



**LEGALINK**

INTERNATIONAL BUT PERSONAL

CANNABIS REGULATION  
AND CANNABIS  
DERIVED PRODUCTS



# INTRODUCTION

As more jurisdictions around the world move to legalize various forms of cannabis, including hemp and CBD products, recreational marijuana, and medical marijuana, the global cannabis industry continues to blaze forward. But changing and even inconsistent laws and an evolving regulatory environment have created legal uncertainties and tensions in the development of the industry and marketplace. This booklet aims to provide practitioners a summary reference for cannabis laws and regulations in various jurisdictions across the globe. Practitioners should note that because cannabis laws are quickly evolving, through the legislative process, ballot initiatives and regulatory rule implementations and changes, each jurisdiction's most recent cannabis laws and regulations should be reviewed and assessed.

## A QUICK PRIMER ON CANNABIS BASICS

### Cannabis vs. Marijuana vs. Hemp

Cannabis refers to a genus of plants that has three species - indica, sativa, and ruderalis. Marijuana and hemp are both cannabis. Despite popular misconception, marijuana and hemp are not different species of cannabis.

Marijuana, in the common parlance, is cannabis that, when consumed, results in a "high." The "high" in marijuana is produced as a result of high tetrahydrocannabinol or THC content. Hemp, again in common usage, does not cause intoxication because it has low levels of THC.

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Some jurisdictions around the world still do not distinguish between marijuana and hemp. For example, for decades, the federal government in the U.S. did not distinguish between hemp and marijuana or the level of THC content in either – both were illegal cannabis and a controlled “Schedule I” drug.

As cannabis laws and policy have changed over the years, now, in the U.S. and, as applicable, in other jurisdictions, the legal difference between marijuana and hemp is often based upon THC content level. In the U.S., again by way of further example, the Agriculture Improvement Act of 2018 defines legal hemp as “Plant Cannabis sativa L. and any part of that plant, including cannabinoids with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.” Thus, under federal law in the U.S., cannabis that has no more than 0.3% THC is legal hemp, but cannabis that contains more than 0.3% remains illegal marijuana. Each jurisdiction’s definitions for each should, of course, be consulted to determine whether hemp and marijuana are distinguished from one another and where the lines of cannabis legality or illegality are drawn.

## THC vs. CBD

THC and CBD are both cannabinoids found in cannabis. A cannabinoid is a naturally occurring compound that reacts with cannabinoid receptors found in our nervous system that are part of our endocannabinoid system, involved in appetite, mood, and sensing pain.

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As noted, THC is a psychoactive cannabinoid in marijuana that produces a “high.” CBD, or cannabidiol, is a non-psychoactive cannabinoid that may have some health benefits. But more studies are needed. CBD can be derived or extracted from hemp and marijuana. Many CBD products are derived from hemp, containing low levels of THC and higher levels of CBD. Whether CBD or CBD products are legal in any particular jurisdiction will be driven by legal definitions and parameters established by applicable regulatory authorities.

## UKRAINE ASTERS

### 1. What regulatory frameworks are relevant to medical and recreational cannabis and the cultivation, manufacture, distribution etc of cannabis and cannabinoids in Ukraine?

According to the Resolution of the Cabinet of Ministers of Ukraine on Approval of the List of Drugs, Psychotropic Substances and Precursors No. 700, dated 6<sup>th</sup> May 2000, as amended, cannabis is defined as a dangerous drug, circulation of which, including cultivation, manufacturing and/or distribution, is prohibited except for cultivation of cannabis for specific industrial purposes, provided that seeds are collected from dried straw of cannabis containing 0.08% or less tetrahydrocannabinol (so-called "industrial cannabis").

Illegal manufacture, purchase or transfer of dangerous drugs (including cannabis) (a) intended for distribution leads to criminal liability in the form of imprisonment for up to 12 years with confiscation of assets (provided that a person who voluntarily surrendered drugs and disclosed the source of their acquisition or helped in investigation of relevant offences is released from criminal liability) and (b) without intent of distribution may lead to the following types of criminal liability (provided that an addicted person who voluntarily surrendered to a medical clinic for treatment is released from criminal liability):

- (i) fine in the amount of up to UAH 85,000 (approximately €2,768);
- (ii) corrective labour for up to 2 years;
- (iii) arrest for up to 6 months; or
- (iv) restraint of freedom for up to 5 years (imprisonment for up to 8 years in case of repeated offence or substances in large amounts).

Planting cannabis in the amount from 10 to 50 pieces may lead to a fine in the amount of up to UAH 8,500 (approximately €280), arrest for up to 6 months or restraint of freedom for up to 3 years (imprisonment for up to 7 years in case of repeated or group offence or quantities exceeding 50 plants).

## 2. What are the regulatory challenges in allowing the medical and recreational use of cannabis and cannabinoids in Ukraine?

Despite the benefits of the medical and recreational use of cannabis, the biggest challenge regarding the use of cannabis and cannabinoids for medical and recreational purposes is the current inclusion of cannabis on the list of dangerous drugs the use of which is illegal in Ukraine. Only exclusion from the list of dangerous drugs may open a path for its legal use in Ukraine.

## 3. What regulatory frameworks are relevant for the cultivation, manufacture and supply of medicinal and recreational cannabis products in Ukraine?

The use of cannabis is currently illegal in Ukraine except for certain industrial purposes. In 2019 a bill legalising the use of cannabis for medical purposes was submitted to the Parliament of Ukraine. However, the bill has been subsequently revoked.

## 4. Which body is responsible for legislative controls relating to CBD?

The Parliament of Ukraine is responsible for the adoption of new, and the amendment of existing, laws and regulations applicable to the use of cannabis.

## 5. Is there any possibility to commercialise CBD products without a Novel Food approval or medicinal product marketing authorisation in Ukraine?

It is not possible to commercialise CBD products, except for the industrial cannabis, unless a new regulation is adopted by the Parliament of Ukraine.

## 6. What are the testing specifications in Ukraine for determining the compliance of CBD with regulatory requirements (i.e. what are the testing specifications for determining the purity and/or level of any controlled substances in CBD?) and what documentation or evidence would need to be submitted to the regulatory authority in this regard?

A special licence is required for cultivation of industrial cannabis. The licence requirements are established in the Regulation of the Cabinet of Ministers of Ukraine No. 282, dated 6<sup>th</sup> April 2016.



Cultivation of industrial cannabis is subject to state control. There are special expert organisations authorised to inspect plants to determine the level of any controlled substances in industrial cannabis. Samples of plants for testing are collected by a representative of the expert organisation during blooming season. As a rule, such organisations issue an expert opinion on the results of testing. The regulatory authority should be informed on such testing results within 10 business days.

7. Are there any regional limits on the quantity of CBD that can be purchased or imported?

It is illegal to purchase or import any quantity of CBD.

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