

Information on Cannabidiol (CBD) Products

This document seeks to provide information on cannabidiol (CBD) products, aiming to address certain commonly asked questions by members of the general public, importers and traders. It is intended for general information only. The information provided is not exhaustive and does not constitute legal advice. It will not prejudice any Government's decision or action.

Key Points to Note

- Cannabis plants contain numerous cannabinoids. Cannabidiol (CBD) is one cannabinoid and is not psychoactive and does not have abusive potential. CBD is *not* a dangerous drug and is *not* controlled under the Dangerous Drugs Ordinance (DDO) (Cap. 134).
- On the other hand, cannabis, cannabis resin, and certain types of cannabinoids, namely tetrahydrocannabinol (THC) and cannabinol (CBN), are dangerous drugs controlled under DDO.
- It should be noted that as CBD is generally extracted from cannabis, CBD products may contain a low level of THC. Products containing THC or other dangerous drugs **at any concentration** are regarded as dangerous drugs and are regulated under DDO.
- **Trafficking in** dangerous drugs, or illicitly importing to and exporting from Hong Kong, procuring, supplying, manufacturing, etc. dangerous drugs, constitutes a criminal offence. Illegal **possession or consumption** of dangerous drugs are also criminal offences.
- Trafficking in **purported dangerous drugs** (i.e. any substance represented or held out to be a dangerous drug even if it is not in fact a dangerous drug) is also a criminal offence. For example, it is against the law to present a product containing pure CBD as a product of “cannabis”.
- Any **pharmaceutical product** containing CBD is classified as Part 1 poison and prescription medicine under the Pharmacy and Poisons Ordinance (PPO) (Cap. 138). They are subject to the regulatory control of pharmaceutical products. In particular, pharmaceutical product containing CBD could only be **supplied by registered doctors** or veterinary surgeons or sold by registered pharmacy under the supervision of a pharmacist in accordance **with a prescription issued by a registered doctor or veterinary surgeon in Hong Kong**.
- To date, there is no registered pharmaceutical product containing CBD in Hong Kong.

- Given the wide range of non-pharmaceutical CBD products, there may be other laws applicable to various products. Importers/traders are responsible for ensuring that the products they procure and /or supply comply with all relevant requirements in the law. Parties concerned may seek advice from legal or other professionals on the issue where necessary.

Frequently Asked Questions

I. General information

Q.1 What is CBD? What are the differences among CBD, THC and Cannabis?

- A.1 Cannabis generally refers to cannabis plant and its viable seeds. Cannabis contains numerous cannabinoids. The two most active cannabinoids are THC and CBD. Both THC and CBD could be extracted from cannabis plants or produced synthetically.

Cannabis, THC and certain cannabinoids are psychoactive and have abusive potential, causing drug dependence and harms to health. Cannabis, cannabis resin, THC and certain other cannabinoids are dangerous drugs controlled under DDO.

CBD is not psychoactive and does not have abusive potential. It is not a dangerous drug and is not controlled under DDO. That said, any **pharmaceutical product** containing CBD is classified as Part 1 poison and prescription medicine under the Pharmacy and Poisons Ordinance (PPO) (Cap. 138) and the Pharmacy and Poisons Regulations (PPR) (Cap. 138A) and are subject to stringent control in respect of the supply and dispensation of such prescribed medicine. (Please refer to Section II on Pharmaceutical Products below for more details.)

Q.2 There are a wide range of CBD products (such as food, beverage and skin care products). Are CBD products legal in Hong Kong? Can I buy or use CBD products from local or overseas dealers (say through the Internet)?

- A.2 CBD is not the same as cannabis or THC. CBD is *not* a dangerous drug and is not controlled under DDO.

That said, it should be noted that CBD is commonly extracted from cannabis plant and the extract **may contain a low level of other substances, including THC** which is a dangerous drug. Any products containing THC or other dangerous drugs **at any concentration** are regarded as dangerous drugs and are regulated under DDO.

Trafficking in (including buying or selling online or offline) as well as illegal possession and consumption of dangerous drugs are criminal offences under DDO.

Offence under DDO	Maximum Penalty under DDO
Trafficking in or manufacture, etc. of dangerous drugs	A fine of \$5 million and life imprisonment
Trafficking in <i>purported</i> dangerous drugs	A fine of \$500,000 and imprisonment for 7 years
Illegal possession other than trafficking or consumption of dangerous drugs	A fine of \$1 million and imprisonment for 7 years

Importers/traders and consumers seeking to import/buy CBD products, either locally or through overseas dealers, are reminded that CBD products may contain a low level of THC. They are advised to pay attention to whether manufacturers/distributors of the products have fully disclosed their content, or whether the products concerned have been tested to determine their true content. They are advised to take a **cautious approach** in importing/buying CBD products.

For pharmaceutical products containing CBD, please refer to Section II on Pharmaceutical Products below.

II. Pharmaceutical Products

Q.3 What is a pharmaceutical product?

A.3 Under PPO currently in force¹, “pharmaceutical product” means any substance or combination of substances –

- (a) presented as having properties for treating or preventing disease in human beings or animals; or
- (b) that may be used in, or administered to, human beings or animals, either with a view to –
 - (i) restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action; or
 - (ii) making a medical diagnosis.

¹ Readers are reminded to take note that the definition of “pharmaceutical product” is revised, among others, to include “an advanced therapy product” under the Pharmacy and Poisons (Amendment) Ordinance 2020 passed in July 2020. The amended Ordinance has yet to come into operation.

To classify whether a product is a pharmaceutical product, it is on a case by case basis and all the available information of the product (e.g. full details of product's composition, purpose of use, dosing and dosage, and the overall presentation) will be taken into account. Please refer to "Guidance Notes on Classification of Products as "Pharmaceutical Products" under the Pharmacy and Poisons Ordinance (Cap. 138)":

(https://www.drugoffice.gov.hk/eps/do/en/doc/guidelines_forms/Guide_on_PR_Class.pdf?v=ux5dip) for more details.

Q.4 Are there any pharmaceutical products containing CBD?

A.4 Certain jurisdictions have approved pharmaceutical products containing CBD for treating certain conditions, such as epilepsy. Medicinal uses such as treating insomnia and anxiety-disorder, are not currently approved by drug regulatory authorities.

To date, there is **no** registered pharmaceutical product containing CBD in Hong Kong.

Please check the information of all registered pharmaceutical products in Hong Kong through the website of Drug Office of the Department of Health: http://www.drugoffice.gov.hk/eps/do/en/consumer/search_drug_database.html or by viewing the Compendium of Pharmaceutical Products: <http://www.drugoffice.gov.hk/eps/do/en/doc/Compdium.pdf>.

Q.5 Can I buy pharmaceutical products containing CBD online or over the counter?

A.5 All pharmaceutical products sold in Hong Kong must be **registered with the Pharmacy and Poisons Board** in accordance with PPO and Pharmacy and Poisons Regulations (Cap. 138A) (PPR) before they can be sold, offered for sale or distributed or possessed for the purpose of sale, distribution or other use in Hong Kong. Manufacturers, importers and wholesalers of pharmaceutical products are also required to **obtain relevant licences**. Under the Import and Export Ordinance (IEO) (Cap. 60), imports and exports of pharmaceutical products must be covered by **import and export licences**.

In addition, pharmaceutical product containing CBD is classified as Part 1 poison and prescription medicine under PPO and PPR. In particular, Part 1 poison and prescription medicine can only be **supplied by registered doctors** or veterinary surgeons or sold by a registered pharmacy under the supervision of a pharmacist in accordance **with a prescription issued by a registered doctor** or veterinary surgeon **in Hong Kong**.

Sale or possession of unregistered pharmaceutical products, and illegal sale or possession of Part 1 poison and prescription medicine, are both criminal offences.

The maximum penalty upon conviction is a fine of \$100,000 and two years of imprisonment.

In short, you should not buy any pharmaceutical products containing CBD online or over the counter.

Q.6 Can I use CBD or THC products for medical treatment?

A.6 If a product containing CBD or THC is intended for prevention or treatment of disease, it will fall within the definition of “pharmaceutical product” and classified as a prescription medicine. All pharmaceutical products must be registered under the established mechanism (please refer to Q.7 below) and used in accordance with the relevant laws.

To date, there is **no** registered pharmaceutical product containing CBD or THC in Hong Kong.

In general, members of public are advised to consult registered doctors and take medicines prescribed for them as directed by the doctors.

Q.7 Can pharmaceutical products containing CBD or THC be registered in Hong Kong? What are the steps to follow if I want to manufacture, import or sell them?

A.7 All pharmaceutical products must be registered with the Pharmacy and Poisons Board in accordance with PPO and PPR before they can be sold, offered for sale or distributed or possessed for the purpose of sale, distribution or other use in Hong Kong. A pharmaceutical product will only be approved for registration if it satisfies the criteria of safety, quality and efficacy.

A manufacturer of pharmaceutical products must have acquired a Licence for Manufacturer of Pharmaceutical Products. A Wholesale Dealer Licence is required for dealing in the wholesale and import or export of pharmaceutical products.

Under IEO, imports and exports of pharmaceutical products must be covered by import and export licences. The importer/exporter should apply for import/export licence for the importation/exportation of pharmaceutical products for each shipment.

Registered pharmaceutical products in Hong Kong are subject to different levels of sales control. Any pharmaceutical product containing CBD or THC is classified as Part 1 poison under PPO and PPR and prescription only medicine. They can only be supplied by registered doctors or veterinary surgeons or sold by a registered pharmacy under the supervision of a pharmacist in accordance with a prescription issued by a registered doctor or veterinary surgeon in Hong

Kong.

In addition, any pharmaceutical product containing THC is also subject to the regulatory control of DDO.

For more details regarding the drug registration and applications for relevant licences, please visit the webpage of the Drug Office of the Department of Health: https://www.drugoffice.gov.hk/eps/do/en/pharmaceutical_trade/guidelines_forms/useful_guidelines_forms.html

III. For importers/traders

Q.8 Can I manufacture, import and/or sell products containing CBD (e.g. medicine, food products, beverages, cosmetic and skin care products)?

A.8 For **pharmaceutical products** containing CBD, please refer to Section II on Pharmaceutical Products above.

For **non-pharmaceutical products** containing CBD, it should be noted that they may contain a low level of THC which is a dangerous drug under DDO. Products containing THC or other dangerous drugs **at any concentration** are regarded as dangerous drugs and are regulated under DDO. Trafficking in/illegal possession of dangerous drugs are criminal offences. Importers/traders should ensure that their products do not contain any THC and other dangerous drugs.

It should also be noted that under DDO, trafficking in ***purported dangerous drugs*** (i.e. any substance represented or held out to be a dangerous drug even if it is not in fact a dangerous drug) is also a criminal offence. For example, it is against the law to present a product containing pure CBD as a product of “cannabis”.

Please refer to the table under Q.2 for the maximum penalties of the above-mentioned offences under DDO.

Given the wide range of CBD products, there may be other laws applicable to various products. Importers/traders are responsible for ensuring that the products they procure and /or supply comply with all relevant requirements in the law, including without limitation DDO, PPO and IEO.

Parties concerned may seek advice from legal or other professionals on the issue where necessary.

Q.9 Some CBD products may only contain a very low level or trace amounts of THC. Can they be imported into Hong Kong?

A.9 Any products containing THC or other dangerous drugs **at any concentration** are controlled under DDO. Importers/traders wishing to import products containing CBD should ensure that their products do not contain any THC and other dangerous drugs.

For import of pharmaceutical products, please refer to Section II on Pharmaceutical Products above.

Q.10 For importing CBD products, do I need to prepare testing certificates to demonstrate that they are THC-free?

A.10 For non-pharmaceutical products containing CBD, there are currently no requirements on presenting THC-free testing certificates. Importers/traders could decide to conduct tests on the products concerned or not. Most importantly, importers/traders are responsible for ensuring that their products do not contain any THC and other dangerous drugs at any concentration.

Law enforcement agencies and Department of Health will carry out enforcement actions, including but not limited to, seizing and testing products suspected to contain dangerous drugs.

Q.11 Is it lawful to import CBD products/materials (which may include THC) for research purposes?

A.11 There is an established mechanism to facilitate research work related to dangerous drugs.

CBD products, if they contain THC or other dangerous drugs at any concentration, are regulated under DDO. Research institutions should endeavour to understand the content of the product/materials before importing them into Hong Kong, and apply to the Department of Health for relevant licences under DDO where applicable.

For pharmaceutical products containing CBD for research purposes, import licence is required for the importation of pharmaceutical products for each shipment. Please refer to Q.7 on the steps required.

IV. Reporting illegal activities

Q.12 If I suspect activities related to illegal supply/possession of dangerous drugs/pharmaceutical products, what can I do?

A.12 For suspected illegal supply/possession of dangerous drugs, please call -

Hong Kong Police Force	(852) 2527 1234
Customs and Excise Department	(852) 2545 6182

For suspected illegal sales/possession of pharmaceutical products, please call -

Department of Health	(852) 2572 2068
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Abbreviations

CBD	Cannabidiol
CBN	Cannabinol
DDO	Dangerous Drugs Ordinance (Cap. 134)
IEO	Import and Export Ordinance (Cap. 60)
PPO	Pharmacy and Poisons Ordinance (Cap. 138)
PPR	Pharmacy and Poisons Regulations (Cap. 138A)
THC	Tetrahydrocannabinol

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