Maximum levels of delta-9-tetrahydrocannabinol (∆9-THC) in hemp seeds

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EU sets maximum levels for ∆9-THC in hemp leaves for infusion and ready-to-drink herbal infusions made from hemp leaves

Commission Regulation (EU) 2026/1828 of 28 July 2026 amending Regulation (EU) 2023/915 as regards maximum levels of delta-9-tetrahydrocannabinol (∆9-THC) in hemp leaves for water infusion and hemp leaves infusions

Update

The European Commission has set a maximum level for delta-9-tetrahydrocannabinol (Δ^9■THC) in hemp leaves for water infusion and ready-to-drink herbal infusions made from hemp leaves to ensure a high level of human health protection.

Regulation 2023/915 sets maximum levels for (Δ^9-THC) and delta-9-tetrahydrocannabinolic acid (Δ^9-THCA) in hemp seeds and derived products sold on the European Union (EU) market, as severe exposure to Δ^9■THC might be a risk for human health.

Impacted products

Hemp seeds and derived products, hemp leaves for water infusion, ready-to-drink herbal infusions made from hemp leaves

What is changing?

The maximum levels for the sum of Δ^9-THC and Δ^9-THCA, expressed as Δ^9-THC, in hemp leaves for water infusion and ready-to-drink herbal infusions made from hemp leaves are presented in Table 1.

Hemp leaves for water infusion must be labelled with the following statements when sold in the EU:

- “Only to be used for water infusion (preparation of a herbal infusion).
- Shall not be consumed by infants and young children.
- No fatty ingredients, such as cream or milk, shall be added during steeping.”

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In addition to these maximum levels for ∆9-THC, EU Member States can set more restrictive rules on their markets for selling hemp leaves and ready-to-drink infusions made from hemp leaves.

Why?

In 2015, the European Food Safety Authority (EFSA) assessed the risk to human health related to the presence of Δ^9-THC in milk and dairy products (EFSA 2015).

EFSA (2020) published a scientific report assessing exposure to Δ^9-THC, and found that the reference dose of 1 µg Δ^9-THC per kg body weight was exceeded in certain exposure estimates. The European Commission therefore considered that maximum levels should be set for hemp seeds and derived products (see Regulation 2023/915 and Table 2).

Timeline

The maximum levels for ∆9-THC in hemp leaves for water infusion and ready-to-drink herbal infusions apply from **1 January 2027**.

Foodstuffs lawfully placed on the market before 1 January 2027 may remain on the market until their date of minimum durability or use-by date, even if they do not comply with the new maximum levels.

Recommended Actions

Exporters of hemp seeds and derived products must ensure that adequate measures are put in place to prevent contamination during processing in order to meet the newly established levels (BfR 2018).

Resources

BfR (2018) Tetrahydrocannabinol levels are too high in many hemp-containing foods - health impairments are possible. Bundesinstitut fu■r Risi.

Commission Regulation (EU) 2023/915 on maximum levels for certain contaminants in food

EFSA (2015) Scientific Opinion on the risks for human health related to the presence of tetrahydrocannabinol (THC) in milk and other food of animal origin. EFSA Journal, 13(6): 4141.

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EFSA (2020) Acute human exposure assessment to tetrahydrocannabinol (Δ9■THC). EFSA Journal, 18(1): 5953.

Sources

Commission Regulation (EU) 2026/1828 as regards maximum levels of delta-9-tetrahydrocannabinol (Δ9-THC) in hemp leaves for water infusion and hemp leaves infusions

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Tables & Figures

Table 1: Maximum levels of Δ9-THC in hemp leaves for water infusion and ready-to-drink herbal infusions made from hemp leaves

Foodstuffs	Maximum level (mg/kg)	
	Previous	New
2.6.4 Hemp leaves for water infusion	None	40
2.6.5 Ready-to-drink infusions made from hemp leaves	None	0.02

Source: based on Regulation 2026/1828

Table 2: Maximum levels of Δ9-THC in hemp seeds

Foodstuffs	Maximum level (mg/kg)
2.6.1 Hemp seeds	3.0
2.6.2 Ground hemp seeds, (partially) defatted hemp seed, and other hemp seed processed products (except those listed in 2.6.3 below)	3.0
2.6.3 Hemp seed oil	7.5

Source: based on Regulation 2023/915

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