

**FOOD STANDARDS AUSTRALIA NEW ZEALAND (FSANZ)**

**APPLICATION A1039 LOW THC HEMP AS A FOOD**

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Submitted by: Tasmania Police

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This submission has been prepared in response to Application A1039 Low THC hemp as a food.

Tasmania Police notes the consultation undertaken by FSANZ in relation to health safety and the consumption of low THC hemp, and the recommendations for maximum concentrations of THC in *Cannabis sativa* seeds and *Cannabis sativa* seed products.

The content of this submission relates primarily to concerns raised in relation to the detection of cannabis through drug testing and subsequent enforcement.

**Drug Testing**

Although FSANZ has indicated that any impact on current drug legislation resulting from variation to Standards in the *Australia New Zealand Food Standards Code* is considered outside of the scope of the Application, Tasmania Police seeks to highlight this as an issue.

In Tasmania, under current legislation oral fluid tests are employed to screen for illicit drugs, including *Cannabis sativa*. Under Section 7B of Tasmania's *Road Safety (Alcohol and Drugs) Act 1970*, a police officer may require a person driving a motor vehicle to undergo an oral fluid test, irrespective of any behaviours they may have, or have not, exhibited prior to being stopped.

Following a positive oral fluid test, confirmation of drug use occurs through the use of a blood test, and not a urine test.

Tasmania Police acknowledges that some contemporary research indicates consumption of low THC cannabis food products, with compliance to recommended daily total daily intakes, results in such low THC concentrations in urine that these would be considered as negative, with similar concentrations in blood resulting in even lower levels of THC.

Concerns are raised by Tasmania Police that the sensitivity of the oral fluid tests is most likely to detect low THC levels as a positive result. With use of low THC cannabis in food products, there may be an increased need for blood testing to confirm results, causing increased inconvenience to members of the public. Increased testing will require additional operational police resourcing, exhibit management, as well as incurring greater analysis costs.

FSANZ acknowledges in the paper that there is a lack of experimental data in relation to the levels of THC in foods that will trigger positive oral fluid drug test results.

In the absence of a larger body of research, of considerable concern is the potential detection of THC (in oral and blood tests) and subsequent need for determination by police as to whether the substance was used illicitly or licitly.

The presence of low THC cannabis in food products has the potential to undermine Tasmania's *Road Safety (Alcohol and Drugs) Act 1970*, with the need for further consideration of regulation and legislation in relation to THC levels and driving.

Tasmania Police considers that in light of the lack of current evidence, further experimental research is required before low THC hemp is approved for use as a food product.

### **Cultivation of Hemp**

Tasmania Police supports the current regulatory system for growing industrial hemp in Tasmania, noting that the industry is small. Tasmania Police also believes that should expansion of the industry occur, an improved regulatory framework may be required, such as that employed by the Poppy industry in this state.

Tasmania Police also raises the need for stringent consideration of any further exemptions in relation to the growing of low THC hemp in the future, should the Application be successful. Notably, this may result in private cultivation of low THC hemp for food purposes, giving rise to significant issues for law enforcement in testing for low versus high THC cannabis plants.

In seeking to raise some concerns in relation to Application A1039, Tasmania Police acknowledges that this submission will be made available within the public domain.