



Government of **Western Australia**
Department of **Health**
Public Health

Application A1039
Food Standards Australia New Zealand (FSANZ)
PO Box 7186
CANBERRA ACT 2610

Email: submissions@foodstandards.gov.au

SUBMISSION ON APPLICATION A1039 – LOW THC HEMP AS A FOOD

It is noted that a previous application for the use of industrial hemp as a novel food was rejected by ANZFS in May 2002. At that time, Ministers decided to retain the total prohibition on the use of industrial hemp as a novel food because they believed that the use of hemp in food may send a confused message to consumers about the acceptability and safety of the high THC cannabis. There were also concerns about law enforcement issues, particularly from a policing perspective as there would be difficulties in visually distinguishing between high THC cannabis and low THC industrial hemp products. These issues and concerns are still relevant a decade later and are exacerbated by the emergence of synthetic cannabinoids.

There has been an increasing number of people experiencing harmful side effects from smoking “legal” herbal mixtures containing synthetic cannabinoids. These mixtures are reported by some users to have effects similar to those of cannabis and are considered to be a “legal” cannabis substitute. These mixtures are commonly sold as incense.

Synthetic cannabinoids do not have any legitimate therapeutic use and the potential psychological and physiological harms of consuming these substances are unknown. Western Australia banned seven synthetic cannabinoids in June 2011 that were marketed and sold as a ‘legal’ alternative to cannabis. The Federal Government followed by banning eight synthetic cannabinoids in July 2011. A further 14 synthetic cannabinoids were added to Schedule 9 of the *Poisons Act 1964* (WA) in August 2011.

On 1 February 2012, the Therapeutic Goods Administration (TGA) delegate confirmed that eight groups of synthetic cannabinoids and a group entry for all synthetic cannabinomimetics will be added to Schedule 9 on 1 May 2012.

The Expert Advisory Committee to the TGA recommended that no cut-off to unscheduled be allowed for lower concentrations in any of the entries due to the wide variability in the potency of different synthetic cannabinoids and the difficulty to enforce as police would be required to undertake complex quantitative analysis to ascertain the legal status of a product.

In WA for the period 2011-12 there are seven commercial licenses issued under the *Industrial Hemp Act 2004* for the cultivation of low THC industrial hemp, none of which are for presently food production. It is understood one of these licenses is due to expire.

Please consider the following comments in response to the questions raised in the assessment report. It should be noted that most of the questions asked deal with issues that are beyond the scope of the normal day to day operations of the Department of Health Food Unit

Question related to the safety of hemp foods – maximum THC levels in the Code

Will the inclusion of a maximum level in the Code for hemp seed oil products be an issue for hemp seed oil products produced in or imported into New Zealand?

- No comment

Questions related to distinguishing between hemp and cannabis seeds

Are there any other methods of distinguishing between the seeds of hemp and drug varieties of cannabis? Please provide evidence in support of these methods.

- No

Are there other methods of rendering hemp seeds non-viable that will also result in the whole seed being distinguishable from the seeds of drug varieties of cannabis? Please provide evidence in support of these methods.

- No comment

Can you provide any evidence on whether hulled hemp seeds remain viable?

- No comment

Questions related to drug testing

Are you aware of any studies reflecting the effect of consumption of hemp foods on the results of saliva THC testing?

- No comment

Can you provide information on the type of saliva tests that are available, including sensitivity of the tests?

- No comment

What saliva THC tests are currently in use in Australia and New Zealand? For the tests, what levels of detection of THC are currently used? Can you provide information on the methodology of these tests and these costs of conducting these tests?

- No comment

Can you provide any additional data on other THC testing methodologies that are used in Australia and New Zealand (for example, urine and blood)?

- No comment

Which analytical laboratories currently conduct confirmatory THC testing, for example blood tests? How much do these tests cost?

- No comment

Do you have data to indicate the levels of THC in current hemp food products? Is it likely that hemp foods could be produced to comply with lower maximum levels of THC?

- No comment

Would additional processing costs be incurred in order to achieve lower THC levels in hemp foods?

- No comment

Advice sought by FSANZ related to the impact analysis

FSANZ seeks advice on:

- the number of hemp licences and hemp businesses in Australia and New Zealand to better calibrate the market potential;
- other items that might influence the analysis; and
- possible entry barriers to a hemp food market

- No comment

Thank you for considering the above comments and information. Should you wish to discuss any of these comments please do not hesitate to contact me.

Regards