

ACMD advice on consumer cannabidiol (CBD) products

Summary

In January 2021, the Home Office (HO) of the United Kingdom stated its intention to establish a legal framework for consumer CBD products. Such proposal was outlined in a commissioning letter to the Advisory Council on the Misuse of Drugs (ACMD), the independent expert body that advises the UK Government on drug-related issues.

In such document the HO sought advice from the ACMD specifically on:

- The **maximum level of THC** applicable to all consumer CBD products
- The **maximum dose** for any non-negligible effect **for Δ^9 -THC** and **other controlled cannabinoids** present at a lesser level (THCV, THCA, CBN)

Following the HO request, the ACMD issued a **call for evidence** to which EIHA responded on 21st of April 2021. The ACMD report was published on **21st of December 2021**.

EIHA would like to thank Mr Kit Malthouse MP, Minister of State for Crime and Policing for commissioning the ACMD to update the current outdated legislation applicable to hemp CBD products. We would also like to thank the ACMD for their report. In the spirit of government and industry cooperation to develop a new legislative framework fit for purpose we would like to highlight several critical points that may have significant unintended negative consequences for the entire hemp value chain and further hinder the development of this promising industry sector.

Key Asks and Acknowledgements

1. We acknowledge and appreciate the reference within the report of the NPCC's view that CBD **consumer products do not represent any risk** in relation to the recovery of controlled cannabinoids and delighted to see this key fact endorsed by the ACMD.
2. Whilst the report acknowledges that 37% of the products tested were, by virtue of their THC content, 'full spectrum' there is no reflection of this 'consumer choice driven' component of this category, but rather a total focus on isolate-based products. We ask that further a study is

undertaken to reflect the reality of the UK market, assuring consumer safety whilst **preserving consumer choice**.

3. ACMD's recommendation of a 'serving-based' approach to controlled cannabinoids should be revised towards a **daily intake orientation** utilising a robust and science-supported Acute Reference Dose (ARfD) of 7 ug/kg/bw: equivalent to 490 ug/day for an average adult of 70 kg which is half the daily intake permitted of Commonwealth members Canada and roughly the same as Australia, New Zealand and in line with Switzerland and Croatia. EIHA's ground-breaking THC toxicity study on 400 patients will provide essential input into this discussion and we ask that final decision as to legislative changes awaits the completion of this study.
4. The '**non-psychoactive**' **dose of 1.0 mg Δ 9-THC** referred to in the report is **too low** with a more realistic level to be 2.5 mg*. Similarly, an UF of 20 is excessive; 10 would be appropriate.
".. a single dose of 2.5 mg of Δ 9-THC may usually be regarded as a placebo dose."
5. Clear **differentiation is required between hemp seed derived food products and CBD extracts**; essential if we are to avoid unintended consequences within secondary legislation that could inadvertently lead to hemp seed food products becoming non-compliant.
6. Following from point 5, we ask that **only Δ 9-THC should be included in the measurement of THC levels**, if THCA is also designated a 'controlled' cannabinoid as 'total THC' this could, by default, make hemp seed foods non-compliant as these naturally contain trace levels of the acid (and non-intoxicating) form of this compound which cannot be fully removed as they are an integral part of the plant.
7. We acknowledge with gratitude the ACMD's confirmation that **CBN is non-intoxicating and request that this compound is removed from the MDA/MDR**. This will align the UK with all countries of continental Europe and to reflect the position taken within the Single Convention of Narcotics 1961.
8. ACMD's proposition that **leaves** are considered a 'controlled substance' should be reversed based on their explicit exemption within the Single Convention, Art1 Definitions - "Cannabis" means the

flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops)

EIHA is ready to collaborate with authorities and provide any information needed to present documents to the Minister for his consideration. We therefore would ask that **any decisions are delayed pending receipt of further information and consultation.**