



Misuse of Drugs (Industrial Hemp) Amendment Regulations 2018

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 5th day of November 2018

Present:

Her Excellency the Administrator of the Government in Council

These regulations are made under section 37 of the Misuse of Drugs Act 1975 on the advice and with the consent of the Executive Council.

Contents

	Page
1 Title	1
2 Commencement	2
3 Principal regulations	2
4 Regulation 4 amended (Interpretation)	2
5 Regulation 9 amended (Individuals who are eligible to hold licences)	2
6 Regulation 46 amended (Review of adverse test result)	2
7 Regulation 60 amended (Review of suspension or revocation)	2
8 Regulation 67 amended (Permission)	3

Regulations

1 Title

These regulations are the Misuse of Drugs (Industrial Hemp) Amendment Regulations 2018.

2 Commencement

These regulations come into force on 12 November 2018.

3 Principal regulations

These regulations amend the Misuse of Drugs (Industrial Hemp) Regulations 2006 (the **principal regulations**).

4 Regulation 4 amended (Interpretation)

- (1) In regulation 4, replace the definition of **Director-General** with:

Director-General means the chief executive of the responsible department

- (2) In regulation 4, replace the definition of **hemp product** with:

hemp product means—

- (a) a product of a kind that is derived, in whole or in part, from industrial hemp; and
- (b) a hemp seed food product

- (3) In regulation 4, insert in their appropriate alphabetical order:

hemp seed food product means a hemp seed food product declared to be food by regulations made under the Food Act 2014

hulled hemp seeds means hemp seeds—

- (a) from which the outer coat or hull of the seeds has been removed; and
- (b) that are not able to germinate

responsible department means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of these regulations

- (4) In regulation 4, replace the definitions of **THC** and **THC content** with:

THC content, in relation to a hemp plant, means the content of delta 9-tetrahydrocannabinol and delta 9-tetrahydrocannabinolic acid of the plant expressed as a percentage of the dry weight of the plant

5 Regulation 9 amended (Individuals who are eligible to hold licences)

Revoke regulation 9(g).

6 Regulation 46 amended (Review of adverse test result)

In regulation 46(3), replace “the Ministry of Health” with “the responsible department”.

7 Regulation 60 amended (Review of suspension or revocation)

In regulation 60(3), replace “the Ministry of Health” with “the responsible department”.

8 Regulation 67 amended (Permission)

Replace regulation 67(1) with:

- (1) Every person is permitted to possess, use, and trade in—
 - (a) hemp products; and
 - (b) hulled hemp seeds; and
 - (c) stalks of industrial hemp, as long as those stalks are without leaves or fruit.
- (1A) Every person is permitted to import into and export from New Zealand—
 - (a) hemp products; and
 - (b) hulled hemp seeds; and
 - (c) stalks of industrial hemp, as long as those stalks are without leaves or fruit.

Rachel Hayward,
acting for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 12 November 2018, amend the Misuse of Drugs (Industrial Hemp) Regulations 2006 (the **principal regulations**) to enable New Zealand to adopt Standard 1.4.4—6 to 1.4.4—8 of the Australia New Zealand Food Standards Code and to permit the possession, use, trade, and import and export of low THC hemp seed food products. Regulation 67 of the principal regulations is also amended to permit the possession, use, trade, and import and export of hulled hemp seeds. Other minor amendments are made to the regulations to ensure they remain fit for purpose.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 8 November 2018.

These regulations are administered by the Ministry of Health.