

**Senate Community Affairs Committee**

**ANSWERS TO ESTIMATES QUESTIONS ON NOTICE**

**HEALTH PORTFOLIO**

**Additional Estimates 2016 - 2017, 1 March 2017**

**Ref No:** SQ17-000129

**OUTCOME:** 2 - Health Access and Support Services

**Topic:** Hemp Derived Foods

**Type of Question:** Written Question on Notice

**Senator:** Duniam, Jonathon

**Question:**

- a) When did considerations of the proposal to authorise the manufacture, sale and consumption of foods derived from hemp commence and at what stage are these considerations?
- b) Which jurisdictions have expressed support for this proposal?
- c) What has been the cause or causes for the delay of these considerations and when is a decision on the proposal expected?
- d) What authority or jurisdiction has been responsible for the design, conduct and assessment of the possible effects of hemp-derived foods on roadside drug testing?

**Answer:**

- a) In 2009, *Application A1039 – Low THC Hemp as a Food* was submitted to Food Standards Australia New Zealand (FSANZ) seeking to permit low THC hemp as a food in Australia and New Zealand. FSANZ approved this application, and provided a proposed variation to Standard 1.4.4 of the Australia New Zealand Food Standards Code (the Code), along with an the Evaluation Report, to the Australia and New Zealand Ministerial Forum on Food Regulation (the Forum) for approval.

On 30 January 2015, the Forum rejected this proposed variation, noting several concerns including: law enforcement issues, particularly in relation to roadside drug testing; the possibility of a need for a maximum cannabidiol (CBD) level; and that the use of hemp in foods may send a confused message to consumers about the acceptability and safety of cannabis.

On 31 March 2016, the Forum considered reports provided by the Food Regulation Standing Committee (FRSC) which addressed the above concerns and requested that FSANZ prepare a proposal to consider permitting low THC hemp seeds as food.

Note: roadside drug testing results were not available at this time, but they will be considered by Ministers at their meeting on 28 April 2017.

Proposal P1042 – Low THC Hemp Seeds as Food was formally prepared by FSANZ on 3 May 2016. Following an assessment, public consultation on a draft variation to the Code was called for from 28 July to 25 August 2016. The FSANZ Board approved a

draft variation on 9 March 2017. Documents related to the Proposal are at <http://www.foodstandards.gov.au/code/proposals/Pages/P1042LowTHChemp.aspx>

On 28 April 2017, the Forum considered the draft variation to the standard to permit low THC hemp seeds as food. The Forum supported the draft standard, which will take effect six months after it has been gazetted. In relation to this timeframe, Ministers acknowledged that there is still a range of New Zealand and State and Territory legislation that currently prohibits the sale of low THC hemp seeds as food which will need to be amended. Ministers also supported the establishment of an Implementation and Monitoring working group.

- b) Low THC hemp as a food has been considered by the Forum on a number of occasions. Ministers of the Forum unanimously supported this proposal at its meeting on 28 April 2017.
- c) On 30 January 2015, the Forum formally rejected the variation to Standard 1.4.4 – Prohibited and Restricted Plants and Fungi to permit the sale of foods derived from the seeds of low THC hemp, resulting from Application A1039. The variation was rejected due to ongoing concerns some Ministers had including law enforcement issues, particularly from a policing perspective in relation to roadside drug testing, as well as that the marketing of hemp in food may send a confused message to consumers about the acceptability and safety of cannabis.

The Forum requested that FRSC, as a matter of priority address a number of information gaps in relation to the adoption of low THC hemp as a food. The FRSC Hemp Working Group compiled a series of research initiatives to address these concerns and these were agreed to and approved by FRSC.

On 31 March 2016, the Forum noted FRSC reports on; marketing and labelling; legal and treaty implications; and maximum level of CBD. The Forum:

- requested FSANZ prepare a proposal to consider permitting low THC hemp as a food;
- asked FSANZ to consider setting a CBD limit (to distinguish food from therapeutic goods) and include acid precursors in any cannabinoid limits set;
- forwarded advice to FSANZ from the International Narcotics Control Board (INCB) to consider the European Union approach to setting limits; and
- provided FSANZ with policy advice to restrict marketing and advertising that implies a link with illicit cannabis and advertising hemp seed as having psychoactive effects.

On 28 July 2016, FSANZ released the *Call for submissions – Proposal P1042 – Low THC Hemp Seeds as Food*, which included a proposed draft variation to the Code to permit low THC hemp seeds as food.

The Forum advised FSANZ not to finalise its consideration of P1042 until 9 March 2017 due to delays with the research being undertaken in relation to roadside drug testing. These results are now available for Ministers' consideration. Therefore, the Forum considered the Approval Report for P1042 along with the outcomes of the Consumption Trial (detailed below) at their meeting on 28 April 2017.

- d) The FRSC Hemp Working Group was assigned this project and the Victorian Department of Health and Human Services (DHHS) led the work and reported back through the working group.

The study was supported by an Expert Advisory Group (EAG), which included representatives from Tasmanian and Queensland Police; New Zealand, New South

Wales and Tasmanian Forensic Science Services; the NSW Food Authority; the Victorian DHHS and the Victorian Department of Economic Development, Jobs, Transport and Resources.

The study investigated whether the consumption of low THC foods interferes with (that is, provides a false positive result) in any of the roadside drug testing programs in use in Australia and New Zealand. The study was a double-blind, placebo controlled trial, which was undertaken by the Centre for Human Psychopharmacology at Swinburne University of Technology.

The final report of this study was approved by the EAG and by FRSC, before being provided to the Forum for consideration at their meeting on 28 April 2017.