REPUBLIC OF VANUATU

INDUSTRIAL HEMP AND MEDICAL CANNABIS ACT NO. 31 OF 2021

Industrial Hemp Regulation Order No. 18 of 2023

Arrangement of Clauses

PART 1 PRELIMINARY MATTERS

1 Definitions 3

PART 2 ZONING OF CULTIVATION SITES, PROCESS FOR CULTIVATION, HARVESTING AND IMPORTING INDUSTRIAL HEMP

Division 1 Zoning of cultivation sites

2 Zoning of cultivation site 4

Division 2 Process of cultivation

3 Cultivation methods and standards 4

4 Notification 5

Division 3 Process for harvesting Industrial Hemp

5 Process for harvesting 5

Division 4 Process of importing Hemp seeds

6 Importation of Hemp seeds 7

7 Transportation of raw materials 7

PART 3 PROCESSING AND MANUFACTURING OF SUBSTANCES AND MATERIALS FROM INDUSTRIAL HEMP

8 Processing and manufacturing 8

9 Packaging and labelling of manufactured materials....8

PART 4 USE OF SUBSTANCES AND MATERIALS FROM INDUSTRIAL HEMP

10 Use of substances and materials from Industrial Hemp....10

PART 5 TESTING AND VERIFYING OF EXPORT PRODUCTS

11 Testing and verifying of export product....11

PART 6 RECORDING OF PRODUCTION DATA

12 Records of production data....12
13 Waste management....13
14 Commencement....13

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In exercise of the powers conferred on me by section 26 of the Industrial Hemp and Medical Cannabis Act No. 31 of 2021, I, the Honourable NAKO IANATOM NATUMAN, Minister of Agriculture, Livestock, Fisheries, Forestry and Biosecurity, on the advice of the Committee, make the following Regulation.

PART 1 PRELIMINARY MATTERS

1 Definitions

In this Regulation, unless the contrary intention requires:

Bureau of Standards means the Bureau of Standards established under section 10 of the Bureau of Standards Act No. 14 of 2016;

licensee means a person issued with a licence under paragraph 10(1)(a) of the Act;

nominated contractor means any person nominated as a contractor of a licensee under section 15 of the Act;

PART 2 ZONING OF CULTIVATION SITES, PROCESS FOR CULTIVATION, HARVESTING AND IMPORTING INDUSTRIAL HEMP

Division 1 Zoning of cultivation sites

2 Zoning of cultivation site

(1) The zoning of cultivation sites for Industrial Hemp is on the islands of Tanna, Erromango, Santo, Malekula and Efate.

(2) The cultivation site must:

(a) have an agricultural lease title; and

(b) be well fenced.

(3) The minimum area of the cultivation site:

(a) for a licensee - 5 hectares of land as a single parcel of land; and

(b) for a nominated contractor - 2 hectares of land as a single parcel of land.

(4) The cultivation site must not be developed on the following areas:

(a) a conservation area; and

(b) a water catchment area; and

(c) a taboo area.

Division 2 Process of cultivation

3 Cultivation methods and standards

(1) A licensee or a nominated contractor must:

(a) apply the agricultural technic of monocropping when cultivating Industrial Hemp; and

(b) within 14 days before planting, notify an enforcement officer in writing of the date of planting the Hemp seed; and

(c) notify an enforcement officer if there is any unauthorized activity at the cultivation site; and

(d) comply with the provisions of the Pesticides (Control) Act [CAP 226] when intending to use chemical pesticides and fertilizers.

(2) The licensee must provide the Good Agricultural Practices Plan for its holding and its nominated contractor to the Committee.

4 Notification

(1) A licensee must notify the Committee in writing within 14 days of sowing the Hemp seeds and the number of Hemp seeds sown.

(2) The licensee must notify the Committee within 30 days of planned sowing date, if the Hemp seeds intended for growing are not sown.

(3) The licensee must report to the Committee:

(a) the number of Hemp plants harvested relating to the number of seeds sown; and

(b) the number of Hemp plants that failed to germinate or attain maturity within 3 months of planting the Hemp seeds; and

(c) how the Hemp plants under paragraph (b) is to be disposed or destroyed; and

(d) at least 4 weeks prior to the intended time for harvest, if the Hemp plant is ready for testing for THC concertation.

Division 3 Process for harvesting Industrial Hemp

5 Process for harvesting

(1) A licensee must provide a test result from the cropping schedule to the Committee.

(2) The harvesting of the Industrial Hemp must be within 30 days after testing the Industrial Hemp.

(3) A nominated contractor must supply all the Industrial Hemp to the licensee, after harvesting the Industrial Hemp.

(4) The testing of Industrial Hemp must be within the cropping schedule.

(5) The licensee may use the Industrial Hemp for the production of oil, if the test result is below 0.3%.

(6) If the test result is over 0.3% THC dry weight, the licensee may:

(a) combined the whole plan as a biomass, which must be tested again ; or

(b) remove and destroy the leaves, flowers and seeds of the plant and the remaining stalk is to be tested separately.

(7) The licensee may sell the remaining stalk under paragraph (6)(b), if the test result is below 0.3%.

(8) The licensee or a nominated contractor must:

(a) ensure that all the Industrial Hemp are harvested at the same time according to the specifications of the licence and are removed from the cultivation sites; and

(b) ensure that an enforcement officer is present during the period of harvesting; and

(c) notify the enforcement officer:

(i) within 3 months of the planting of Hemp plants, the number of Hemp plants that are not to be harvested, and how these Hemp plants are to be disposed or destroyed; and

(ii) of any Hemp plants, plant materials and Hemp seeds that is removed without authorization.

Division 4 Process of importing Hemp seeds

6 Importation of Hemp seeds

A licensee importing Hemp seeds must:

(a) comply with the requirements of the Plant Protection Act [CAP 239]; and

(b) import Hemp seeds from an approved supplier as required under the Plant Protection Act [CAP 239].

7 Transportation of raw materials

(1) A licensee must notify the Committee in writing:

(a) the types of transportation to be used for transporting raw materials; and

(b) any third-party arrangement plan; and

(c) the identification of transport operators.

(2) A third party or an employee of the licensee is authorized to transport the consigned raw material and deliver it to the consigned person.

(3) The authorisation under subclause (2) is only for the time necessary to complete the delivery as required with the terms of the third party arrangement plan.

PART 3 PROCESSING AND MANUFACTURING OF SUBSTANCES AND MATERIALS FROM INDUSTRIAL HEMP

8 Processing and manufacturing

(1) The processing and manufacturing of substances and materials from Industrial Hemp must be carried out in a secured environment.

(2) A licensee must:

(a) provide to the Committee the address, design and floor plan of all processing and manufacturing facilities specifying the holding capacity of the facility and the volume of the products; and

(b) notify the Committee if the product is intended for human consumption; and

(c) ensure that a product for human consumption and the processing facility are subject to the Hazzard Analysis and Critical Control Point standards.

(3) Any manufacturing of Hemp materials must only be done with raw materials sourced from the licensee.

9 Packaging and labelling of manufactured materials

(1) A manufactured product must be packaged and labelled before transportation.

(2) Labelling of manufactured substances and materials from Industrial Hemp product must:

(a) be in English and French language; and

(b) be clearly visible on the outside of the container; and

(c) be written in clearly legible print; and

(d) include:

(i) the place of origin of the product; and

(ii) the name of the licensee; and

(iii) the THC concentration; and

(iv) the food and safety certificate issued by the Bureau of Standards; and

(v) the ingredients list and content of product including percentage of hemp product.

(3) An enforcement officer must supervise all packaging processes to ensure that the packaged product is secured.

PART 4 USE OF SUBSTANCES AND MATERIALS FROM INDUSTRIAL HEMP

10 Use of substances and materials from Industrial Hemp

(1) A substance and a material from Industrial Hemp is to be used for the production of foods and beverage, cosmetic and personal care products, nutritional supplements, fabrics and textiles, construction and insulation materials and other manufactured goods.

(2) A licensee may sell Industrial Hemp product in a commercially processed or manufactured form to a domestic market.

(3) A licensee must not produce Industrial Hemp for personal use or for personal consumption.

PART 5 TESTING AND VERIFYING OF EXPORT PRODUCTS

11 Testing and verifying of export product

A licensee must:

(a) ensure that any food, beverage product, nutritional supplements, cosmetics and personal care products of Industrial Hemp:

(i) is tested and verified by an accredited lab as required by the International Standards; and

(ii) complies with the Bureau of Standards; and

(b) notify an enforcement officer when a Hemp plant is ready to be tested for THC concertation, at least 4 weeks prior to intended plant harvest.

PART 6 RECORDING OF PRODUCTION DATA

12 Records of production data

(1) A licensee must keep a record of all production data.

(2) The production data includes the following:

(a) the strains or varieties of all Hemp seeds in the licensee's possession; and

(b) the strains or varieties of all Hemp plants that the licensee is growing; and

(c) the source and volume of all Hemp plants and Hemp seeds supplied to the licensee; and

(d) the information on the importation of the Hemp seeds or Hemp plants; and

(e) the information of the nominated contractor and the intended use of the Hemp plants or Hemp seed; and

(f) the non-processed Hemp plants or Hemp seeds and how the Hemp plants and Hemp seeds are grown or obtained by the licensee; and

(g) the volume of Hemp plants or Hemp seeds supplied, and the date on which the Hemp plants or Hemp seeds are supplied; and

(h) the date on which the Hemp seeds are planted, and the number of Hemp seeds that are sown; and

(i) when the Hemp plants are harvested and the method of harvesting and the volume of the Hemp plants harvested, and how the harvested Hemp plants are stored; and

(j) the date if the licensee disposes or destroys Hemp plants, Hemp seeds, or wastage; and

(k) the volume of the Hemp plants destroyed or disposed; and

(l) the method used to dispose or destroy the Hemp plants; and

(m) the use of organic fertilizer, pesticides and water.

(3) The Committee must provide a quarterly report to the Minister.

13 Waste management

A licensee must develop a waste management plan.

14 Commencement

This Regulation commences on the day on which it is made.

Made at Port Vila this 08 **day of** 02 **, 2023**

REPUBLIC OF VANUATU
MINISTER OF AGRICULTURE, LIVESTOCK, FORESTRY, FISHERIES & BIOSECURITY
REPUBLIQUE DE VANUATU

Honourable NAKO IANATOM NATUMAN
Minister of Agriculture, Livestock, Forestry, Fisheries and Biosecurity