

Cannabis / Tetrahydrocannabinol (THC) in food

Trade Consultation Forum

14 December 2018

Background

- ❖ Recreational cannabis has been legalised in Canada since October 2018
- ❖ Sale of food products and drinks containing cannabis or THC is still illegal in Canada, but expected to be legalised by end 2019
- ❖ Recreational cannabis has also been legalised or tolerated in some other jurisdictions, e.g. certain states of the United States and the Netherlands
- ❖ Food products and drinks containing cannabis or THC may be available for sale in some overseas regions

Cannabis and THC in food (1)

- ✿ The United Nations has placed cannabis under international drug control, requiring stringent regulation
- ✿ In Hong Kong, cannabis and THC are dangerous drugs controlled under the Dangerous Drugs Ordinance (Cap. 134)
- ✿ Any products (including food products and drinks) that contain cannabis or THC are also controlled under Cap. 134

Cannabis and THC in food (2)

- ✿ Criminal offences under Cap. 134 for –
 - ✿ illicitly importing to and exporting from Hong Kong, procuring, supplying, manufacturing, or dealing in or with dangerous drugs. Maximum penalty: life imprisonment and a fine of \$5 million.
 - ✿ illicitly possessing, or smoking, inhaling, ingesting or injecting dangerous drugs. Maximum penalty of imprisonment for seven years and a fine of \$1 million.

Cannabis and THC in food (3)

- ✿ Customs and Excise Department (C&ED) issued a press statement in November 2018 reminding members of the public –
 - ✿ while making purchases in overseas regions where food products or drinks containing cannabis or THC may be available for sale, to pay attention to the packaging labels of such products and the domestic legislation on cannabis
 - ✿ it is against Hong Kong's law to bring any products containing cannabis or THC into Hong Kong

Advice to Traders

- ✿ Food traders must exercise due care and must not import or deal in products containing cannabis or THC
- ✿ C&ED has strengthened the inspection of travellers and cargoes at control points to interdict the import of cannabis or products containing cannabis or THC

~ Thank You ~