

# 選定地方對含大麻成分製品的管制情況

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## 1. 引言

1.1 四氫大麻酚<sup>1</sup>和大麻二酚是大麻中天然存在的大麻素(即化合物)。有別於四氫大麻酚，大麻二酚並不產生精神刺激(即"亢奮")作用，亦與濫用無關。然而，根據世界衛生組織("世衛")，使用大麻二酚或會引起食慾不振、腹瀉和疲勞等不良作用。一般來說，四氫大麻酚含量較高的大麻植物(如 Marijuana 品種)和四氫大麻酚含量較低的大麻植物(如工業用火麻<sup>2</sup>)均可提煉大麻二酚。近年，大麻二酚製品在多個海外地方日趨普及，其中包括藥物、油品、食物補充品、食品("大麻二酚食品")和化妝品。有見及此，部分海外地方政府考慮到大麻二酚作為大麻相關物質、活性成分及／或新食品的風險，對大麻二酚製品作出管制。

1.2 在香港，大麻屬《危險藥物條例》(第 134 章)管制的危險藥物，販運、製造、管有、栽植及／或使用大麻均屬刑事罪行。任何含有四氫大麻酚的製品亦受《危險藥物條例》管制。然而，大麻二酚在香港不屬受管制的危險藥物。根據政府的資料，從大麻植物當中提煉純大麻二酚的過程困難，含有大麻二酚的食品可能同時含有其他大麻素，從而使該食品受《危險藥物條例》管制。應黃碧雲議員的要求，資料研究組就含大麻成分製品的製造、分銷和進口進行研究，當中以大麻二酚食品為重點。研究涵蓋的地方包括澳洲、加拿大、歐洲聯盟("歐盟")及美國。有關研究已完成，相關文件經整理後收納於一個資料套，下文概述主要的研究結果。

## 2. 選定地方對含大麻成分製品的管制情況

2.1 目前，根據**聯合國**有關麻醉品及精神藥物的條約，大麻和四氫大麻酚屬受管制物品。<sup>3</sup> 條約簽署國<sup>4</sup> 承諾限制受管制藥物的製造、進口和分銷。純大麻二酚本身並無納入管制列表，但如製備為大麻提取物，則可能受到管制。

<sup>1</sup> 四氫大麻酚是大麻中產生大部分精神活性反應的化學物質。

<sup>2</sup> 工業用火麻泛指為取得其種子和纖維而栽植的各種大麻植物，通常有較高的大麻二酚含量，四氫大麻酚的含量則較低(一般介乎 0.3%至 1%)。

<sup>3</sup> 這些條約包括《1961年麻醉品單一公約》(Single Convention on Narcotic Drugs (1961))、《1972年精神藥物公約》(Convention on Psychotropic Substances (1972))及《1988年聯合國禁止非法販運麻醉藥品和精神藥物公約》(Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988))。

<sup>4</sup> 中國、澳洲、加拿大、美國和大部分歐盟成員國已簽訂這些條約。

世衛最近檢視對大麻相關物品的管制，並建議在相關藥物管制公約下，"主要成分為大麻二酚而四氫大麻酚含量不超過 0.2%的製劑無須受國際管制"。

**2.2 在加拿大**，2018 年施行的《大麻法》(Cannabis Act)就大麻的生產、分銷和銷售訂定管制框架。根據《大麻法》，大麻栽植者和加工者必須取得加拿大衛生局(Health Canada)的牌照，並遵守一系列生產方法和標籤規定。進口和出口大麻及大麻素(如四氫大麻酚和大麻二酚)須獲得相關醫療許可。同時，《大麻法》准許在加拿大境內透過政府及／或持牌商戶向成人銷售指定大麻製品(如新鮮／乾大麻)<sup>5</sup>，而大麻食品(包括大麻二酚食品)則會在不遲於 2019 年 10 月 17 日允許銷售。加拿大政府現正就相關製品的擬議管制規定諮詢公眾，例如預防食品污染、宣傳限制及四氫大麻酚／大麻二酚含量的規管。

**2.3 在歐盟**，准許栽植的大麻植物只限於四氫大麻酚含量不超過 0.2%的火麻品種。<sup>6</sup> 鑒於四氫大麻酚的不良影響，各個歐盟成員國普遍將管有大麻自用視為違法行為。<sup>7</sup> 最近，歐洲委員會根據《新食品規例》(Novel Food Regulations)<sup>8</sup> 將大麻二酚食品歸類為"新食品"的一種。因此，大麻二酚食品必須先通過銷售前評估和審批<sup>9</sup>，方可在歐盟進口、製造和銷售。因應有關規定，奧地利、丹麥、愛爾蘭和英國的規管當局忠告不應在歐盟營銷未經許可的大麻二酚食品。

**2.4 在美國**，聯邦法例禁止管有、分銷和栽植大麻。<sup>10</sup> 在 2018 年 12 月，美國修訂《農業改良法》(Agriculture Improvement Act)，將栽植四氫大麻酚含量較低的火麻<sup>11</sup> 合法化，藉以推動火麻相關研究。然而，不論源自何種大麻，大麻二酚食品仍須受美國食物及藥物管理局管制，而法例亦禁止將大麻二酚／四氫大麻酚加入食品或作為食品補充品推銷。<sup>12</sup> 俄亥俄、緬因、北卡羅來納和紐約等州份及／或城市的公共衛生當局隨後採取跟進行動，取締非法的大麻二酚食品。

<sup>5</sup> 除了新鮮／乾大麻外，現時獲准銷售的製品包括大麻／大麻二酚油、大麻植物和種子，但不包括大麻食品、提取物或外用製品。

<sup>6</sup> 歐盟成員國各自制訂栽植火麻的管制／發牌框架，其中部分成員國規定，如四氫大麻酚含量較高的大麻是用作醫療用途，其栽植和進出口屬於合法。

<sup>7</sup> 然而，各國的實際執法情況有別。例如，荷蘭容許在受規管的"咖啡店"銷售大麻。

<sup>8</sup> 《新食品規例》在 1997 年 5 月生效，規管以新科技生產及／或傳統上在歐盟以外地方食用的食品。在 1997 年 5 月前不曾在歐盟食用的食品在銷售前必須符合歐洲委員會的安全、營養和標籤規定。

<sup>9</sup> 至今有一項大麻二酚食品申請提交予歐洲委員會審批。

<sup>10</sup> 儘管聯邦法例有此規定，截至 2019 年 3 月，美國 34 個州及哥倫比亞特區將醫療用的大麻合法化，而有 10 個州和哥倫比亞特區將休閒用大麻合法化。

<sup>11</sup> 根據修訂法例，四氫大麻酚含量少於 0.3%的火麻不再屬受管制物品。

<sup>12</sup> 因為大麻二酚／四氫大麻酚是美國食物及藥物管理局許可藥物中的活性成分。根據《食物、藥物及化妝品法》(Food, Drug and Cosmetics Act)，在食品供應中加入藥物成分屬違法行為。此外，雖然現時美國准許工業用火麻合法進口，但進口火麻衍生的大麻二酚食品仍須受食物及藥物管理局管制。

2.5 在**澳洲**，當地只容許栽植四氫大麻酚含量較低的火麻，醫療用的大麻則不受此限。<sup>13,14</sup>自 2017 年 11 月起，澳洲准許在食品加入火麻植物的種子(即火麻仁)作銷售及人類食用用途。火麻仁含有蛋白質和維他命等養份，而火麻仁食品<sup>15</sup>與大麻二酚食品的分別在於前者不涉及從大麻植物其他部分提取大麻素。然而，由於火麻仁或含有天然存在的四氫大麻酚／大麻二酚，相關食品仍須符合各種安全規定。《澳洲新西蘭食品標準守則》(Australia New Zealand Food Standards Code)<sup>16</sup>訂有食品包裝的標籤規定，並訂明火麻仁食品的大麻二酚／四氫大麻酚含量上限。<sup>17</sup>符合規定的火麻仁食品可無須領牌進口澳洲。

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<sup>13</sup> 澳洲在 2016 年將醫療用大麻的應用合法化，並制訂栽植、生產、進口及／或出口藥用大麻製品的牌照制度。

<sup>14</sup> 四氫大麻酚含量較低的火麻指其葉與花頭部分含有不超過 1% 四氫大麻酚的大麻植物。在澳洲，各州和領地可各自制定栽植及／或出口工業用火麻的相關法例和發牌條件。

<sup>15</sup> 常見的火麻仁食品包括大麻籽油、麵粉和蛋白粉。

<sup>16</sup> 《澳洲新西蘭食品標準守則》是澳洲規管食品使用、成分、標籤、生產和加工的法定標準。

<sup>17</sup> 火麻仁食品的四氫大麻酚和大麻二酚總含量分別不可超過每公斤 50 毫克和每公斤 75 毫克。

## Regulation of products containing cannabis in selected places

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