

## EXPLANATORY MEMORANDUM

### INDUSTRIAL HEMP AMENDMENT BILL 2018

The *Industrial Hemp Act 2004* (the Act) provides a licencing system for the cultivation, harvesting and processing of industrial hemp. Industrial hemp is defined by the Act as “cannabis, the leaves and flowering heads of which do not contain more than 0.35 per cent of tetrahydrocannabinol”. “Cannabis” is defined to mean “plant of the genus *Cannabis* (by whatever name designated) or part of that plant”. It therefore includes *Cannabis Sativa*.

In April 2017 the Australia and New Zealand Ministerial Forum on Food Regulation approved amendments to Standard 1.4.4 (Prohibited and restricted plants and fungi) of the Australia New Zealand Food Standards Code (the Code) to permit the sale of low tetrahydrocannabinol (THC) cannabis seeds as food. Under amendments to the Code “cannabis sativa is low THC *Cannabis sativa* if the leaves and flowering heads of the *Cannabis sativa* do not contain more than one per cent delta 9-tetrahydrocannabinol”.

The Bill amends the Act to enable the cultivation, harvesting and processing in Western Australia of industrial hemp with a THC content of up to one per cent. It achieves this by amending the definition of “industrial hemp” from no more than 0.35% of THC to no more than 1% of THC.

A consequential amendment to the same effect is made to the definition of “processed industrial hemp” in the *Misuse of Drugs Act 1981* so that the defence provisions currently available under the MOD Act continue to apply in relation to processed industrial hemp with a THC content of no more than 1%.

#### Part 1 - Preliminary

Clause 1 States that the short title of the Bill is the *Industrial Hemp Amendment Bill 2018*.

Clause 2 Is a standard commencement clause.

#### Part 2 – *Industrial Hemp Act 2004* amended

Clause 3 Provides that Part 2 of the Bill amends the *Industrial Hemp Act 2014*.

Clause 4 Amends the definition of **industrial hemp** in section 3 of the *Industrial Hemp Act 2004* by deleting 0.35% and inserting 1%.

**Part 3 – Misuse of Drugs Act 1981 amended**

Clause 5 Provides that Part 3 of the Bill amends the *Misuse of Drugs Act 1981*.

Clause 6 Amends the definition of **processed industrial hemp** in section 3 of the *Misuse of Drugs Act 1981* by deleting 0.35% and inserting 1%.