

**Voluntary Report** – Voluntary - Public Distribution

**Date:** May 25, 2021

**Report Number:** TW2021-0033

**Report Name:** Hemp

**Country:** Taiwan

**Post:** Taipei

**Report Category:** Agricultural Situation, Product Brief, FAIRS Subject Report

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**Report Highlights:**

Taiwan does not have a market for hemp products because cannabis is classified as a Class 2 narcotic. All drugs or products that contain tetrahydrocannabinol (THC) over 10ug/g (10ppm) are in the same class of narcotics. Taiwan's Food and Drug Administration specifies that drugs containing cannabidiol (CBD) are allowed, but there are currently no domestic approved drugs with CBD content and there is no rule or law allowing for the sale of CBD related products and drugs in Taiwan. Therefore, Taiwan currently has very little to no potential for importing hemp or hemp related products.

## **SECTION I – Hemp**

There is no statutory definition of hemp in Taiwan. All products derived from plants in the cannabis family, regardless of the variety or end use, are considered cannabis.

Marijuana generally refers to the cannabis plant, which is different from cannabinoids and cannabinoid preparations.

Cannabis plants contain a variety of cannabinoids, such as tetrahydrocannabinol (THC), cannabidiol (CBD), etc. Cannabinoids are processed and modulated into certain dosage forms and doses, which are cannabinoid preparations.

Cannabis and tetrahydrocannabinol (THC) are considered Class 2 controlled substances in Taiwan, which is the second highest rank.

CBD is not a controlled drug because CBD has multiple pharmacological effects and possible medical uses. Therefore, it is listed as a general drug.

## **SECTION II – Hemp Production**

Hemp is not legally cultivated in Taiwan. Any production is illegally grown.

## **SECTION III - Labeling Requirements**

Not applicable.

## **SECTION IV - Packaging and Container Regulations**

Not applicable.

## **SECTION V – Hemp/Cannabinoid Regulations**

Taiwan classifies cannabis as a Class 2 narcotic. According to Article 12 of the [Narcotics Hazard Prevention Act](#), persons convicted of cultivating cannabis with the intent to supply for narcotics manufacturing shall be punished with a minimum five-year fixed-term imprisonment and may be fined no more than \$NT 5,000,000.

There is currently a draft amendment to change the punishment to a minimum of one-year up to seven-year fixed-term imprisonment, with a fine of no more than \$NT 1,000,000, depending on proportionality (e.g., a lighter sentence for personal cultivation and use).

Nonetheless, Taiwan police have regularly found illegal cultivation of cannabis, especially during the Covid-19 pandemic, as well as packages from abroad containing cannabis. As noted above, punishment for illegal cultivation or import is harsh.

## **CBD in Medical Use**

In an online public policy forum, the Taiwan Food and Drug Administration (TFDA) [responded](#) to a proposal for medical marijuana, noting that products may be allowed if a) only CBD is used as the ingredient; b) it is not a controlled drug; and C) depending on the product's prescription, composition, content, usage, dosage, use/function/efficiency description, and the packaging of the marketed product (including outer box, label, and manual). If the detailed information in both Chinese and English meets the requirements of Article 6 of the Pharmaceutical Affairs Law, it may be listed as an allowable drug.

However, in practice, Taiwan has not approved any drug or product that contains CBD for domestic use. If a doctor has prescribed drugs containing CBD, the patient may apply to import personal use quantities under “[Regulations on Management of Medicament Samples and Gifts](#)”. Again, in practice, this is not used.

Drugs that contain THC over 10ug/g (10ppm, 0.001% versus USDA’s 0.3% limit) are considered Class 2 controlled medications. Only treatments for Dravet syndrome and Lennox-Gastaut syndrome are exempted. Regional teaching hospitals or psychiatric teaching hospitals may apply for imports in these cases.

## **CBD Products and Cosmetics**

In practice, there is no rule or law that allows the sale of CBD related products, cosmetics, or drugs within Taiwan. However, products personal carried or purchased from abroad would not be illegal if the THC content is below the limit mentioned above.

There have been cases when individuals were arrested for suspected marijuana in e-cigarettes even when it only contains CBD.

TFDA also [published a notice](#) in Jan 2019 (Chinese only) which clarified that, due to CBD’s medicinal properties, Taiwan would regulate it as a drug. According to the [Cosmetic Hygiene and Safety Act](#), it is illegal to add CBD to cosmetics, carrying a penalty of fixed-term imprisonment for less than one year and a fine of less than NT\$ 150,000, with products destroyed.

## **Hemp Seed Oil in Food Use**

In 2012, Taiwan’s Department of Health, now called Ministry of Health and Welfare (MOHW), published a draft notice to allow hemp seed oil for food use, but ultimately decided [not to proceed](#) due to public opposition at that time.

## **Hemp Seed Oil in Cosmetics**

In 2008, MOHW published a [notice](#) (Chinese only) concerning the use of cannabis sativa seed oil (hemp seed oil) used as a raw material in cosmetics. It states that the residual amount of THC in the final product shall not exceed 10µg/g (10ppm).

In theory, CBD is usually not an ingredient in hemp seed oil.

## **SECTION VI – Regulatory Source**

Cannabis as well as hemp are regulated as a Class 2 substance.

The competent authority for the [Regulations on the Prevention and Control of Drug Hazards](#) is the Ministry of Justice. The competent authority for the [Controlled Drugs Act](#) is MOHW.

## **SECTION VII – Other Requirements, Regulations, and Registration Measures**

No specific regulation for hemp.

## **Section VIII – Other Regulatory and Import Contacts**

No other laws other than those mentioned above.

## **Section IX Market Potential**

Since cultivation and processing hemp is illegal in Taiwan, Taiwan will not be an exporter of hemp products. Given Taiwan's existing restrictions on THC and the possibility of hemp containing THC content, Taiwan has little, if any, potential for importing hemp products.

The link below from a Taiwanese law firm summarizes most of Taiwan's regulations relating to cannabis (Chinese only):

<https://www.wlaw.tw/case-info.asp?id=517>

## **Attachments:**

No Attachments.