



## **Food (Hemp Seeds and Hemp Seed Food Products) 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 393 of the Food Act 2014 on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Food Safety made after being satisfied that there has been appropriate consultation in accordance with section 379 of that Act.

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## Regulations

### 1 Title

These regulations are the Food (Hemp Seeds and Hemp Seed Food Products) Amendment Regulations 2018.

### 2 Commencement

These regulations come into force on 12 November 2018.

### 3 Principal regulations

These regulations amend the Food Regulations 2015 (the **principal regulations**).

### 4 Regulation 157 revoked (Exemption relating to hemp seed oil)

Revoke regulation 157.

### 5 New Part 9 inserted

After Part 8, insert:

## Part 9 Declarations relating to food

### 158 Outline

- (1) This Part declares certain things to be food under sections 9 and 393 of the Act.
- (2) This regulation is intended only as a guide to the general scheme and effect of this Part.

### 159 Hemp seeds and hemp seed food products declared food

- (1) Hemp seeds and hemp seed food products are declared to be food for the purposes of the Act.
- (2) In this regulation,—

**hemp seed food products** means any of the following products, provided that any cannabinoids in the product are those that were naturally present in or on the seeds from which the product was extracted or derived:

- (a) oil that—
  - (i) is extracted from seeds of low THC *Cannabis sativa*; and
  - (ii) contains not more than 10 mg/kg of total THC:
- (b) a beverage that—
  - (i) is derived from seeds of low THC *Cannabis sativa*; and
  - (ii) contains not more than 0.2 mg/kg of total THC:
- (c) any product (that is not oil or a beverage) that—

- (i) is extracted or derived from seeds of low THC *Cannabis sativa*; and
- (ii) contains not more than 5 mg/kg of total THC

**hemp seeds** means *Cannabis sativa* seeds that—

- (a) are seeds of low THC *Cannabis sativa*; and
- (b) contain not more than 5 mg/kg of total THC; and
- (c) if the seeds are for retail sale, are non-viable and hulled; and
- (d) have only naturally present cannabinoids in or on them

**hulled**, in relation to seeds of low THC *Cannabis sativa*, means seeds from which the outer coat or hull of seeds has been removed

**low THC *Cannabis sativa*** means *Cannabis sativa*, the leaves and flowering heads of which do not contain more than 1% delta 9-tetrahydrocannabinol

**non-viable** means not able to germinate

**seeds** includes a part of a seed

**seeds of low THC *Cannabis sativa*** include, for the purposes of the definition of **hemp seed food products** only, viable and unhulled seeds

**total THC** means the total amount of delta 9-tetrahydrocannabinol and delta 9-tetrahydrocannabinolic acid.

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 Food Regulations 2015 (the **principal regulations**) to enable New Zealand, in conjunction with amendments to the Misuse of Drugs (Industrial Hemp) Regulations 2006, to adopt Standard 1.4.4—6 to 1.4.4—8 of the Australia New Zealand Food Standards Code. The amendments declare low THC hemp seeds and hemp seed food products to be food for the purposes of the Food Act 2014. Regulation 157 of the principal regulations is consequentially revoked.

Issued under the authority of the Legislation Act 2012.

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

These regulations are administered by the Ministry for Primary Industries.