



## The connection between MODA and the Hemp Regulations 2006

*The key point to note is the clear definition of “industrial hemp” and hemp product”.*

### Misuse of Drugs (Industrial Hemp) Regulations 2006 (SR 2006/163)

#### **S4 Interpretations.**

**cannabis** means Cannabis sativa

**hemp** means cannabis plant, seed, or fruit

**hemp product** means a product of a kind that is derived, in whole or in part, from industrial hemp

**industrial hemp** means hemp in the form of—

(a) plants with a THC content that is—

(i) generally below 0.35%; and

(ii) is not above 0.5%; or

(b) seeds harvested from plants of that

*The above is a nice closed loop for hemp products (seed and fibre) when made from industrial hemp are able to be cultivated and distributed from industrial hemp, as per the hemp regulations objective.*

#### **S3 Object**

The object of these regulations is to enable the cultivation and distribution of industrial hemp under a licensing regime that ensures that other forms of cannabis are not cultivated and distributed under the guise of industrial hemp

*As industrial hemp is grown under licence, issued by MOH then it is being controlled. And any other cannabis or hemp grown without a licence is illegal. No licensee wants to cheat the rules it is not in their business interest to do so.*

#### **S7 General Licence**

(1) A general licence authorises the licence holder to undertake, in accordance with the licence and these regulations, any of the following activities that are specified in the licence:

- a) the procurement within New Zealand of industrial hemp:
- b) the cultivation of industrial hemp:
- c) the supply within New Zealand of industrial hemp:
- d) the processing of industrial hemp into specified hemp products:
- e) the possession of industrial hemp for the purposes of the activities specified in the licence.

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*The licence is key; it allows us to cultivate a prohibited plant under section 9.1 of MODA  
Can this contract us out of MODA and allow industrial hemp licensee's to be governed  
by the industrial hemp regulations not MODA.*

#### 67 Permission

- (1) Every person is permitted to possess, use, and trade in—
  - (a) hemp products; and
  - (b) stalks of industrial hemp as long as those stalks are without leaves or fruit.
- (2) This regulation does not affect any other restrictions imposed by law.

*This section is potentially the problem for two reasons*

- A) *We need to be able to distribute the leaf, in the form of baleage and as a food  
i.e. tea.*
- B) *The roots are not mentioned, do we need to get roots specifically included, or  
are they OK as they are specifically not mentioned.*

#### Misuse of Drugs Act 1975

#### 2 Interpretation

**Prohibited plant** means— (a) any plant of the genus Cannabis:

#### 9 Cultivation of prohibited plants

- (1) Except pursuant to a licence under this Act, or as otherwise permitted by regulations made under this Act, no person shall cultivate any prohibited plant.

*If we accept that the Government is always going to refer to MODA in the first instance  
there will always be political/reputational risk to the industrial hemp industry, around  
the word cannabis, we must remove this risk to allow investment to flow into the industry.*

*The Misuse of Drugs (Industrial Hemp) Regulations 2006 very clearly defines what  
**Industrial hemp** and **hemp product** are. Therefore all sources of hemp product must  
come from licensed growers in New Zealand or other industrial hemp businesses  
overseas which also have strict THC levels and licencing requirements.*

*In accordance with the objective of the regulations these hemp products should be able to  
be distributed to consumers.*

*The ministry needs to change their thinking re MODA, by clearly defining marijuana and  
then referring to this when talking about the drug variety. This acknowledges that  
industrial hemp is a different form of cannabis. This helps the public to be aware of the  
legal industrial hemp industry and the economic potential it represents.*

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