



**Urgent Statement to the Investigative Commission on Measures for the Control of Cannabis and Other
Drugs of the Ministry of Health, Labour and Welfare**

January 31st, 2021

Hokkaido Industrial Hemp Association

The Hokkaido Industrial Hemp Association (HIHA), which engages in public awareness activities concerning industrial hemp (see note below) in Hokkaido, is compelled to express its serious concerns in response to the notice issued on the establishment of the Ministry of Health, Labour and Welfare's Investigative Commission on Measures for the Control of Cannabis and Other Drugs. We present our assertions in this urgent statement.

According to the guidelines for the meeting of the investigative commission, the commission's goals will focus mainly on discussion of drug-related laws including the Cannabis Control Act and the state of drug control measures; reporting indicates that consideration will be given to criminalization of usage. Such discussions could spread the mistaken impression among Japanese citizens that the cannabis plant is a dangerous drug and foster bias against it, even though it is a valuable crop with traditional and cultural significance that has been used in Japan since the Jomon period.

The Cannabis Control Act is a profoundly unreasonable law that restricts all cannabis regardless of the quantity or even presence of THC (Tetrahydrocannabinol, the active ingredient in marijuana, the chemical synthetic substance of which are designated as an illegal drug in Japan), and even prohibits the cultivation of hemp from overseas (see note below) containing none of this substance. First, concerning the Cannabis Control Act and problems with its application, we would like to recommend the development of a more reasonable law formulated based upon discussion that is made public to the citizens of Japan and upon scientific knowledge.

Cannabis is an immensely varied genus of plants that ranges from varieties cultivated for drug use, which have high concentrations of THC, to varieties cultivated for use as a natural fiber, which contain vanishingly small traces of THC. The European Union defines as industrial hemp (see note below) that which contains less than 0.2% THC, while Canada, the US, and China specify varieties containing 0.3% THC or less. Under these nations' regulations, registered varieties may be cultivated by anyone.

In these countries, hemp stems, leaves, flowers, and seeds are used as raw materials for the manufacture and sale of a wide variety of environmentally-friendly and healthy products, including clothing, food, cosmetics, building materials, automotive interior finishing materials, animal fodder, livestock bedding, Chinese traditional medicine, CBD oil, and pharmaceuticals. The markets for such goods continue to expand. This hemp industry has drawn interest worldwide as a new agribusiness suited for a sustainable society (References 3, 5).

In Hokkaido, the Agriculture Administration Division of the prefectural government became an executive office and established an expert commission on the feasibility of industrial hemp in Hokkaido (chairman: Dr. Hirokazu Matsui, a professor emeritus of Hokkaido University) in 2013. Between 2014 and 2019, the commission explored the feasibility of hemp as an agricultural product, by means such as launching experimental cultivation in the public



and private sector. As a result, hemp was recognized as a useful dry-field crop for Hokkaido agriculture; yet it was observed that there were many barriers to popularization under the current Cannabis Control Act (Reference 1). In addition, in December of 2017, the Hokkaido Prefectural Assembly unanimously approved a “Request for Required Environmental Improvements for the Industrialization of Hemp” and submitted it to the Cabinet and the Diet (Reference 2).

As we can see, the Cannabis Control Act is a major obstacle in the popularization of hemp. Enacted in 1948, the Cannabis Control Act substantially prohibits the cultivation of cannabis plants; the flowers, leaves, and products thereof in particular are illegal, and mere possession of them is severely punished. Products manufactured in countries where use of the leaves and flowers is legal are also prohibited within Japan and cannot be imported. Furthermore, while seeds, plant stems, and the products thereof are legal, it is illegal to import seeds capable of germination without a clear legal basis, even though seeds are essentially legal, and so not even trial cultivation can be done of outstanding foreign varieties of hemp. In comparison with the legal systems of other countries such as the US, where the legalization of medical and even recreational cannabis has gained traction, we cannot help but describe Japan’s Cannabis Control Act as considerably outdated (Reference 4).

As we have seen, it is clear that the current Cannabis Control Act is responsible for hampering cultivation, processing, import, and experimental research on industrial hemp in this country. In order to develop a hemp industry on par with those overseas and protect national interests concerning industrial hemp, this country must revise the Cannabis Control Act and other related laws as soon as possible, position the hemp industry appropriately within the legal system, and strike a balance between the control of drugs and the encouragement of industry.

Below are the opinions and requests of this Association concerning the commission’s review and current regulations on cannabis. We ask that the chairman and members of the commission conduct an impartial discussion of these points.

1) Proceedings of the Commission

① Based on the guidelines for the commission set on January 13th, documents for the first review session, and reporting in the media, we have grave concerns about how the commission is to be held. We wish to indicate and make requests as follows.

② In this investigation, a discussion should be conducted that is available to the public. In doing so, the commission’s membership should include not only pharmaceutical and legal experts but also experts in other relevant fields such as medicine, agriculture, and the social sciences. At the same time, a broad range of opinions should be heard from foreign and domestic operators and others connected to the hemp industry (including cultivation, processing, logistics, and sales) as well as from general consumers and health care patients.

③ Although no members of the commission have been announced apart from the chairman, we hope that the commission’s membership and records of proceedings will be made fully public so that a scientific and democratic discussion of the matter may be heard by all citizens.



2) Definitions of cannabis

④ There is no reference to industrial hemp with a low concentration of THC or indication that any review will take place of the definition of cannabis under Article 1 of the Cannabis Control Act in the guidelines for the commission.

⑤ The current Act essentially prohibits the cultivation of cannabis plants belonging to the variety *Cannabis sativa* L., regardless of their concentration of THC. This law should be changed so that instead of prohibiting all cannabis plants in the same way, it classifies varieties according to the purpose for their cultivation and their THC content and gives appropriate regulations for each classification of plant.

⑥ The current Act differentiates between parts of the plant, with flowers and leaves prohibited while stems and seeds are legal. However, it is unreasonable to prohibit the use of flowers or leaves not containing THC, and this element of the law should be abolished.

3) Industrial hemp

⑦ Cannabis plants containing less than a 0.3% concentration of THC should be defined as “industrial hemp” under Article 1 of the Cannabis Control Act and differentiated from other cannabis plants containing a 0.3% concentration or greater of THC. Industrial hemp should be treated by the law as an ordinary agricultural product.

⑧ We agree with the existing licensing system by which prefectural governors permit cultivation. However, the examination standards for licensing should be clarified and licenses should be obtainable by anyone who can fulfill a defined set of requirements. The national government should refrain from interference in the licensing procedures of prefectural governors.

⑨ Legal regulations concerning industrial hemp should be the jurisdiction of the Ministry of Agriculture, Forestry and Fisheries, and the Ministry should implement measures promoting industrial hemp as a national responsibility as well as engage in research on the development of hemp varieties, cultivation methods, and usages for hemp.

⑩ Trade Control Orders and other regulations should be revised to permit the import of seeds for superior hemp varieties from overseas. Hemp seeds for cultivation should be added to official notices on importation and should be exempted from heat treatment.

4) Medical cannabis and recreational cannabis

⑪ This Association recognizes that this commission will hold discussions related to medical cannabis and the state of drug countermeasures. The preparation of laws concerning medical cannabis, which is of particularly urgency, should be accelerated.

⑫ This Association desires the commission to be an opportunity for holding a democratic debate concerning medical and recreational cannabis that touches on humanitarian considerations, scientific expertise, and international shifts in attitude as well as a chance to foster understanding.

⑬ This Association opposes excessive regulatory measures and revisions to laws concerning medical and recreational cannabis that would hinder the promotion of industrial hemp.



Note) In this document, the term “industrial hemp” refers to cannabis plants with a low concentration of THC, including Japanese hemp. We may refer to it as “hemp for industrial purposes” or simply “hemp.”

References

1. “Report on the Feasibility of Industrial Hemp as a Crop in Hokkaido” Hokkaido Industrial Hemp Feasibility Commission, March 2019
2. “Request for Required Environmental Improvements for the Industrialization of Hemp” Request of the Hokkaido Prefectural Assembly, December 2017
3. Issues 1 - 38 of “Facts about Industrial Hemp Around the World” Agricultural Operator Yoshiyuki Akahoshi, January 2018 - February 2021
4. Request for Regulatory Reform for Expansion of Domestic Hemp Production, Agricultural Operator Harumi Kikuchi, December 2020
5. Report on Overseas Observations of the Hokkaido Industrial Hemp Association (Hokkaido Hempnet)
Report on the 10th International Conference of the European Industrial Hemp Association (EIHA), June 2013
Report on the 12th International Conference of the European Industrial Hemp Association (EIHA), June 2015
Report on 2015 Observational Tour of the Hemp Industry in France, September 2015
Report on 2016 Observational Tour of the Hemp Industry in Holland and Germany, June 2016
Report on the Japan and France International Exchange Symposium on Hemp 2017, October 2017
Report on the 15th International Conference of the European Industrial Hemp Association (EIHA), July 2018
Report on ASACON2019 - International Conference on Eco-Friendly and Healthy Industrial Hemp, June 2020
Report on the 17th International Conference of the European Industrial Hemp Association (EIHA), July 2020

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Official Name: General Incorporated Association Hokkaido Industrial Hemp Association (Abbreviation: Hokkaido Industrial Hemp Association)

English Name: Hokkaido Industrial Hemp Association (Abbreviation: HIHA)

Homepage: <https://hokkaido-hemp.net/index.html>

Established: February 29th, 2012

Incorporated: August 18th, 2014

Purpose: To widely promote and deepen understanding of the usefulness of industrial hemp among the Japanese public as well as found a national hemp industry based on the cultivation and utilization as a raw material of 20,000 hectares of hemp as a primary crop in Hokkaido.