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THAILAND

Newsletter

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Thailand: Update on the Use of Cannabis and Hemp in Cosmetics

Summary

- In 2020, the Thai FDA amended the definition of Category 5 narcotics, [to permit the use of certain parts of cannabis plants](#) (among other 'narcotics') to develop medical cannabis and hemp products, and for research purposes.
- In 2021, additional regulations were released for the purpose of issuing [permits related to hemp cultivation and use](#);
- Additional regulations were issued in 2021 that permit use of [hemp and cannabis products in food](#); and
- The government has continued to expand regulations to permit hemp and cannabis use in other consumer products, such as cosmetics.

Introduction

As a result of the delisting of certain parts of cannabis and hemp plants as Category 5 narcotics under the Narcotics Act B.E. 2522 (1976), as last amended in 2020 (the "**Narcotics Act**"), the Ministry of Public Health has issued a new notification that permits the use of parts of cannabis and hemp plants, and extracts from cannabis and hemp containing cannabidiol ("**CBD**") in cosmetic products. The new notification has been issued under the Cosmetic Products Act B.E. 2558 (2015) (the "**Cosmetic Products Act**").

Permitted use of cannabis and hemp under the new regulations

Under the Notification of the Ministry of Public Health Re: Use of Hemp in Cosmetics B.E. 2564 (2021), which was published in the Government Gazette on 11 January 2021 and which became effective as of 12 January 2021, domestic manufacturers are now allowed to produce cosmetics containing hemp seed oil, hemp seed extract, hemp seed water, hydrogenated hemp seed oil and hydrolyzed hemp seed extract as an ingredient. If cannabis or hemp is

used for commercial production the amount of tetrahydrocannabinol ("THC") is limited to less than 0.2% dry weight. 'Cosmetics' includes all types of cosmetics products, products in soft gelatin capsules, oral products or products used in concealed areas of the body.

In addition, the Notifications of the Ministry of Public Health issued on 11 May 2021 and published in the Government Gazette on 17 May 2021, which became effective on 18 May 2021, permits the use of parts of cannabis, hemp plants, and extracts from cannabis and hemp containing CBD for cosmetic purposes.

Permitted and prohibited use of cannabis and hemp in cosmetics under the new regulations

The notifications state the following:

1. cannabis leaves (without tops or cannabis inflorescence), roots and stems used as ingredients must only be used in products that can be rinsed off. These cannabis parts must not be used as ingredients for products used orally or in any concealed areas of the body and THC levels contained in the products may not exceed 0.2% dry weight;
2. hemp leaves (without tops or hemp inflorescence), roots, seeds, seedcakes and stems used as ingredients must only be used in products that can be rinsed off. These hemp parts must not be used as ingredients for products used orally or in any concealed areas of the body, and the THC level contained in the products may not exceed 0.2% of dry weight;
3. cannabis parts or hemp parts used in cosmetics must be dry;
4. cosmetics containing CBD extracts (i.e., containing THC not exceeding 0.2% by dry weight) from cannabis or hemp as an ingredient of cosmetics are permitted, provided that the CBD level must not exceed 1% of the dry weight. In this regard, products containing CBD must not be used orally or in any concealed areas of the body and must not contain THC levels exceeding 0.2% of the dry weight. For cosmetics in the form of oil or soft gelatin capsules, the THC level must not exceed 0.001%. Synthetic cannabidiol is not permitted;
5. importation of cannabis and hemp as raw materials for use in cosmetics or cosmetics containing cannabis and hemp is not permitted; and
6. manufacturers (including contract manufacturers) of the above cosmetics containing cannabis, hemp or CBD extracts from cannabis or hemp must provide cosmetics labels and warnings. Labeling must include the following:
 - i. the usage of the products may cause allergy or irritation. In case of any abnormalities experienced due to the usage of the product, the consumer must stop using the product and consult a doctor or a pharmacist; and
 - ii. apart from the above warning text, labels on cosmetics products containing CBD extracts must also include warnings in relation to potential health risks and warnings of other substances or formulas used in the cosmetics as specified in relevant notifications of the Cosmetic Product Committee, as well

The restrictions on the use of cannabis, hemp or CBD extracts from cannabis or hemp as ingredients for producing cosmetics under the aforementioned notifications will not apply to manufacturers of cosmetics for export having the qualities, standards, labels, or other details as required by the person who orders the products. The manufacturer of cosmetics for export must inform the Secretary-General of the Food and Drug Administration (the "FDA") or the person entrusted by the Secretary-General of the FDA of the details of such cosmetic products and must comply with the rules, procedures and conditions prescribed by the Secretary-General of the FDA for approval by the Cosmetic Product Committee, and rules published in the Government Gazette. Manufacturers or importers of cosmetics for export are prohibited from selling such cosmetics in Thailand.

Removal of Kratom from Narcotics list

On 26 May 2021, the Narcotics Act (No. 8) B.E. 2564 (2021) was published in the Government Gazette and includes amendments that will become effective 90 days after date of the publication (24 August 2021). The amended Narcotics Act was issued to remove Kratom (*Mitragyna speciosa*) from the Category 5 narcotics list of the Narcotics Act, in accordance with the Single Convention on Narcotic Drugs, 1961, as Amended by The 1972 Protocol Amending The Single Convention on Narcotic Drugs, 1961, where Kratom is not considered as a narcotic. The removal of kratom from the narcotics list is also in line with Thai social norms in some areas where this has been traditionally consumed.

Conclusion

Permitting certain hemp and cannabis plant parts and extracts of cannabis and hemp is another move towards liberalization of the use of such products/byproducts in numerous consumer goods. It is important for cosmetic manufacturers, exporters, importers, sellers or wholesale purchasers of cosmetic products to understand the regulations covering hemp and cannabis cosmetic products in order to remain compliant with Thai law.

If you have any questions in relation to the issues raised in this briefing, please contact the authors in the left-hand column.

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