulations.²⁵ Under these regulations, “industrial hemp” is defined as “plants with a THC content that is generally below 0.35% and is not above 0.5%.”²⁶

²⁰ Id. See also Food (Hemp Seeds and Hemp Seed Food Products) Amendment Regulations 2018, Explanatory Note, <https://perma.cc/6U44-DWCM>.

²¹ Misuse of Drugs (Medicinal Cannabis) Amendment Act 2018, <https://perma.cc/L459-73NF>.

²² Press Release, David Clark, Minister of Health, Medicinal Cannabis Legislation to Help Ease Suffering (Dec. 11, 2018), <https://perma.cc/5CR2-ZXZG>.

²³ Misuse of Drugs (Medicinal Cannabis) Regulations 2019 (as made), Explanatory Note, <https://perma.cc/9Y8U-PYN8>.

²⁴ *Medicinal Cannabis Agency – Cultivation*, Ministry of Health, <https://perma.cc/MS7Y-VH6S>. See also Misuse of Drugs (Medicinal Cannabis) Regulations 2019 reg 23.

²⁵ See Polly Brownlee, *New Zealand’s Industrial Hemp Industry, Motivations, Constraints, and Moving Forward 19* (dissertation in partial fulfilment of the requirements for the degree of Master of Arts in Geography at the University of Otago, Dunedin, New Zealand, 2018), <https://perma.cc/E2J2-T5AK>.

²⁶ Misuse of Drugs (Industrial Hemp) Regulations 2006 reg 4.

2. Cannabis and CBD Products

Under the Misuse of Drugs Act 1975, “CBD product” is defined as a product that “contains cannabidiol” and “does not contain a specified substance,” or “contains specified substances in an amount that is no more than 2% of the sum of the amount of cannabidiol and the amount of specified substances in the product.”²⁷ At present, cannabis is listed as a Schedule 3, Class C controlled drug in the Misuse of Drugs Act.²⁸ Thus, it is considered a “controlled ‘drug’ that poses ‘high’ or ‘moderate risk of harm’.”²⁹ Accordingly, a license is required to cultivate it under the Medicinal Cannabis Regulations.³⁰ These regulations define cannabis as “dried cannabis” or a product that “contains 1 or more cannabis based ingredients and is in a pharmaceutical dosage form.”³¹ The purpose of the regulations is “to enable the research, manufacture, and supply of medicinal cannabis products and related ingredients, and the cultivation of cannabis for the products and ingredients.”³²

C. Exemptions/Restrictions

It appears that hemp cultivation in New Zealand can be undertaken for industrial, research, and health purposes. According to Food Standards Australia New Zealand, the aim of the Industrial Hemp Regulations is to allow for the cultivation of “industrial hemp under a licensing regime that ensures other forms of cannabis are not cultivated and distributed under the guise of industrial hemp.”³³

In terms of cultivation under the Industrial Hemp Regulations, an applicant must apply for a license and specify the “pedigree of the cultivar,” the “intended use of the cultivar, whether as oil, seed or fibre,” and the “crop characteristics of the cultivar.”³⁴ Cultivar is defined as a “variety that has arisen as a result of cultivation,” with approval ultimately to be granted by the director-general of health.³⁵ Any such cultivation appears to be limited to industrial or research purposes.

Under the Medicinal Cannabis Regulations, cultivation is permitted for activities specified in a granted license if done for the purposes of cultivating “cannabis for therapeutic use” and, “if specified in the license, the cultivation of only approved cultivars under the Misuse of Drugs

²⁷ Misuse of Drugs Act 1975 s 2A. See also *Medicinal Cannabis Agency - Cannabidiol (CBD) Products*, Ministry of Health, <https://perma.cc/FXH8-ZNAL>.

²⁸ Misuse of Drugs Act 1975 sch 3.

²⁹ See Brownlee, *supra* note 25, at 21.

³⁰ *Id.* at 19; Misuse of Drugs (Medicinal Cannabis) Regulations 2019 reg 22.

³¹ Misuse of Drugs (Medicinal Cannabis) Regulations 2019 reg 22.

³² *Id.* reg 4.

³³ Food Standards Australia New Zealand, *Supporting Document 5: Australia and New Zealand Hemp Regulations*, <https://perma.cc/G6HR-ALE6>.

³⁴ Misuse of Drugs (Industrial Hemp) Regulations 2006 reg 6.

³⁵ *Id.* regs 5 & 6.

(Industrial Hemp) Regulations 2006.”³⁶ As noted by the Ministry of Health, applicants can obtain a research license or a general license “for the cultivation, processing, possession and supply of low-THC cannabis varieties approved by the Director-General of Health.”³⁷

In order to cultivate hemp for food, an “industrial hemp general licence” is required and must be obtained through the Ministry of Health.³⁸

D. Certification/Licensing/Registration Requirements

In order to cultivate industrial hemp, an individual must apply for a license.³⁹ The Industrial Hemp Regulations state that the director-general of health may approve an application for the cultivation of industrial hemp.⁴⁰ Once a license is granted, the license holder may procure industrial hemp within New Zealand, and cultivate, supply, process, and possess hemp.

The Industrial Hemp Regulations establish the regulatory framework for licenses.⁴¹ As noted by the Ministry of Health, the Medicines Control Team is responsible for administering the regulations, and the Licensing Authority is responsible for making determinations on licensing applications.⁴² Applicants can obtain a research license or a general license “for the cultivation, processing, possession and supply of low-THC cannabis varieties approved by the Director-General of Health.”⁴³

Applicants who have been convicted of an offense under the Misuse of Drugs Act or the Narcotics Act 1965 cannot obtain a license to cultivate hemp. This is specified under section 14 of the Misuse of Drugs Act, which states that “no licence shall be granted under this Act to any person who has been convicted of an offence against this Act or any Act repealed by this Act or by the Narcotics Act 1965 or whose licence under any such Act has been revoked by reason of his failure to comply with the conditions thereof or by reason of the breach of the provisions of any such Act or of any regulation made thereunder.”⁴⁴ Once granted, each license sets out the activities permitted with respect to cultivation.⁴⁵

³⁶ Misuse of Drugs (Medicinal Cannabis) Regulations 2019 reg 23.

³⁷ *Industrial Hemp Licensing*, Ministry of Health, <https://perma.cc/AXG8-J5YU>.

³⁸ New Zealand Food Safety, Ministry for Primary Industries, *A Guide to Hemp Seeds as Food* (Nov. 18, 2020), <https://perma.cc/8APB-DL87>.

³⁹ Misuse of Drugs (Industrial Hemp) Regulations 2006 reg 7.

⁴⁰ *Id.* reg 6.

⁴¹ *Industrial Hemp Licensing*, Ministry of Health, *supra* note 37.

⁴² Ministry of Health, *Guidelines for Industrial Hemp Licence Applicants* (v1.4, May 17, 2020), <https://perma.cc/UY25-3WS5>.

⁴³ *Industrial Hemp Licensing*, Ministry of Health, *supra* note 37.

⁴⁴ Misuse of Drugs Act 1975 s 14.

⁴⁵ Ministry of Health, *Guidelines for Industrial Hemp Licence Applicants*, *supra* note 42.

E. Sampling and Testing Requirements

According to the explanatory note to the 2006 Industrial Hemp Regulations, if persons are granted a license to cultivate hemp, they are required to “keep the hemp secure” and to “have their crops tested for tetrahydrocannabinol (THC) levels” in order to ensure levels do not exceed 0.5%.⁴⁶ Regulation 41 of the regulations sets out the requirements in terms of testing.⁴⁷ In effect, it appears that licensees are required to provide samples to approved laboratories for testing when requested. If the THC content detected is over 0.35%, this will result in an “adverse test result.”⁴⁸ If it is found that THC levels exceed 0.35 to 0.5%, the crop may be subjected to further testing or destruction.⁴⁹ In terms of testing, the Ministry of Health has provided general guidance on testing of plants, including the cost involved in analysis, when samples should be provided, the number of samples to be provided from a plot, and the details to be provided by license holders.⁵⁰

F. Government Initiatives

As noted in Part I. above, Hemp New Zealand has published a report outlining the economic benefits of industrial hemp. The report, which was funded by AGMARDT, sets out the opportunities for growth in the market.⁵¹ Under the regulatory framework as it stands, the industry is projected to be valued at “\$500 million [about US\$292 million] with around 5,000 new jobs.”⁵² In the event of regulatory reform, the report “forecasts total earnings of \$2.0 billion; from \$183 million in seed products, and \$317 [sic] in fibre products, \$1.5 billion in hemp nutraceuticals from cannabinoids, and 20,000 new jobs in the regions.”⁵³ Accordingly, Hemp New Zealand has recommended that the regulatory framework be updated to allow New Zealand’s hemp industry to be competitive in the global market.⁵⁴

III. Hemp Processing and Hemp-Containing Products

It does not appear that the Industrial Hemp Regulations contain details with respect to the processing of hemp.

In terms of products, medicinal cannabis is regulated under the Medicinal Cannabis Regulations. The Medicinal Cannabis Agency is responsible for administering the “Medicinal Cannabis

⁴⁶ Misuse of Drugs (Industrial Hemp) Regulations 2006 (as made), Explanatory Note.

⁴⁷ Misuse of Drugs (Industrial Hemp) Regulations 2006 reg 41.

⁴⁸ Id. reg 44.

⁴⁹ Misuse of Drugs (Industrial Hemp) Regulations 2006 (as at 30 June 2006), Explanatory Note.

⁵⁰ Ministry of Health, *Guidelines for the Sampling of Industrial Hemp for Testing* (v1.3, Apr. 30, 2010), <https://perma.cc/W5YJ-QAVD>.

⁵¹ Hemp New Zealand, *supra* note 2. See also *About Us*, AGMARDT, <https://perma.cc/2HBY-LRPN>.

⁵² Hemp New Zealand, *supra* note 2.

⁵³ Id.

⁵⁴ Id.

Scheme” and ensuring that “medicinal cannabis products meet the minimum quality standard.”⁵⁵ In terms of products, it seems that the Medicinal Cannabis Agency undertakes product assessments.⁵⁶

Hemp as food is regulated under the Australia New Zealand Food Standards Code, the Industrial Hemp Regulations, the Misuse of Drugs Regulations 1977, the Food Act 2014, and the Biosecurity Import Health Standards.⁵⁷ Under the Food Standards Code, seeds can “contain no more than 1%” THC.”⁵⁸ As set by the Ministry for Primary Industries, the level of CBD “in any food for sale cannot exceed 75mg/kg” and CBD cannot be added to food. The table set out below specifies the level of THC allowed in seed products.

Seed product	Maximum allowed level of total THC
Oil extracted from seeds of low THC <i>Cannabis sativa</i>	No more than 10 mg/kg
A beverage made from seeds of low THC <i>Cannabis sativa</i>	No more than 0.2 mg/kg
Any other product that is extracted or made from seeds of low THC <i>Cannabis sativa</i> e.g. hemp flour	No more than 5 mg/kg

*In New Zealand, the Industrial Hemp rules state the THC level in the plant to be generally below 0.35% and not above 0.5%.

Source: New Zealand Food Safety, Ministry for Primary Industries, *A Guide to Hemp Seeds as Food* 3 (Nov. 18, 2020), <https://perma.cc/8APB-DL87>.

⁵⁵ *Medicinal Cannabis Agency*, Ministry of Health, <https://perma.cc/74X5-84P2>.

⁵⁶ See generally *Medicinal Cannabis Scheme Guideline and Forms*, Ministry of Health, <https://perma.cc/LKE9-L2QE>.

⁵⁷ New Zealand Food Safety, *supra* note 38, at 1.

⁵⁸ *Id.* at 3.

Russian Federation

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SUMMARY Industrial cultivation of hemp has been legal in Russia since 2007. Unlike the cultivation of other psychoactive plants, it is allowed for industrial purposes unrelated to the production of narcotic and psychotropic substances. Federal legislation allows cultivation of the types of hemp included in the National Registry of Plants Permitted for Cultivation in the Russian Federation, if the tetrahydrocannabinol component does not exceed 0.1% and seeds used for planting are not older than the third generation of a reproduced plant. Cultivation of hemp can be conducted by state enterprises, private legal entities, and individual entrepreneurs. A highly regulated licensing procedure has been established. Government measures aimed at supporting producers of hemp financially have been undertaken in recent years.

I. Introduction

Industrial cultivation of hemp crops in Russia is on the rise. According to the Ministry of Agriculture, in 2019, hemp crops were grown almost entirely for fiber and seeds in 16 Russian provinces on more than 10,000 hectares (about 25,000 acres) of agricultural land. This is a significant increase compared to 2,600 hectares in 2016. More than 10 companies are specializing in converting hemp seeds into oil, flour, protein, and other food, textile, and cosmetics products.¹ According to business analysts, “[t]he current problem of hemp growing is the lack of modern domestic hemp harvesting equipment, which has not been produced in Russia for many years, and the widespread use of imported equipment is constrained by its high cost.”²

Even though the government had allowed limited production of hemp and established requirements for types of seeds used to grow hemp in 2007,³ the real jump in production occurred after economic sanctions against Russia were introduced in 2014. Some view a strong growth of hemp production levels in the following years as a result of import substitution measures

¹ Yulia Belopuchova, *Russian Hemp Growing 2019: Results of the Three-Year Period*, Rosflaxhemp.ru (Dec. 26, 2019), <https://perma.cc/5J5R-4ZC9> (in Russian).

² A.G. Vasilieva et al., *State and Prospects for the Development of Agro Technical Hemp in Russia*, IOP Conf. Ser.: Earth & Env'tl. Sci. 1 (2022), <https://perma.cc/P78Y-VPNJ>.

³ Regulation of the RF Government No. 460 of July 20, 2007, on Defining Types of Plants Containing Narcotic Substances, Which Are Allowed for Industrial Cultivation and Requirements for Their Cultivation (Government Regulation No. 460), <https://perma.cc/6JTK-34BT> (in Russian).

implemented in the country.⁴ Reportedly, a company operating hemp-processing plants throughout the country is planning an initial public offering on the Moscow stock exchange.⁵

Illegal cultivation of hemp is an acute problem in Russia. It remains a major contributing source of cannabinoid narcotics to the drug market. According to the State Program of the Russian Federation on Countering Illegal Turnover of Drugs, illegal hemp plantations and the growth of wild hemp exist in many provinces of Central and Southern Russian and in the Far East region. Wild hemp is especially potent, with a tetrahydrocannabinol (THC) level of up to 9% in the hemp grown in the Far East and Siberia, and 2% to 4% percent in hemp from other Russian regions.⁶

II. Cultivation/Production of Hemp

A. Legalization

The Federal Law on Narcotics and Psychotropic Substances, which was passed in 1998, states, “specific varieties of plants containing narcotic substances can be cultivated for industrial purposes.”⁷ However, the list of such plants was not approved by the Russian federal government until 2007.⁸ The regulations allowed cultivation of hemp for the textile industry. Hemp cultivation was based on the following principles:

- cultivation for agricultural enterprises and accredited scientific institutions only,
- only those varieties of hemp that were included in the State Registry of Plants Permitted for Cultivation in the Russian Federation,
- seeds used for planting hemp could not be older than the third generation of a reproduced plant; and
- The THC component could not exceed 0.1%.

In June 2019, a new federal law amended the Law on Narcotics and Psychotropic Substances, adding provisions regulating the process of growing psychoactive plants.⁹ The law extended the list of purposes for which production of such plants was allowed, adding medical and veterinary needs to the list. However, the law did not specify that hemp can be used for these purposes.

⁴ Belopuchova, *supra* note 1.

⁵ Olga Popova, *Russian Hemp Producer Sees Rising Demand Boosting IPO Plan*, Reuters.com (Mar. 16, 2021), <https://perma.cc/4Z9T-2L77>.

⁶ Resolution of the RF Government No. 294 of Mar. 4, 2013 on Approval of the State Program of the Russian Federation on Countering Illegal Turnover of Drugs, <https://perma.cc/7C7U-GPWS> (in Russian).

⁷ Federal Law No. 3 of Jan. 8, 1998, on Narcotics and Psychotropic Substances art. 18(4), <https://perma.cc/84YJ-K47L> (in Russian).

⁸ Government Regulation No. 460.

⁹ Federal Law No. 168 of July 3, 2019, on Amending the Federal Law on Narcotics and Psychotropic Substances in Regard to Improving the Growing of Drug Containing Plants, <https://perma.cc/G5G3-BNX9> (in Russian).

The law introduced a highly regulated licensing procedure for entrepreneurs involved in growing hemp and kept unchanged articles 228 and 228.1 of the Criminal Code, which penalize non-authorized acquisition, sale, transportation, and delivery of plants containing narcotic or psychotropic substances. Depending on the severity of the crime and other circumstances, these crimes are punished by imprisonment for a term of up to eight years and varied fines.¹⁰

B. Definition of Hemp (Allowable THC Content)

On February 6, 2020, the Russian Federation government issued an implementing regulation defining the varieties of cannabis-based plants allowed for cultivation in Russia. This regulation specifies that non-narcotic varieties of hemp with a THC content of the dry mass of leaves and upper flowers not exceeding 0.1% can be grown in Russia.¹¹

Only the particular kinds of hemp included in the State Registry of Plants Permitted for Cultivation in the Russian Federation can be grown. In addition, cultivation of the seeds from the fourth and following generations of a hemp plant is banned. Presently, the State Registry of Plants Permitted for Cultivation in the Russian Federation includes 31 types of hemp.¹²

C. Exemptions/Restrictions

In general, the cultivation of cannabinoids is allowed for scientific, research, educational, medical, or veterinary purposes, and for industrial purposes not related to the production of narcotic drugs and psychotropic substances.¹³ However, Government Regulation No. 101 of February 6, 2020, specifies that hemp with a THC content not exceeding 0.1% can be cultivated only for industrial purposes not related to production or preparation of narcotic and psychotropic substances.¹⁴

D. Certification/Licensing/Registration Requirements

Growing psychoactive plants for scientific, educational, or research activities can be done by licensed state enterprises or state organizations. Growing hemp for medical and veterinary purposes can be conducted by licensed state enterprises created for producing narcotic and psychotropic medicines if the equipment used for producing these medicines is a federal property. Cultivation of hemp for industrial purposes not related to production of narcotic and psychotropic medicines and substances can be done by state and non-state legal entities and individual entrepreneurs.¹⁵

¹⁰ Criminal Code of the Russian Federation, Federal Law No. 63 of June 13, 1996, <https://perma.cc/RS84-5FG8>.

¹¹ Regulation of the Russian Federation Government No. 101 of Feb. 6, 2020, on Establishment of Varieties of Narcotic Containing Plants Permitted for Cultivation for Purposes Not Related to Production or Manufacturing Narcotic Drugs and Psychotropic Substances, § 3, <https://perma.cc/X9AA-UFQF> (in Russian).

¹² Belopuchova, *supra* note 1.

¹³ Federal Law No. 168 art. 4.

¹⁴ Regulation No. 101 § 3.

¹⁵ *Id.*

Businesses involved in hemp cultivation are required to inform authorities about the location of their hemp growing plots annually. They are also responsible for fencing the territory where hemp is growing and ensuring that there is no access to the hemp fields for anyone who is not involved in the business. Elimination of all harvest leftovers and by-products created in the process of producing hemp and hemp-based products is also the responsibility of the hemp-growing enterprise.¹⁶

Authorization to cultivate psychoactive plants is governed by the Statute on Licensing of Activities Related to Turnover of Narcotics, Precursors, and Cultivating Narcotics Containing Plants. Licenses are issued by regional executive authorities upon review of licensing requirements, including review of an applicant's right to possess (own) land used for hemp cultivation and ability to meet safety requirements. Proof of professional certification and, if needed, accreditation received by the head of the enterprise involved in cultivation of drug containing plants is required as well. The decision on approving or rejecting the license application must be made within 10 working days. Online submission of a license application has been possible since September 1, 2022, through a government portal for public services.¹⁷

Cultivating psychoactive plants without authorization is illegal and can be prosecuted under the Criminal Code or the Code of Administrative Violation, depending on the amount of plants cultivated. Growing more than 20 individual plants is recognized as cultivation of plants in a large amount and is a threshold incurring criminal liability. Possession of more than 330 plants qualifies as cultivation of narcotic-containing plants in an especially large amount and serves as a reason for applying stricter punishments.¹⁸

E. Sampling and Testing Requirements

In the process of reviewing the license application, an assessment of the applicant's facilities and equipment by subject matter experts can be conducted by the licensing authorities. This assessment may be performed on the spot where business activities will be conducted.¹⁹ Even though the submission of seeds for testing is not required, business experts recommend that applicants have sample seeds before submitting the application and be ready to provide them for assessment.²⁰

¹⁶ Id. § 5.

¹⁷ Government Regulation No. 1007 of June 2, 2022, on Approval of the Statute on Licensing of Activities Related to Turnover of Narcotics, Precursors, and Cultivating Narcotics-Containing Plants, <https://perma.cc/JZC3-KYGD> (in Russian).

¹⁸ *The Prosecutor Explains: What Is Considered Cultivation of Narcotic Plants?*, Prosecutor Gen. Off. (Jan. 26, 2022), <https://perma.cc/AH7N-HWE5> (in Russian).

¹⁹ Government Regulation No. 1007 § 20.

²⁰ Mathias Laudanum, *How to Start a Hemp Business in Russia*, Openbusiness.ru (Oct. 10, 2017), <https://perma.cc/58JL-LTXU> (in Russian).

F. Government Initiatives

According to Russian experts, current legislation does not distinguish between cannabis, hemp, and marijuana but rather uses these terms synonymously.²¹ That might be the reason that government initiatives aimed at supporting the cultivation of hemp are not clearly distinguished from other support policies in agriculture. According to industrial associations supporting the hemp business, the following measures of state support have been in place since 2017:

Type of Support	Share of Reimbursable Expenses	Total Amount of State Support (in US\$ equivalent) by 2020
General industry support	\$200 per hectare	10 mln.
Partial reimbursement of direct cost of building and modernization of facilities	25%	No information
Subsidized short-term loans	At the base rate of the RF Central Bank	75,000
Low rate investment loans	At the base rate of the RF Central Bank	306,000
One-time subsidy	For 1 tone of fiber	2 mln.
Subsidy for producing agricultural equipment	15%-20%	No information

Source: Yulia Belopuchova, *Russian Hemp Growing 2019: Results of the Three-Year Period*, Rosflaxhemp.ru (Dec. 26, 2019), tbl. 4, <https://perma.cc/5J5R-4ZC9> (in Russian).²²

Another initiative was recently announced by the chairman of the Food and Agriculture Committee of the Russian State Duma (lower house of the legislature). In a media interview, he said that the State Duma is considering a proposal to allow hemp cultivation on lands designated as not usable for agricultural purposes.²³

III. Hemp Processing and Hemp-Containing Products

In general, the same requirements established for hemp cultivation are applicable to processing hemp and hemp-containing products. However, because the use of cannabis is seen by the government as a national security threat,²⁴ some Russian analysts studying the cannabis business predict that attempts to produce cannabis and cannabis-based products within the country's borders will meet strong opposition from regulatory authorities.²⁵ Reportedly, cannabis-

²¹ Yulia Saprygina, *Good Hemp Will Be Distinguished from Bad Hemp*, Parl. Gaz. (July 21, 2022), <https://perma.cc/LSR6-VHK8> (in Russian).

²² Belopuchova, *supra* note 1.

²³ Saprygina, *supra* note 21.

²⁴ Strategic State Anti-Drug Policy of the Russian Federation for the Period Until 2030, Approved by Decree of the President of the Russian Federation No. 733 of Nov. 23, 2020, ¶ 9(b), <https://perma.cc/4ABK-6ABM> (in Russian).

²⁵ Saprygina, *supra* note 21.

containing products and goods made of hemp products (e.g., candies, smoothies, oil, tea, and flour) were removed from online marketplaces because the Russian Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor), considers hemp a drug.²⁶

Distribution of information about hemp is restricted by Roskomnadzor. New requirements for blocking websites adopted by it will enter into force on March 1, 2023. They will allow the courts to block any online resource if it provides “information about methods and places of cultivating drug containing plants.” During the first half of 2022, more than 10,000 websites were blocked for propaganda about narcotics.²⁷ According to Russian Supreme Court guidelines issued in January 2022, publication on one’s own website of a picture of oneself with an image of leaves similar to those of hemp in the background can be a valid reason for blocking the website and imposing fines for narcotics propaganda.²⁸

²⁶ Id.

²⁷ Id.

²⁸ Id.

Legalization of Hemp Production

By the Staff of the Global Legal Research Directorate

SUMMARY This chart lists countries where cultivation of hemp has been legalized, the date of legalization, under what restrictions (if any) hemp can be cultivated/produced, and how hemp is defined (in terms of allowable delta-9-tetrahydrocannabinol (THC) level or other regulatory definitions). The last column provides a citation to the relevant law/regulation/policy that legalizes the production of hemp.

Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
Algeria	Government controlled; medical and scientific research	December 26, 2004	No percentage mentioned Article 1 of Law No. 04-18 of 2004 defines hemp as flowering or fruiting tops of the plant, excluding seeds and leaves.	Law No. 04-18 of 2004, art. 4, al-Jarīdah al-Rasmīyah, vol. 83, 26 Dec. 2004, https://perma.cc/B8ZV-DV9X (in Arabic).
Anguilla	Religious and medicinal	January 24, 2019	No percentage mentioned	Cannabis Act 2008, No. 28, https://perma.cc/LUS5-3DEZ . A Hemp Bill is under consideration that would provide for the industrial and scientific use of hemp products with a THC level of <1%. Hemp Bill 2021, https://perma.cc/YZ8W-CL62 .
Argentina	Government controlled; industrial, scientific and medicinal purposes	May 26, 2022	Percentage to be determined in the regulation (not enacted yet)	Law 27669: Regulatory Framework for the Development of the Medicinal Cannabis and Industrial Hemp Industry, Boletín Oficial May 26, 2022, https://perma.cc/7J9M-BFXU (in Spanish).

Regulation of Hemp: Legalization of Hemp Production

Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
Armenia	Allowed for industrial purposes only	May 5, 2021	0.3%	<p>Law on Amendments to the Law on Licensing, adopted on May 5, 2021, K-9631-05.05.2021-TH-011/0, https://perma.cc/6UDF-F5GQ (in Armenian). Companies can obtain two types of licenses: for growing industrial hemp, and for importing/exporting and processing industrial hemp. It is possible for the same corporation to receive both licenses. Production and processing must begin within one year after the license is issued. (Government Order of July 15, 2021 on the Approval of Licensing Procedures for Manufacturing, Importing, Exporting or Wholesale Trade in Manufactured Hemp, Licensing Application Forms, and Forms of Licenses for Those Types of Activity, No. 1170, https://perma.cc/39NP-62MJ (in Armenian).) The main purpose of cultivating hemp in Armenia is to obtain thread, but hemp raw materials can be used for the textile industry, paper, and other products. Hemp seeds contain 30-35% oil, which is used to make special paints, varnishes, and cosmetics. In addition, hemp seeds are widely used in Armenian cuisine, for both traditional dishes and confectionery. (Justification on Drugs and Psychiatric Substances Amendments to the Law of the Republic of Armenia on Licensing, https://perma.cc/N99C-78LW (in Armenian).) Government Decision 11665-N, adopted on July 15, 2021, requires hemp to be grown in greenhouses only, https://perma.cc/XQ6U-ACYX (in Armenian).</p>
Australia	<p>Under federal legislation, for medicinal and scientific purposes</p> <p>Each state and territory regulates industrial hemp cultivation.</p>	February 29, 2016	1% to 2% or higher, depending on the purpose of use and permit/license obtained	<p>Australia does not have federal legislation regulating the cultivation of hemp for industrial purposes. However, the Narcotic Drugs Regulation 2016 (Cth), https://perma.cc/JG8P-DXKU, sets out the “regulatory framework for licensing the cultivation of cannabis and the production of cannabis resins for medicinal and scientific purposes.” Under the Narcotic Drugs Act 1967 (Cth), https://perma.cc/49N6-U3RL, cannabis can be cultivated to extract cannabidiol. Manufacture “requires medical cannabis licences issued by the Office of Drug Control.” (Industrial Hemp Task Force Victoria, <i>2020 Industrial Hemp Update 10</i> (2020), https://perma.cc/N5F8-PALX.) Each state and territory has its own laws with respect to industrial hemp cultivation. (Nick Kilvert, <i>Hemp Is an Eco-Friendly</i></p>

Regulation of Hemp: Legalization of Hemp Production

Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
				<i>Material, but Anti-Marijuana Campaigns a Century Ago Set the Australian Industry Back</i> , ABC News (Jan. 23, 2020), https://perma.cc/RHM8-2SQQ .)
Austria	Authorized under the EU's Common Catalogue of Varieties of Agricultural Plant Species or the Austrian List of Varieties (Österreichische Sortenliste)	January 1, 1998	≤0.3%	Narcotic Substances Act, Bundesgesetzblatt [BGBl.] I No. 112/1997, as amended, § 2, para. 1, https://perma.cc/X3T4-93NY (in German); Narcotic Substances Ordinance, BGBl. II, No. 374/1997 (in German), as amended, annex I, I.1.a., Cannabis (Marihuana), https://perma.cc/B96A-YZ7B (in German); Seed Act 1997, BGBl. I No. 72/1997, as amended, § 65, https://perma.cc/6XK9-MU9N (in German); <i>Austrian List of Varieties 2022</i> (Bundesamt für Ernährungssicherheit (BAES) ed., 2022), https://perma.cc/6TFU-YVY6 (in German); EU legislation.
Bahamas	Medicinal and scientific purposes	December 29, 2000	No percentage mentioned	Dangerous Drugs Act, cap. 228, https://perma.cc/6NT5-6V2V . See further Bahamas National Commission on Marijuana, <i>Preliminary Report</i> (Jan. 2020), https://perma.cc/GLS9-LQXD .
Bahrain	Government controlled; medical and scientific research	August 16, 2007	No percentage mentioned	Law No. 15 of 2007 on Combating Narcotics and Psychotropic Substances, al-Jaridah al-Rasmīyah, vol. 2804, 16 Aug. 2007, https://perma.cc/7C9G-N242 (in Arabic). Article 3, para. 2 of Law No. 15 of 2007 exempts the fiber located at the hemp's roots and hemp seeds that are not suitable for cultivation. Additionally, article 11 authorizes universities, public entities, and specialized scientific institutes to cultivate hemp.
Barbados	Medicinal	September 30, 2020	No percentage mentioned	Medicinal Cannabis Industry Act 2019, Official Gazette of Barbados (Oct. 7, 2019), https://perma.cc/AQ3U-N6V3 ; Statutory Instrument 2020/56, Official Gazette of Barbados (Sept. 28, 2020), https://perma.cc/5RQP-E8C8 .

Regulation of Hemp: Legalization of Hemp Production

Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
Belgium	Agricultural cultivation by full-time farmers (direct payments) Seeds authorized under the EU's Common Catalogue of Varieties of Agricultural Plant Species	December 27, 2021	≤ 0.2%	Royal Order of September 6, 2017, Regulating Narcotic and Psychotropic Substances (as amended), art. 6, https://perma.cc/F53Q-G8TV (in French).
Belize	Industrial purposes	August 17, 2019	1%	Misuse of Drugs (Industrial Hemp) Regulations, 2019, No. 54 of 2019, https://perma.cc/W6XC-JJQX .
Bermuda	No restrictions	November 26, 2019	1%	Misuse of Drugs (Hemp) Amendment Act 2019, 2019:45, https://perma.cc/55DB-GP2Y . "Amendments to the law were passed to redefine 'hemp'. Hemp was legally distinguished as Cannabis with THC content of less than 1% by the Misuse of Drugs (Hemp) Amendment Act 2019. This legalized all hemp-based products and products containing other cannabinoids such as CBD for import and sale in Bermuda." <i>A Regulated Cannabis Scheme for Bermuda</i> , Policy Document, Ministry of Legal Affairs, para. 13, https://perma.cc/WVD8-8A9R .
Bosnia and Herzegovina	Allowed for fiber and animal feed seed production, and further propagation and seed processing	December 3, 2003	0.2%	Act on Prevention and Suppression of Narcotic Drug Abuse, 247/05, adopted on Nov. 28, 2005, in force since 2006, art. 19, https://perma.cc/A3N3-XPYK (in Bosnian). Cultivation is allowed with a license issued by the Ministry of Foreign Trade and Economic Relations. The license can be issued if an individual or a company has a contract with a buyer, or is at the same time registered as a

Regulation of Hemp: Legalization of Hemp Production

Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
				company that purchases and trades in hemp. In Republika Srpska, hemp growing is regulated by the Narcotic Drugs Production and Trade Act, adopted on Dec. 3, 2003, 01-1100/03, last amended in 2004, https://perma.cc/5VAN-S5XV (in Bosnian). Also, based on article 14, paragraph 2 of the Law on Production and Traffic in Narcotic Drugs, Official Gazette of the Republic Srpska (O.G.), No. 110/03 and 29/04, and article 76, paragraph 2 of the Law on the Republican Administration, O.G. No. 115/18, the minister of Agriculture, Forestry, and Water Supply issued the Rule Book on the Conditions for Growing Industrial Hemp, adopted Dec. 24, 2020, arts. 2, 3, https://perma.cc/J2M8-K5YD (in Bosnian). <i>Rules on Conditions for Growing Industrial Hemp, Regulation No. 4093/20, Dec. 25, 2020, AKTA (Jan. 15, 2021), https://perma.cc/223W-QHPK (in Bosnian).</i>
Bulgaria	Allowed for fibers, seeds for animal feed or sowing only	2018	≤ 0.2%	A license issued by the Minister of Agriculture, Food and Forestry is required for hemp cultivation. Production, processing, trading, storage, import, export, re-export, transit, transfer, transport, supply, acquisition, use, and possession of the plants and narcotic substances are generally prohibited. (Narcotic Substances and Precursors Control Act, No. 30, adopted Apr. 2, 1999, last amended on Jan. 2, 2018, https://perma.cc/T52N-XNWK (in Bulgarian).)
Cambodia	Purposes of medical, scientific and educational research, and scientific police research	N/A (legal until Cambodia joined the 1961 Convention)	N/A (all cannabis)	Law on Control of Drugs, NS/RKM/0197/01 (Jan. 24, 1997), as amended (May 9, 2005), https://perma.cc/MRP3-KWBZ .
Canada	Industrial purposes	March 12, 1998	≤ 0.3%	Industrial Hemp Regulations, SOR/98-156 (repealed on October 17, 2018), https://perma.cc/NME6-3QAP . Replaced in 2018 due to the reclassification of hemp from being regulated under the Controlled Drugs and Substances Act to the newly enacted Cannabis Act.

Regulation of Hemp: Legalization of Hemp Production

Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
				New regulation, Industrial Hemp Regulations, SOR/2018-145, https://perma.cc/3TY2-3S8H , promulgated pursuant to subsection 139(1) of the Cannabis Act, https://perma.cc/J4TR-2ZGK .
China	Government controlled; allowed in certain provinces, license or filing for government record required	Yunnan Province: January 1, 2010, or earlier Heilongjiang Province: May 1, 2017, or earlier	< 0.3%	Yunnan Province Drug Control Regulations (adopted by Yunnan Province People’s Cong. Standing Comm., Mar. 31, 2018, effective June 1, 2018), National Laws and Regulations Database, https://perma.cc/9QKJ-RVWM (in Chinese)). Article 20 requires a license before the cultivation of industrial hemp. Yunnan Province Licensing Provisions on Industrial Hemp Cultivation and Processing (promulgated by Yunnan Province Gov., Oct. 22, 2009, effective Jan. 1, 2010), https://perma.cc/M77J-EYM5 (in Chinese). Heilongjiang Province Drug Control Regulations (adopted by Heilongjiang Province People’s Cong. Standing Comm., Apr. 7, 2017, effective May 1, 2017), National Laws and Regulations Database, https://perma.cc/5TY2-DFF3 (in Chinese). Chapter 4 governs industrial hemp production.
Colombia	Government controlled; industrial and medical purposes	May 10, 2022	≤ 0.3%	Law 2204 by which the Legal Framework for the Industrial and Scientific Use of Hemp in Colombia is Created and other Provisions are Enacted, Diario Oficial (DO) May 10, 2022, https://perma.cc/NJL8-YZNG (in Spanish). Articles 1 and 3(e) define hemp as the growth of the cannabis plant derived from the fiber obtained from it. The flowering or fruiting tops that would be obtained from this plant must have a THC content less than or equal to that percentage established by the national government (0.3%).
Croatia	Allowed to be grown for fiber production, production of seed for	April 19, 2003	≤ 0.2%; varieties listed in EU plant variety catalog	In 2003, the Ministry of Agriculture issued a regulation stating <i>Cannabis sativa</i> L. with THC content less than 0.2% is allowed to be grown exclusively for fiber production, production of seed for animal feed, and seed reproduction.

Regulation of Hemp: Legalization of Hemp Production

Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
	animal feed, and seed reproduction, and for medical purposes			(Ordinance of the Conditions for Growing Hemp and Poppy, No. 791, Apr. 19, 2003, art. 2, para. 2, https://perma.cc/K88D-6AV4 (in Croatian).) Varieties allowed for production must be tested for THC content before being listed on the Croatian agricultural plants' variety list. Since 2019, growing of cannabis for medical purposes is allowed with licenses from the Ministry of Health and the Agency for Medicinal Products and Medical Devices. (Act on Suppression of Drug Abuse with Amendments No. 107/01, https://perma.cc/F5Q8-EFHC (in Croatian).)
Cyprus	All cultivation subject to government license	April 25, 2016	≤ 0.2%	Production and Marketing of Industrial Hemp Law of 2016, Law 61(I)/2016, Official Gazette (E.E.) No. 4564, Apr. 25, 2016, https://perma.cc/2HW8-CQ48 (in Greek); Narcotic Drugs and Psychotropic Substances Law of 1977, Law 29/1977, E.E. No. 1357, June 10, 1977 (as amended by Law 57(I)/2016), https://perma.cc/TR2Z-QG8J (in Greek).
Czech Republic	Growing cannabis for medical use is allowed	January 1, 2022	≤ 1%	Amendment to the Addictive Substances Act of the Czech Republic, Amending Act No. 167/1998 Coll., on Addictive Substances and on the Amendment to Certain Other Laws, as Amended, Act No. 378/2007 Coll., on Medicinal Products and on Amendments of Certain Related Laws (the Medicines Act), as Amended, and Act No. 634/2004 Coll., on Administrative Fees, as Amended, No. 366, Adopted on Sept. 14, 2021, https://perma.cc/LQ3V-8G9A (in Czech). Government Regulation No. 184/2021 Coll. Government Regulation Amending Government Regulation No. 463/2013 Coll., on Lists of Addictive Substances, as Amended, June 3, 2021, https://perma.cc/YV5E-3QJ6 .) An individual can grow hemp on an area of 100 square meters without government authorization. (Change in the Legal Regulation of the Cultivation and Distribution of Cannabis in the Czech Republic, ECOVIS Ježek (2022), https://perma.cc/6UKZ-MY44 (in Czech).)

Regulation of Hemp: Legalization of Hemp Production

Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
Denmark	Requires government permit (must be eligible for EU agricultural support)	August 1, 2004 (date of entry into force of domestic legislation adopting EU aid scheme under common agricultural policy)	≤ 0.2%	<p>Commission Regulation (EU) 2022/1393 of 11 August 2022 Amending Regulation (EC) No. 1881/2006 as Regards Maximum Levels of Delta-9-tetrahydrocannabinol (Δ^9-THC) in Hemp Seeds and Products Derived Therefrom, 2022 O.J. (L211/83), https://perma.cc/R7C2-XBEQ (enters into force January 1, 2023).</p> <p>Commission Delegated Regulation (EU) No. 639/2014 of 11 March 2014 Supplementing Regulation (EU) No. 1307/2013 of the European Parliament and of the Council Establishing Rules for Direct Payments to Farmers Under Support Schemes Within the Framework of the Common Agricultural Policy and Amending Annex X to that Regulation, 2013 O.J. (L181/1), art. 9, https://perma.cc/YT4-WZLP.</p> <p>Common Catalogue of Varieties of Agricultural Plant Species 2021 Consolidated Version Legend, 259f, https://perma.cc/SN7U-H7JC.</p> <p><i>Cannabis</i>, Landbrugstyrelsen, https://perma.cc/X8K4-CBVU (in Danish).</p> <p><i>Hemp Production in the EU</i>, European Commission, https://perma.cc/2LCE-DMMY.</p> <p>Bekendtgørelse om direkte støtte til landbrugere efter enkeltbetalingsordningen (BEK nr 821 af 23/07/2004), https://perma.cc/VY2Z-WPKA.</p> <p>For full list of approved hemp species see Landbrugsstyrelsen, Vejledning til ansøgning om tilladelse til at dyrke industrihamp (January 2022), https://perma.cc/NG4B-A6P9.</p>

Regulation of Hemp: Legalization of Hemp Production

Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
Ecuador	Government controlled; industrial and medical purposes	December 24, 2019	< 1%	Organic Law Reforming the Comprehensive Criminal Code, Registro Oficial (Dec. 24, 2019, art. 127 amending the Organic Law for the Comprehensive Prevention of the Socioeconomic Phenomenon of Drugs and for the Regulation and Control of the Use of Cataloged Substances Subject to Control), https://perma.cc/RTH8-VZ8C (in Spanish). It excludes hemp as the cannabis plant or any part thereof with a THC content of less than 1 percent from the list of substances subject to control.
Egypt	Government controlled; scientific research	June 13, 1960	No percentage mentioned.	Presidential decree promulgating Law No. 182 of 1960 on Combating Narcotics, Regulating Its Trade and Usage, al-Jarīdah al-Rasmīyah, vol. 131, 13 June 1960, https://perma.cc/82AL-CC7K (in Arabic). Article 30 of Law No. 182 of 1960 allows public entities and scientific institutes to cultivate hemp.
Estonia	Hemp may be cultivated for agricultural production and medical and scientific purposes.	2005	0.2%	Medical use of hemp and its processing products such as resin, extracts, and tinctures is allowed. (Act on Narcotic Drugs and Psychotropic Substances and Precursors thereof, adopted on June 11, 1997, last amended on Mar. 27, 2013, https://perma.cc/D8HS-WU4P .) A regulatory amendment is now being drawn up by the Estonian Ministry of Social Affairs to allow hemp with higher THC limits to be cultivated in the country. Estonian regulators are planning to allow hemp farmers to grow crops with a THC level higher than the current 0.2%. By 2023, that limit will be at least 3%. (Marguerite Arnold, <i>Estonia to Allow Farmers to Cultivate Hemp with Higher THC</i> , ICBC (Aug. 29, 2022), https://perma.cc/227X-MRWT .)
European Union (EU)	Agricultural cultivation by full-	August 1, 1970 (introduction of system of aid for	≤ 0.2%	Regulation (EEC) No 1308/70, 1970 O.J. (L 146) 1, https://perma.cc/M8TQ-5X2C ; Regulation (EEC) No. 619/71, 1971 O.J. (L 72) 2, https://perma.cc/PW4C-J8PJ ; Commission Regulation (EEC) No 1164/89, 1989 O.J. (L 121) 4,

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Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
	time farmers (direct payments) Seeds authorized under the EU's Common Catalogue of Varieties of Agricultural Plant Species	hemp and flax under EU common agricultural policy)	prior to 2001/2002 marketing year: ≤ 0.3% starting 2023: ≤ 0.3%	https://perma.cc/R6T4-U5PM ; Council Regulation (EC) No 1672/2000, 2000 O.J. (L 193) 13, art. 1, no. 4, https://perma.cc/TG5J-QQ3W ; Consolidated Version of Council Directive 2002/53/EC, 2002 O.J. (L 193) 1, https://perma.cc/UV4Y-YE6X ; Consolidated Version of Regulation (EU) No 1307/2013, 2013 O.J. (L 347) 608, art. 32, para. 6, https://perma.cc/DH4Y-8DPR ; Consolidated Version of Regulation (EU) No 1308/2013, 2013 O.J. (L 347) 671, art. 189, https://perma.cc/76KL-GS7U ; Commission Regulation (EU) 2022/1393, 2022 O.J. (L 211) 83, https://perma.cc/EN5X-KRKK ; European Commission, Consolidated Version of Common Catalogue of Varieties of Agricultural Plant Species (Dec. 13, 2021), https://perma.cc/GGT6-B9XK ; <i>Plant Variety Catalogues, Databases & Information Systems. Agricultural and Vegetable Species. Updates Published in 2022</i> , European Commission, https://perma.cc/USG5-KGUB .
Fiji	Industrial purposes	July 29, 2022	< 1%	The Illicit Drugs Control (Budget Amendment) Act 2022, https://perma.cc/S3CW-7LSD , amended the Illicit Drugs Control Act 2004 so that “references to the Cannabis plant . . . do not include hemp, or parts of the plant derived from hemp” with a THC content of less than 1%. The Illicit Drugs Control Act 2004, https://perma.cc/L2Y2-QA2W , regulates the manufacture, cultivation, sale, exportation, importation, possession and supply of “illicit drugs and controlled chemicals.”
Finland	Requires government permit (must be eligible for EU agricultural support)	August 1, 2005 (date of entry into force of domestic legislation adopting EU aid scheme under common agricultural policy)	≤ 0.2%	Commission Regulation (EU) 2022/1393 of 11 August 2022 Amending Regulation (EC) No. 1881/2006 as Regards Maximum Levels of Delta-9-tetrahydrocannabinol (Δ9-THC) in Hemp Seeds and Products Derived Therefrom, 2022 O.J. (L211/83), https://perma.cc/R7C2-XBEQ (enters into force January 1, 2023). Commission Delegated Regulation (EU) No. 639/2014 of 11 March 2014 Supplementing Regulation (EU) No. 1307/2013 of the European Parliament and of the Council Establishing Rules for Direct Payments to Farmers

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Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
				<p>Under Support Schemes Within the Framework of the Common Agricultural Policy and Amending Annex X to that Regulation, 2013 O.J. (L181/1), art. 9, https://perma.cc/YYT4-WZLP.</p> <p><i>Hemp Production in the EU</i>, European Commission, https://perma.cc/2LCE-DMMY.</p> <p>Common Catalogue of Varieties of Agricultural Plant Species 2021 Consolidated Version Legend, 259f, https://perma.cc/SN7U-H7JC.</p> <p>Laki tilatukijärjestelmän täytäntöönpanosta (15.7.2005/557).</p> <p>For full list of approved hemp species see Finnish Food Authority, Finnish Plant Variety Journal 2022:3, 57, https://perma.cc/2HH3-NXPD (approved hemp only Finola).</p>
France	<p>Cultivation for purposes of producing medication approved by French health authorities can be authorized regardless of THC content.</p> <p>For other purposes: Seeds must be authorized under the EU's Common Catalogue of Varieties</p>	<p>For purposes of manufacturing medication: March 1, 2022</p> <p>For other purposes: October 4, 1990</p>	≤ 0.3%	<p>Public Health Code, art. R5132-86, https://perma.cc/Q593-LNWC (in French).</p> <p>Order of December 30, 2021, for the Application of Article R.5132-86 of the Public Health Code, art. 1, Dec. 31, 2021, https://perma.cc/RRG7-A42V (in French).</p> <p>Order of August 22, 1990, for the Application of Article R.5181 for Cannabis, art. 1, Oct. 4, 1990, https://perma.cc/8NLF-3LRA (in French).</p>

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Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
	of Agricultural Plant Species or France's Official Catalogue of Varieties of Agricultural Plant Species.			
Germany	<p>Agricultural cultivation by full-time farmers; must notify Federal Office for Agriculture and Food</p> <p>Industrial or scientific purposes; possibility of misuse excluded</p>	April 4, 1996	<p>Agricultural cultivation: authorized under the EU's Common Catalogue of Varieties of Agricultural Plant Species</p> <p>Industrial/scientific use: authorized under the EU's Common Catalogue of Varieties of Agricultural Plant Species or ≤ 0.2% of THC (prior to 2001: ≤ 0.3%)</p>	Narcotics Act [BtMG], Mar. 1, 1994, Bundesgesetzblatt [BGBl.] I at 358, as amended, § 24a, annex I, cannabis, letters b) and d), https://perma.cc/B6S6-DBMX (in German); Seventh Ordinance to Amend Narcotics Law, Mar. 29, 1996, BGBl. I at 562, art. 1, https://perma.cc/5DZL-ANHX (in German); Fifteenth Ordinance to Amend Narcotics Law, June 19, 2001, BGBl. I at 1180, https://perma.cc/BE86-4F2G (in German); EU legislation.
Ghana	Industrial purposes	2020	≤ 0.3%	The law authorizes the minister of Interior, on the recommendation of the Narcotics Control Commission, to "grant a licence for the cultivation of cannabis which has not more than 0.3% THC content on a dry weight basis for industrial purposes for obtaining fibre or seed or for medicinal purposes." Narcotics Control Commission Act 1019 of 2020 § 43 (May 11, 2020), https://perma.cc/HXS2-M68X .
Gibraltar	Medicinal	Awaiting assent	≤ 0.3%	Medicinal Cannabis Act 2021, No. 2021-24, https://perma.cc/4ZMN-4X6S . When it enters into force, this Act will permit the cultivation of medicinal cannabis under license.

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Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
Great Britain	Industrial and medicinal	First industrial hemp license granted by the Home Office in 1993. Medicinal cannabis: May 31, 2015.	≤ 0.2% for industrial use	Misuse of Drugs Act 1971, c. 38, https://perma.cc/49LB-LWGT ; Misuse of Drugs Regulations 2001, SI 2001/3998, https://perma.cc/GV7B-P7AQ ; Misuse of Drugs (Licence Fees) Regulations 2010, SI 2010/2497, https://perma.cc/Z4A3-KJ3X ; Misuse of Drugs (Designation) (England, Wales and Scotland) Order 2015, SO 2015/704, https://perma.cc/XYR7-AK6T ; Misuse of Drugs (Amendments) (Cannabis and Licence Fees) (England, Wales and Scotland) Regulations 2018, SI 2018/1055, https://perma.cc/M5XC-DZTT . The first license for the growth of industrial hemp appears to have been issued in 1993 under the provisions of the Misuse of Drugs Regulations 1985, SI 1985/2066, https://perma.cc/HCW3-QDTK . (Ian Low, <i>The UK Hemp Project in 1993</i> , https://perma.cc/TJ29-2YZ2 .)
Greece	All cultivation subject to government license Special licensing procedure for varieties outside of the EU's Common Catalogue of Varieties of Agricultural Plant Species or the Austrian List of Varieties	March 20, 2013 (industrial) March 7, 2018 (medicinal)	≤ 0.2% for industrial-purpose varieties > 0.2% for medicinal-purpose hemp	Law on Addictive Substances Act and other provisions, Law 4139/2013, E.K.E.D. 2013, A:74, arts. 1(3), 2A, https://perma.cc/45P5-Z5H9 ; Provisions regarding the production of finished products of Medicinal Cannabis and other provisions, Law 4523/2018, E.K.E.D. 2018, A:41, https://perma.cc/NKH9-CYLW ; EU acquis implementing decisions No. 1033/364487 (E.K.E.D. 2020, B:6021, https://perma.cc/SL4F-FQR7), No. 982/88573 (E.K.E.D. 2019, B:1444, https://perma.cc/B6FF-66C4), No. 1750/39224 (E.K.E.D. 2016, B:929, https://perma.cc/466U-394F) (as amended by Decisions No. 1433/84905, E.K.E.D., B:2392, https://perma.cc/8R6Y-S98S and No. 2468/82762 (E.K.E.D., B:2970, https://perma.cc/4AJ5-WT6C)); Decision No. 981/88525 (E.K.E.D. 2019, B:1445, https://perma.cc/8LBL-MZ2F) (cultivation of cannabis varieties outside of Community list of Cannabis sativa L.); Decision No. 51483/700/Φ.15 (E.K.E.D. 2018, B:1692, https://perma.cc/AVN9-PVTZ) (cultivation of medicinal cannabis) (as amended by Decisions No. 118694/1485/Φ15, E.K.E.D. 2018, B:5129, https://perma.cc/3JC5-T95R , and No. 103057/1342/Φ15, E.K.E.D. 2018, B:4426, https://perma.cc/TJ8E-XMSG) (all in Greek).

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Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
Guernsey	Industrial and medicinal	May 1, 2016	No percentage specified	Misuse of Drugs (Bailiwick of Guernsey) Law 1974 (Consolidated version v.0013), https://perma.cc/4FZN-B4TZ ; Misuse of Drugs (Bailiwick of Guernsey) Ordinance, 1997 (Consolidated version v.0011), https://perma.cc/7PM3-ZMYC . States of Guernsey, <i>Cultivation and/or Processing of Cannabis and Cannabis Derived Products – Bailiwick of Guernsey Licensing Guide</i> (Mar. 1, 2020), https://perma.cc/4YM7-77TP .
Guyana	Industrial purposes	August 8, 2022	≤ 0.3%	Industrial Hemp Act 2022, Act No. 13 of 2002, https://perma.cc/7CTS-MAQM .
Hungary	Research or industrial purposes, unless individual authorization granted	2013	< 0.2%	Law on Cultivation, Distribution, and Use of Plants Suitable for Drug Production, No. 162/2003 (X. 16), adopted in 2013, last amended in 2019, (Government Resolution is included), art. 1(h), (i), (j), (https://perma.cc/9MH5-ENF9 (in Hungarian)). Article 1, para. 3(1) specifies the rules for hemp cultivation. The production, manufacturing, export, import, transfer, purchasing, sales, storage, handling, handover or use of narcotics and psychotropic substances, and related education, research and analysis, as well as having plants suitable for the production of narcotics cultivated and related education, research, and analysis, may only be carried out with an activity license issued by the National Institute for Pharmacy and Nutrition. (Id. art. 13, paras. 1, 2, 3 & 4.)
India (Uttarkhand)	Medical, scientific, and industrial/commercial purposes	December 5, 2016 (approval of cultivation of industrial hemp)	≤ 0.3% <i>cannabis (hemp)</i> means: (a) charas, that is, the separated resin, in whatever form, whether crude or purified, obtained from the cannabis plant and also includes concentrated	Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985, § 8 (prohibition on cultivating cannabis plants “except for medical or scientific purposes”), § 10 (power of state governments to regulate and permit the cultivation of cannabis plants), § 14 (special provision relating to cultivation of any cannabis plant for industrial or horticultural purposes), https://perma.cc/9975-K8G4 . State government issued letter no. 639/XXX111/2016/04(02)201 (Dec. 5, 2016) for the cultivation of industrial hemp “within the limits of 0.3 THC,” https://perma.cc/78UX-D5Q4 .

Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
			<p>preparation and resin known as hashish oil or liquid hashish;</p> <p>(b) ganja, that is, the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated; and</p> <p>(c) any mixture, with or without any neutral material, of any of the above forms of cannabis or any drink prepared therefrom;</p> <p><i>“cannabis plant”</i> means any plant of the genus cannabis</p>	<p>State government issued letter no. 348 (Apr. 18, 2018) to excise commissioner on medical and scientific use of cannabis plants by research and development institutions, https://perma.cc/63H2-4DTN.</p> <p>In July 2018, Uttarkhand issued the first license for commercial cultivation of hemp for high-quality fiber on a pilot basis. (Khashti Dasila et al., <i>Improvement Through Industrial Hemp (Cannabis Sativa L.): A Multipurpose Plant Of Uttarakhand</i>, 28 ENVIS Bulletin Himalayan Ecology 61 (2020), https://perma.cc/2YHY-HYQM.)</p>
India (Uttar Pradesh)	Industrial and medicinal purposes by R&D Institutions	November 16, 2018	Same statutory definition as above; ≤ 0.3%	Same provisions of Narcotic Drugs and Psychotropic Substances Act cited for Uttarkhand apply.

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Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
				<p>State government allows farming of low-THC hemp for medicinal and industrial use. (<i>UP Farmers Can Grow Bhang Now</i>, Times of India (Oct. 31, 2018), https://perma.cc/Z2FL-ZCHN.)</p> <p>The cultivation of the hemp plant is prohibited throughout Uttar Pradesh except in certain districts/areas. (United Provinces Excise Act, 1910, § 17(1)(b): “no hemp plant (<i>cannabis sativa</i>) shall be cultivated,” https://perma.cc/4MMB-AHHA; Chapter XI, § 523(1): “[t]he cultivation of the hemp plant is prohibited throughout Uttar Pradesh” apart from certain stipulated districts/areas listed in the note to § 523(1), https://perma.cc/486H-D5VH.)</p> <p>The Uttar Pradesh Excise (Research Oriented Cultivation of Hemp to Develop Medicinal and Industrial Grade Plant of Hemp) Rules, 2018, https://perma.cc/5G7C-RWK3.</p>
Iraq	Government controlled; medical and scientific purposes.	May 8, 2017	No percentage mentioned	Law No. 50 of 2017 on Narcotics and Psychotropic Substances, art. 23, <i>al-Waqā’i’ al-Iraqiyah</i> , vol. 4446, 8 May 2017, https://perma.cc/RTP6-GKVD (in Arabic).
Ireland	Industrial, forensic and research purposes	March 20, 1998	Industrial use: ≤ 0.2%	Misuse of Drugs Act 1977, No. 12 (rev. to May 16, 2022), https://perma.cc/E9TP-QCWY ; Misuse of Drugs Regulations 2017, SI 173/2017, https://perma.cc/5KFY-5B3X ; Misuse of Drugs (Designation) Order 1998, SI 1998/69, https://perma.cc/J8JJ-8JKC , as replaced by the Misuse of Drugs Act 1977 (Controlled Drugs) (Designation) Order 2022, SI 2022/211, https://perma.cc/YFZ8-C4PQ .
Isle of Man	Medicinal, industrial and research	January 20, 2021	Low THC cannabis: ≤ 0.2%	Misuse of Drugs Act 1976, AT 1976/21, https://perma.cc/NM78-U48P ; Misuse of Drugs (Cannabis) Regulations 2020, No. 2020/0581, https://perma.cc/R9R9-

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Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
			High THC cannabis: > 0.2%	F3BZ; Transfer of Functions (Cannabis) Order 2020, SD 2020/0547, https://perma.cc/GBZ2-NGEL ; Misuse of Drugs (Cannabis Licences) (Data Processing) Regulations 2022, SD 2022/0202, https://perma.cc/5XTY-W95R .
Israel	Government controlled; research & medicinal purpose	January 2, 2019; Decriminalization: April 1, 2022	No percentage mentioned	Dangerous Drugs (Amendment No. 16) Law, 5779-2019, SH 5779 No. 2770 p. 126, Nevo Legal Database, https://perma.cc/8QCC-KRN4 (in Hebrew).
Italy	Government controlled; allowed purposes: production of food, cosmetics, biodegradable raw materials and innovative semi-finished products for industries in various sectors, construction of bioengineering works, land reclamation, and teaching and research activities.	December 2, 2016	≤ 0.6%	Law No. 242 of 2016, Provisions for the Promotion of Cultivation and the Supply Chain for Agro-Industrial Hemp, https://perma.cc/J3JM-SHSK (in Italian). A January 15, 2020, decree by the Ministry of Health defines “Hemp” as “ <i>Cannabis sativa L.</i> , a plant meeting the requirements of article 32, paragraph 6, of EU Regulation No. 1307/2013.”
Jamaica	Government controlled; medical,	March 20, 2015	≤ 1.0%	Dangerous Drugs (Amendment) Act, 2015, § 6, https://perma.cc/2XM3-XN47 .

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Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
	therapeutic, scientific & worship			
Japan	Only the mature stalk of cannabis plant can be used for production of fiber, seeds for food, and both for research; license required	N/A (Hemp has been cultivated for a long time)	N/A (all cannabis) Only mature stalks and seeds can be used	Cannabis Control Act, Act No. 128 of 1948, as amended, https://perma.cc/Y84N-HJTU (translation as amended through Act No. 160 of 1999).
Jersey	Industrial and medicinal	May 1, 2009	No percentage specified	Misuse of Drugs (General Provisions) (Jersey) Order 2009 (Official Consolidated Version, Aug. 12, 2022), https://perma.cc/6UUW-EAY6 ; Misuse of Drugs (Jersey) Law 1978 (Official Consolidated Version, Sept. 28, 2021), https://perma.cc/D72J-9HK6 .
Kazakhstan	Experimental production under control of the Ministry of Agriculture	Not formally legalized		Kazakhstan has an abundant supply of cannabis growing wild across the country. However, the government has only recently started exploiting it commercially. In 2017, the Agriculture Ministry announced it had been cultivating industrial hemp in Almaty for the purpose of exporting it to Russia, China, and the Netherlands. KazHemp (the company engaged in growing the hemp) extensively tested the soil quality in four regions of the country, and found that the Almaty had the best conditions for cultivation. It plans to extend the industry in the future. The Agriculture Ministry commented, “[T]he plan is to process the stems into 1,000 tons of fibre at a primary processing plant . . . for further use in the textile industry.” (<i>Kazakhstan Hopes to Ride High on Hemp Exports</i> , EurasiaNet (June 15, 2017), https://perma.cc/B28H-N7HW .)

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Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
Korea, South	For academic research or mature stalks, seeds and roots of cannabis, and industrial use within a special zone; permit and report required	N/A (Hemp has been cultivated for a long time) Special zone: August 1, 2020, to July 31, 2024	N/A (all cannabis, only mature stalks, roots, and seeds can be used) Approved businesses in special zone: ≤ 3%	Narcotics Control Act, Act No. 6146, Jan. 12, 2000, as amended by Act No. 17190, Mar. 31, 2020, art. 2, paras. 4, 5(d); art. 3, subpara. 2; art. 4, para. 1; art. 6, para. 1, https://perma.cc/MVP3-EWNX . Act on Special Cases Concerning the Regulation of Regulation-Free Special Zones and Special Economic Zones for Specialized Regional Development, Act No. 15852, Oct. 16, 2018, as amended by Act No. 18102, Apr. 20, 2021, https://perma.cc/3GHD-P57F . Ministry of SMEs and Startups, Special Regulatory Free Zone Planning Team, Gyeongbuk Industrial Hemp Regulatory Free Zone, https://perma.cc/J79Z-M5BV (in Korean).
Kuwait	Government controlled; scientific research	April 18, 1983	No percentage mentioned	Law No. 74 of 1983 on Combating Narcotics, Regulating Its Use and Trade, issued on Apr. 18, 1983, Kuwaiti Interior Ministry (homeland security), https://perma.cc/JRX4-V3LR (in Arabic). Article 27 of Law No. 74 of 1983 provides that the Minister of Health may grant permission to cultivate hemp for scientific and research purposes. Schedule 6 of the law exempts the fiber located at the hemp's roots and hemp seeds that are not suitable for cultivation. (Law No. 74 of 1983, sched. 6, https://perma.cc/U48Y-FW7T .)
Latvia	Growing for recreational and medical purposes is illegal	June 6, 2019	< 0.2%	Production of industrial hemp is permitted in restricted territories (up to 1000 hectares). Farmers have to obtain a license for hemp cultivation. (Steven Voser, <i>Legal Status of Marijuana in Latvia</i> , CannaConnection (Aug. 13, 2020), https://perma.cc/FWD3-6SJC .) Article 6 of the Law on the Legal Circulation of Narcotic and Psychotropic Substances, Medicines, and Precursors allows growing seed hemp (<i>Cannabis sativa</i>) for industrial and horticultural purposes. Only the use of certified seeds of the varieties included in the common catalog of

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Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
				<p>agricultural crop varieties of the European Union or officially tested seeds of the preserved variety of hemp is allowed. Seed hemp is allowed to be grown only in an open field (it must not be grown indoors and in covered areas, e.g., greenhouses or under film.) (Law on the Legal Circulation of Narcotic and Psychotropic Substances and Medicines, adopted on May 9, 1996, June 6, 2019, art. 6, wording of the law of May 11, 2006, with amendments made by the law of May 3, 2007, June 6, 2019, and June 17, 2020, https://perma.cc/8PWM-5GGD (in Latvian).) Cabinet of Ministers Regulation of Nov. 8, 2005, No. 847 Regulations on Controlled Narcotic Substances, Psychotropic Substances and Precursors in Latvia, List I, 2.5.10. A subsection of the list of controlled narcotic and psychotropic substances in Latvia provides an exception for cannabidiol, https://perma.cc/M3BZ-9FZF (in Latvian).</p>
Lebanon	Government controlled; industrial and medical purposes	June 4, 2020	<p>1%</p> <p>Article 2 of Law No. 178 of 2020 defines hemp as the hemp plant, including the fertilized or unfertilized shoots and seeds of the plant.</p>	<p>Law No. 178 of 2020 on the Cultivation of Hemp for Medical and Industrial Usage, <i>al-Jaridah al-Rasmiyah</i>, vol. 23, 4 June 2020, https://perma.cc/V7LS-NQVN (in Arabic).</p> <p>According to a report issued by the Ministry of Industry in 2020, the allowable percentage of THC is 1%. (Serena Fakry, <i>Report on the Industrial Usage of the Hemp Plant</i>, Ministry of Industry, Republic of Lebanon, 2020, https://perma.cc/XNW7-EMCV (in Arabic).)</p>
Lesotho	Medicinal or scientific purpose	2008	< 1%	<p>Lesotho permits cultivation, manufacturing, storage, export, import or transit of cannabis under a license. (Drugs of Abuse Act 2008 § 12 (2008), https://perma.cc/T7F7-4GGM. The act defines cannabis as “any part of the cannabis plant (including the seeds and leaves) from which cannabis resin has not been extracted.” (Id. § 3.)</p>

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Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
				In 2019, Lesotho issued regulations limiting the THC content of outdoor cannabis cultivation to below 1 percent. Drug Abuse (Cannabis) Regulations, 2019, § 16(7) (Nov. 25, 2019).
Lithuania		May 23, 2013	< 0.2%	Law of the Republic of Lithuania on Hemp, XII-336, adopted on May 23, 2013, last amended on Nov. 1, 2021, https://perma.cc/Z4UZ-HCV9 (in Lithuanian). A permit is required to conduct research activities with cannabis substances. In April 2021, the government permitted the sale and use of cannabis edibles with less than 0.2% THC, and hemp seed oil, flour, and hemp protein. (Government Resolution Concerning the Law of the Republic of Lithuania on Fibrous Hemp, No. XII-336 Amendment of the Draft Law No. XIIIIP-3195(2), adopted on Apr. 7, 2021, No. 214, arts. 3, 6, https://perma.cc/4JZ8-CBP9 (in Lithuanian).)
Luxembourg	Must be species eligible for support within the framework of the EU's Common Agricultural Policy	August 3, 2012	≤ 0.3%	Grand-Ducal Regulation of March 26, 1974, Establishing the List of Narcotics, https://perma.cc/3ZZK-8LLM , as amended by Grand-Ducal Regulation of July 21, 2012 Amending the Amended Grand-Ducal Regulation of February 19, 1974, for the Execution of the Law of February 19, 1973, on the Sale of Medical Substances and the Fight Against Drug Addiction; The Annex of Amended Grand-Ducal Regulation of March 4, 1974, Regarding Certain Toxic Substances; The Annex of Amended Grand-Ducal Regulation of March 20, 1974, Regarding Certain Psychotropic Substances; The Annex of Amended Grand-Ducal Regulation of March 26, 1974, Establishing the List of Narcotics, art. 4, July 21, 2012, https://perma.cc/3W4E-QJ4A .
Malawi	Medicinal, industrial or scientific purpose	April 30, 2020	≤ 1%	Malawi issued the Cannabis Regulation Act to “make provision for regulation of research, cultivation, production, processing, possession, storage, exportation, importation, sale, distribution, and use of cannabis and its products for medicinal, industrial or scientific purposes under prescribed conditions.” Cannabis Regulation Act 6 pmb. (Apr. 30, 2020), https://perma.cc/Z8WR-BTJH .

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Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
				The act defines “industrial hemp” as “a cannabis plant, or any part thereof, with a <i>delta-9 tetrahydrocannabinol</i> [sic] (thC) concentration of no more than 1% in the plant material or such other concentration as may be prescribed by the Minister by order published in the Gazette, and may include – (a) any fibre extracted from the plant for use as or in the manufacture of cordage, canvas or similar products; (b) any seed which has been crushed, comminuted or otherwise processed in such a manner as to prevent germination; (c) the fixed oil obtained from the seed; (d) any flowers that has [sic] been processed into extracts or isolates for use in industrial applications.” (Id. § 2.)
Malta	Medicinal, research and personal use	April 17, 2018, for medicinal and research December 18, 2021, for personal use	No percentage mentioned	Production of Cannabis for Medicinal and Research Purposes Act 2018, cap. 578, https://perma.cc/QSZ6-J2ZB ; Authority on the Responsible Use of Cannabis Act, cap. 628, https://perma.cc/5SWH-NQ69 .
Moldova	Allowed for seeds and fibers production, manufacturing food and pharmaceuticals products, and scientific purposes	December 8, 2006	Hemp defined as any plant of the genus <i>Cannabis</i> ; THC content not specified	Order of the Government of the Republic of Moldova on Approval of the Order on Regulations of Activities for Cultivation of the Plants Containing Drugs or Psychotropic Substances, No. 1382, issued on Dec. 8, 2006, last amended on Apr. 17, 2018, §§ 15, 16, https://perma.cc/7GF9-TK7J (in Romanian). The cultivation of hemp is allowed to individuals registered as individual entrepreneurs and legal entities; government authorization required. (Id. § 4.)
Montenegro	Hemp allowed for industrial and food purposes if individual	May 26, 2011	0.2%	The Drug Abuse Prevention Act of 2011, amended in 2014. Licensing is regulated by the Ministry of Agriculture. (Drug Abuse Prevention Act, adopted on May 26, 2011, 01- 695/2, https://perma.cc/S6DS-LL4P (in Montenegrin).)

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Country	Restrictions	Date of Legalization	Definition of Hemp (Allowable THC Content)	Comments/Citation
	or company has contract for full yield purchase four months after harvest			
Morocco	Government controlled; industrial and medical purposes	July 14, 2021	1% Article 2 defines hemp as the hemp plant, including the flowering and fruiting ends of the plant.	Law No. 13.21 on the Legal Usage of Hemp (Industrial and Medical), al-Jarīdah al-Rasmīyah, vol. 7006, 22 July 2021, https://perma.cc/6RLG-3X28 (in Arabic). The allowable THC percentage is 1% according to Ministerial Resolution No. 1297.22 on Determining the Percentage of the THC Related to the Usage of Hemp, al-Jarīdah al-Rasmīyah, vol. 7078, 31 Mar. 2022, https://perma.cc/7L5C-XLD2 (in Arabic).
Netherlands	Outdoor cultivation intended for the extraction of fibers or the propagation of seed for the production of fiber hemp	April 21, 1999	≤ 0.2%	Opium Act, May 12, 1928, Staatsblad van het Koninkrijk der Nederlanden [Stb.] 1928, 167, as amended, art. 3, letter B, art. 8i, para. 1, https://perma.cc/R7DZ-CR27 (in Dutch); Opium Act Decree, Dec. 9, 2002, Stb. 2002, 624, as amended, art. 12, https://perma.cc/NP95-BL6R ; Decision Regarding article 3a, first paragraph of the Opium Act, Oct. 18, 1976, Stb. 1976, 509, as amended, art. 4, https://perma.cc/W4TB-49RF (in Dutch); Decree of March 19, 1999, amending the Royal Decree of October 18, 1976, Stb. 509, implementing article 3a, first paragraph of the Opium Act, Mar. 19, 1999, Stb. 1999, 169, art. I, https://perma.cc/XA5D-BWXR (in Dutch); EU legislation.
New Zealand	Industrial purposes	June 26, 2006	Generally below 0.35%; not to exceed 0.5%	Under the Misuse of Drugs (Industrial Hemp) Regulations 2006 (SR 2006/163), https://perma.cc/7ZRW-NEV9 , industrial hemp is defined as “plants with a THC content that is – (i) generally below 0.35%; and (ii) is not above 0.5%.” In order to cultivate industrial hemp, an individual must apply for a license. (Id. reg 7.) The director-general of the Ministry of Health may approve an application

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				for the cultivation of industrial hemp. (Id. reg 6.) Once a license is granted, the license-holder may procure industrial hemp within New Zealand, and cultivate, supply, process, and possess hemp. The regulations were made under the Misuse of Drugs Act 1975 s 37, https://perma.cc/LFZ7-9Q94 .
North Macedonia	Use of non-viable hemp seeds not restricted	2016	≤ 0.2%	Amendments to the Law on the Control of Narcotic Drugs and Psychotropic Substances of 2016, arts. 3(34), 48, Official Gazette of North Macedonia No. 53/16, https://perma.cc/Y5T5-X797 (in Serbian).
Oman	Government controlled; medical and scientific purposes	March 15, 1999	No percentage mentioned	Royal Decree promulgating Law No. 17 of 1999 amended by Decree No. 34 of 2015, al-Jarīdah al-Rasmīyah, vol. 643, 15 Mar. 1999, https://perma.cc/NE3X-7VYU (in Arabic). Article 7 of the Law No. 17 of 1999 grants public entities, universities and scientific institutes the right to cultivate hemp. Schedule 6 of the law exempts hemp seeds that are not suitable for cultivation.
Pakistan	Government controlled; industrial and medicinal purposes	September 1, 2020 (first license)	≤ 0.3% “cannabis (hemp)’ means – (i) cannabis resin (charas) that is, the separated resin, whether crude or purified, obtained from the cannabis plant and also includes concentrated preparation and resin known as hashish oil or liquid hashish;	Control of Narcotic Substances Act, 1997, §§ 2, 4, https://perma.cc/UW69-EBZ5 . No one shall cultivate any cannabis plant unless authorized by federal or provincial government under a license “exclusively for medical, scientific or industrial purposes.” Federal cabinet has approved the first license to the Ministry of Science and Technology and the Pakistan Council of Scientific and Industrial Research (PCSIR) to produce “industrial and medical use of hemp.” (<i>Cabinet Decision to Approve Industrial Production of Hemp Could Generate \$1 Billion Revenue: Fawad</i> , Dawn.com (Sept. 2, 2020), https://perma.cc/8NQR-SBWE ; Imtiaz Ahmad, <i>In ‘Landmark Decision’, Pakistan Approves Industrial Use of Cannabis and Hemp</i> , Hindustan Times (Sept. 3, 2020), https://perma.cc/MWK8-9Z55 .)

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			<p>(ii) the flowering or fruiting tops of the cannabis plant (excluding the seed and leaves when not accompanied by the tops) from which the resin has not been extracted, by whatever name they may be designated or known; and</p> <p>(iii) any mixture with or without neutral materials of any of the above forms of cannabis or any drink prepared therefrom.”</p> <p>“<i>cannabis plant</i>’ means any plant of the genus <i>cannabis</i>.”</p>	
Paraguay	Government controlled; industrial purposes	October 23, 2019	≤ 0.5%	<p>Decree 2725/2019 Establishing the General Conditions for Industrial Hemp (Non-Psychoactive Cannabis), art. 2, Gaceta Oficial Oct. 23, 2019, https://perma.cc/K2MK-Y9A6 (in Spanish).</p> <p>It defines hemp, as the plant of cannabis, its flower with or without fruit with a THC content of less than 0.5 percent.</p>

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				Decree 3999/20 enacts the national program for the promotion, development, cultivation, development of production and marketing and research of industrial hemp, which is declared to be of national interest. (Decree 3999/2020, by which the National Program for the Promotion, Development, Cultivation, Production Development, Commercialization and Research of Industrial Hemp (Non-Psychoactive Cannabis) is Created and Declared of National Interest, https://perma.cc/HY8N-LZQY (in Spanish)).
Poland	No restrictions on hemp processing; cultivators with permits can use hemp for fiber, food, cosmetics, pharmaceutical products, and building materials	July 29, 2005	< 0.3%	Act of July 29, 2005, last amended in 2022, No. 179 on Counteracting Drug Addiction, https://perma.cc/8LQ8-KCUS (in Polish). Testing of hemp products for the presence of Δ9-THC is required. (<i>Legality of CBD Hemp Products in Poland and Europe</i> , Cannabis Medica (Apr. 29, 2004), https://perma.cc/W65F-HJPV (in Polish)).
Portugal	Industrial purposes	April 15, 2021	≤ 0.2%	Ordinance (<i>Portaria</i>) No. 83 of April 15, 2021, art. 3(2)(c), https://perma.cc/7Q59-ZUVX (THC content).
Qatar	Government controlled; scientific research	Jan. 1, 1987	No percentage mentioned	Law No. 9 of 1987 on Combating Narcotics, Regulating Its Trade and Usage, <i>al-Jaridah al-Rasmīyah</i> , vol. 4, 1 Jan. 1987, https://perma.cc/BT69-PV9A (in Arabic). Article 30 of Law No. 9 of 1987 allows the minister of health to issue a permit for public entities, scientific institutes, and research centers to cultivate hemp.
Romania	Allowed for industrial and medical purposes	November 29, 2005	≤ 0.2%	Law on the Legal Regime of Plants, Narcotic Drugs and Psychotropic Substances, and Narcotic and Psychotropic Preparations, No. 339, adopted on Nov. 29, 2005, LEGE 339, arts. 5, art. 2(o), & 12, paras. 3, 4, also annex 2 on hemp, Portal

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				<p>Legislativ, https://perma.cc/5DXK-6YB4 (in Romanian). Also, Annex 1, No. 31, Tetrahydrocannabinol, the following isomers and their stereo chemical variants. The Ministry of Agriculture and Rural Development of the Republic of Romania, Order No. 677/2004 on the Designation of a Laboratory for the Determination of Tetrahydrocannabinol (THC) Content in Hemp Varieties, updated, No. 844, on Feb. 16, 2022, https://perma.cc/5X3C-H9RD (in Romanian). Hemp is grown for fiber, seed/grain, and oil; only varieties published in the EU Official Catalogue of plant varieties are permitted for cultivation. Government Decision on the Authorization of Importers of Hemp Seed for Other Purposes Than for Sowing, No. 230/2011, Mar. 23, 2011, https://perma.cc/S59Z-LWBR (in Romanian). Farmers must apply at the local county office of the Ministry of Agriculture and Rural Development (MARD) for approval to grow hemp. Approved farmers must submit samples for testing to the county MARD office to determine THC content. The county divisions of MARD's Office for Seed Control are responsible for sample collection. (MARD, <i>Crops of Flax and Hemp for Fiber</i> (2022), https://perma.cc/6QH3-AZB3.)</p>
Russia	Cultivation of cannabinoids, including hemp, allowed for medical or veterinary purposes, and for industrial purposes not related to the production of narcotic drugs and psychotropic substances	July 20, 2007	0.1%	Regulation of the RF Government No. 460 of July 20, 2007, on Defining Types of Plants Containing Narcotic Substances, Which Are Allowed for Industrial Cultivation and Requirements for Their Cultivation, https://perma.cc/6JTK-34BT (in Russian).

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Saint Helena	Police training	2009		Drugs (Prevention of Misuse) Ordinance 2003, 11/2003 (Rev. ed. 2017), https://perma.cc/U976-8JVV ; Drugs (Authorisation Of Cultivation And Possession) Regulations (2009 Rev. ed. 2017), https://perma.cc/U976-8JVV .
Saint Kitts & Nevis	Government controlled; medical purposes & worship	February 21, 2020	No percentage mentioned	Cannabis Act 8, 2020, Part III, St. Kitts and Nevis Ministry of Justice and Legal Affairs, https://perma.cc/FK8N-LKBX .
Saint Vincent and the Grenadines	Medicinal	March 8, 2019		Medicinal Cannabis Industry Act 2018, No. 28/2018, https://perma.cc/V8UU-TV9R ; Medicinal Cannabis Industry Act 2018 (Commencement) Notice 2019, SI 2019/5, https://perma.cc/53H7-3J8N .
Serbia	For fiber production, production of seeds for animal nutrition, further propagation, processing, testing of seed quality, and trade.	December 27, 2010	≤ 0.3%	The Act on Psychoactive Controlled Substances, adopted on Dec. 27, 2010, last amended on July 25, 2018, https://perma.cc/JMK2-76BR (in Serbian). Only government-specified varieties of hemp can be grown. Register of Recognized Varieties of Agricultural Plants, 110-00-228/2010-09, adopted Oct. 12, 2010, https://perma.cc/5ZFX-8J48 (in Serbian). Rule Book on the Conditions for Growing Hemp, art. 2 (0.3%), Official Gazette of RS, No. 64 of July 24, 2013, https://perma.cc/PB39-5X78 (in Serbian).
Slovakia	Growing for export or medical use is prohibited	November 21, 2011	0.2%	According to the Amendment to the Act on Narcotic and Psychotropic Substances, in 2009, a farmer can grow selected varieties of hemp without a permit if they are listed in the Joint Catalog of Varieties of Agricultural Plant Species and unlisted varieties with authorization from the Slovak Ministry of Health. Every authorized grower is required to take measures to prevent the use of the cannabis to produce narcotic drugs and psychotropic substances. (Act on Narcotic Drugs, Psychotropic Substances and Preparations, No. 139/1998 Coll., adopted on May 21, 1998, with amendments, last amended in Dec. 29, 2021, art. 36(b), (c), https://perma.cc/MY7C-PY9P (in Slovak).) The seed is certified according to government regulation No. 51/2007 Coll., Establishing the

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				Requirements for Placing Oil Seeds and Fiber Plants on the Market, List of Hemp Varieties Permitted for Cultivation in Slovakia in 2015 according to § 15, para. 3 of Act No. 139/1998 Coll. as Amended Within the Framework of the Direct Payments Scheme, 488 / 2010 Coll. Regulation of the Government of the Slovak Republic on the Conditions for Providing Support in Agriculture in the Form of Direct Payments as amended by No. 495/2011 Coll., 369/2012 Coll., 151/2013 Coll., 19/2014 Coll., arts. 2(d), 8(4), https://perma.cc/UH2S-FGWM (in Slovak).
Slovenia	Industrial cannabis permitted for food and industrial purposes	April 30, 2004	0.2%	Growing hemp is allowed under permits issued by the Ministry of Agriculture. Production of hemp for medical, veterinary, educational, and scientific-research purposes is regulated by the Minister of Health. (Act on Production and Trafficking in Illicit Drugs, adopted Dec.14, 1999, last amended Apr. 30, 2004, No. 108/99, 44/00, 2/04, ZZdrI-A and 47/04, arts. 9, 10, & 41, https://perma.cc/7JCS-3TUB (in Slovenian).) The use of ingredients obtained from the flowers and tips of cannabis plants and resin is prohibited. Use of other parts of the plant (seeds, leaves, stem) is permitted.
South Africa	Cultivation, distribution and sale of hemp propagating material under a permit	October 29, 2021	≤ 0.2%	The regulations issued under the 2018 Plant Improvement Act allow for certain activities with regard to hemp under a permit, including cultivation, sale, and propagation of plants. Regulations Made in Terms of the Plant Improvement Act, 2018, § 4, Feb. 3, 2022, https://perma.cc/Q3KR-Z5LG . The regulations define hemp as “low THC plants or parts of plants of <i>Cannabis Sativa L.</i> cultivates for agricultural or industrial purposes, of which the leaves and flowering heads do not contain more than 0.2% THC.” (Id. § 1.) In 2021, the minister of Agriculture, Land Reform and Rural Development announced the opening of the application process for HEMP permits. (Media Statement, Minister Thoko Didiza on Opening of Application Process for HEMP Permits, South Africa Government (Oct. 29, 2021),

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				https://www.gov.za/speeches/minister-didiza-announces-opening-application-process-hemp-permits-29-oct-2021-0000 .)
Sudan	Government controlled; scientific research	August 9, 1994	No percentage mentioned	<p>Law on Narcotics and Psychotropic Substances of 1994, issued on Aug. 9, 1994, posted on Ministry of Justice website, https://moj.gov.sd/sudanlaws/#/reader/chapter/144/0.0.117.0.6 (in Arabic).</p> <p>Article 14 of the Law on Narcotics and Psychotropic Substances of 1994 allows the minister of Interior (homeland security) to grant a permit for universities and scientific institutes to cultivate hemp.</p>
Suriname		2018	<p>≤ 0.3%</p> <p>From Feb.-Sept. 2018: ≤ 1.5%</p> <p>Proposed: ≤ 1%</p>	<p>Narcotics Act, Feb. 12, 1998, Staatsblad van de Republiek Suriname [S.B.] 199, no. 14, as amended, https://perma.cc/7UQQ-HB9H (in Dutch); Act on Further Amendments of the Narcotics Act, (S.B. 1998 no. 14, zoals gewijzigd bij S.B. 2002 no. 68), July 13, 2018, S.B. 2018, no. 64, art. I, D., https://perma.cc/W73U-BVFE (in Dutch); Act on Further Amendments of the Narcotics Act (S.B. 1998 no. 14, zoals laatstelijk gewijzigd bij S.B. 2018 no.64), Sept. 6, 2018, S.B. 2018, no. 65, art. I, https://perma.cc/NAS2-K5HM (in Dutch); Draft Industrial Hemp Cultivation Act (2022), draft art. 2, https://perma.cc/B28J-R683 (in Dutch).</p>
Sweden	Requires government permit (must be eligible for EU agricultural support)	January 1, 2005 (date of entry into force of domestic legislation adopting EU aid scheme under common agricultural policy)	≤ 0.2%	<p>Commission Regulation (EU) 2022/1393 of 11 August 2022 Amending Regulation (EC) No. 1881/2006 as Regards Maximum Levels of Delta-9-tetrahydrocannabinol (Δ9-THC) in Hemp Seeds and Products Derived Therefrom, 2022 O.J. (L211/83), https://perma.cc/R7C2-XBEQ (enters into force January 1, 2023).</p> <p>Commission Delegated Regulation (EU) No. 639/2014 of 11 March 2014 Supplementing Regulation (EU) No. 1307/2013 of the European Parliament and of the Council Establishing Rules for Direct Payments to Farmers Under Support Schemes Within the Framework of the Common Agricultural Policy and</p>

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				<p>Amending Annex X to that Regulation, 2013 O.J. (L181/1), art. 9, https://perma.cc/YYT4-WZLP.</p> <p><i>Hemp Production in the EU</i>, European Commission, https://perma.cc/2LCE-DMMY.</p> <p>Common Catalogue of Varieties of Agricultural Plant Species 2021 Consolidated Version Legend, 259f, https://perma.cc/SN7U-H7JC.</p> <p>Förordning (2004:760) om EU:s direktstöd för jordbrukare m.m., https://perma.cc/UX25-WMKG.</p> <p>For full list of approved hemp species see <i>Odla hampa</i>, Jordbruksverket, https://perma.cc/FLG7-BG7B.</p> <p>In addition, cultivation requires specific permit from the government, as well as an application for EU agricultural financial support, known as a “<i>gårdsstöd</i>” (literally farm support) in Sweden.</p>
Switzerland	Agricultural/ industrial production	March 1, 1998	< 1% prior to 2011: < 0.3%	<p>Narcotics Act, Oct. 3, 1951, Systematische Rechtssammlung [SR] 812.121, as amended, art. 8, para. 1, letter d, https://perma.cc/DX42-4ZYS (original), https://perma.cc/39F9-3KQ2 (English translation); Narcotics Control Ordinance, May 25, 2011, SR 812.121.1, as amended, art. 3, para. 2, https://perma.cc/L2J8-CA6Y (in German); Narcotics Directory Ordinance, May 30, 2011, SR 812.121.11, as amended, annex 1, Cannabis, https://perma.cc/P2WF-9QFX (in German); Seed and Seedlings Ordinance of the DFE, Dec. 7, 1998, annex 2, chapter D, Amtliche Sammlung [AS] 1999, 781 (825), https://perma.cc/3Z2C-BS47 (in German); Ordinance of the Federal Office for Agriculture on the Catalog of</p>

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				Varieties for Hemp, Feb 26, 1998, AS 1998, 865, https://perma.cc/E39G-R8LL (in German).
Thailand	License required	2018	Not to exceed 1% on a dry-weight basis	Narcotics Act B.E. 2522 (1979), as amended by Narcotics Act (No. 7) B.E. 2562 (2019), art. 26/2, https://perma.cc/SYH4-QW3P . Commercial production and use of hemp allowed by Ministerial Regulation on Application for Licenses and Grant of Licenses to Produce, Import, Export, Dispose or Possess Narcotics of Category V Concerning Hemp, B.E. 2563 (2020), https://perma.cc/K68Z-DQDQ .
Trinidad & Tobago	Government controlled; medicinal, therapeutic, scientific or religious purposes	June 17, 2022	No percentage mentioned	Cannabis Control Act No. 10, 2022, https://perma.cc/8N85-F9BA .
Tunisia	Government controlled; pharmaceutical and scientific research purposes	May 26, 1992	No percentage mentioned	Law No. 52 of 1992 on Narcotics, art. 2, para. 2, al-Jarīdah al-Rasmīyah, vol. 33, 26 May 1992, https://perma.cc/Q3A2-GMP4 (in Arabic).
Turkey	All cultivation subject to government license License granted for “[production of] fibers, seeds, stems, or similar purposes”	May 23, 1990	“hemp varieties with low THC content”	Law on the Control of Narcotic Substances, Law No. 2313, Official Gazette (O.G.) No. 2435, June 24, 1933, art. 23 (as amended by Law No. 3652, O.G. No. 20533, May 23, 1990), https://perma.cc/XG54-M6MA (in Turkish); Regulation on the Cultivation and Control of Hemp, O.G. No. 29842, Sept. 29, 2016, art. 5 https://perma.cc/9C93-SSDN (in Turkish); Regulation on the Planting and Control of Hemp, O.G. No. 20672, Oct. 21, 1990, art. 5, https://perma.cc/S9CS-8MFB (in Turkish) (Repealed).

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	Geographical limitations to cultivation; no limitation if grown for scientific purposes			
Ukraine	Industrial hemp production is allowed for seeds, fibers, and products of processing only	May 6, 2000	< 0.08%	Regulation of the Cabinet of Ministers of Ukraine, No. 770, on List of Narcotic Drugs Psychotropic Substances and Precursors, May 6, 2000, last amended Mar. 11, 2022, https://perma.cc/37VQ-N3AY (in Ukrainian). Growers must apply for a license in advance of the growing season and must be in compliance with the licensing conditions established in the Regulation No. 282 of the Ministry of Health of Ukraine, Mar. 31, 2010, https://perma.cc/A79A-4AS7 (in Ukrainian). The possibility of legalizing hemp for medical purposes in Ukraine is under discussion in the legislature. (Draft Law on Amendments to Certain Legislative Acts of Ukraine on Regulating the Circulation of Cannabis for Medical Purposes, Scientific and Scientific-Technical Activities, 1575-IX, June 2, 2021, https://perma.cc/JW5A-JR7Y (in Ukrainian).)
United Arab Emirates	Government controlled; scientific research	Sept. 16, 2021	No percentage mentioned	Decree Promulgating Law No. 30 of 2021 on Combating Narcotics and Psychotropic Substances, issued on Sept. 16, 2021, Ministry of Justice, https://perma.cc/8THE-478Q (in Arabic). Article 16 of Law No. 30 of 2021 authorizes the Minister of Environment to grant permission to public entities and scientific institutes to cultivate hemp for scientific research purposes. Law No. 30 of 2021 exempts roasted and treated hemp seeds that cannot be used in cultivation.

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Uruguay	Government controlled; industrial and medical purposes	January 7, 2014	< 1% in plants ≤ 0.1% in seeds	Law 19172 on the Regulation of Cannabis, DO Jan. 7, 2014, art. 2, https://perma.cc/LM9P-TC9M (in Spanish); Regulatory Decree 372/2014, DO Dec. 30, 2014, art. 1, https://perma.cc/2A78-XSF3 (in Spanish).
Uzbekistan	Prohibited for production or manufacturing narcotic drugs and psychotropic substances	Mar. 18, 2020	≤ 0.2%	Commercial cultivation is allowed for legal entities with a license. (Law on Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan, Mar. 18, 2020, art. 3, paras. 3, 4, Amendments to the Law of the Republic of Uzbekistan of Aug. 19, 1999, No. 813-I, on Narcotic Drugs and Psychotropic Substances, <i>Narodnoe Slovo</i> , https://perma.cc/NP2S-6HS6 (in Russian).) Licenses are required for transportation (export), storage, sale (release), distribution, development and production, manufacture, destruction of narcotic drugs, psychotropic substances and precursors, use of narcotic drugs, psychotropic substances and precursors for scientific and educational purposes, for production needs, including in medicine and veterinary medicine, and the cultivation of drug-containing plants for scientific purposes. (Id. art. 4.)
Vanuatu	Industrial and medical	Dec. 10, 2021	< 0.3%	In 2021, the Bill for the Industrial Hemp and Medical Cannabis Act, https://perma.cc/4RDB-YMXY , was introduced. If passed, the bill would amend the Dangerous Drugs Act, https://perma.cc/NX5N-DALE , to repeal the section prohibiting the cultivation of cannabis and allow the production of industrial hemp at no more than 0.3% THC and medical cannabis prescribed by physicians. Explanatory Note, Bill for the Industrial Hemp and Medical Cannabis Act No. of 2021 https://perma.cc/GN4N-9FH7 .
Zimbabwe	Activity allowed under three forms of permit: general cultivator's permit, research and breeding	2020	≤ 0.3%	The law defines "industrial hemp" as "the plant cannabis sativa and any part of the plant including the seeds thereof and all derivatives, extracts, cannabinoids, isomer, acids, salts and salts of isomers, whether growing or not with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight

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	permit, and industrial hemp merchant's permit			basis." Agriculture Marketing Authority (Industrial Hemp) Regulations, 2020, § 1, https://perma.cc/AU3C-MQGN .