

NARCOTICS ACT
B.E. 2522 (1979)*

BHUMIBOL ADULYADEJ, REX.,
Given on the 22nd day of April B.E. 2522;
Being the 57th year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that :

Whereas it is expedient to revise the law on narcotics :

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly acting as the National Assembly as follows : ¹

Section 1 This Act is called the "Narcotics Act B.E. 2522".

Section 2 This Act shall come into force as from the day following the date of its publication in the Government Gazette.²

³**Section 3** The following shall be repealed

- (1) Narcotics Act, B.E. 2465.
- (2) Narcotics Act (No. 2), B.E. 2479 ;
- (3) Narcotics Act (No. 3), B.E. 2502 ;
- (4) Narcotics Act (No. 4), B.E. 2504 ;
- (5) Narcotics Act (No. 5), B.E. 2518 ;
- (6) Marijuana Act, B.E. 2486 ;
- (7) Kratom** Plant Act, B.E. 2486.

* As amended by the Narcotics Act (No.2) B.E.2528 (1985), (No.3) B.E.2530 (1987), (No.4) B.E.2543 (2000)

¹ As amended by the Narcotics Act (No.4) B.E.2543, published in the Government Gazette Vol. 117, Part 111A, dated 29th November B.E.2543, (No.5) B.E.2545, published in the Government Gazette, Vol. 119 Part 96A, dated 30 September B.E.2545

² Published in the Government Gazette Vol.96, Part 63, dated 27th April B.E.2522 (1979)

³ Repealed by section 3 of the narcotics Act (No.2) B.E.2528 (1985), published in the Government Gazette Vol.102, Part 154, dated 24 October B.E.2528 (1985)

Section 4 In this Act :

⁴"narcotics" means any form of chemicals or substances which, upon being consumed whether by taking orally, inhaling, smoking, injecting or by whatever means, causes physiological or mental effect in a significant manner such as need of continual increase of dosage, having withdrawal symptoms when deprived of the narcotics, strong physical and mental need of dosage and the health in general being deteriorated, and also includes plant or parts of plants which are or give product as narcotics or may be used to produce narcotics and chemicals used for the production of such narcotics as notified by the Minister in the Government Gazette⁵, but excludes certain formula of household medicine under the law on drugs which contain narcotic ingredients;

"produce" means cultivate, plant, manufacture, mix, prepare, denature, transform, synthesize by scientific means and includes repackaging or combine-packaging ;

"dispose" means sell, distribute, give away indiscriminately, exchange or give;

"import" means bring or order into the Kingdom;

"export" means carry or send out of the Kingdom; ⁶

⁷"narcotic addiction" means habitually consuming narcotics and being in the state of narcotic dependence whereby such state is capable of being identified on a technical basis;

⁸"dose" means tablet, sachet, bottle or such other doses which is made as usual for consuming one time.

⁹"treatment" means the treatment of a narcotic addict which also includes a rehabilitation and follow-up thereafter;

⁴ Repealed and Replaced by section 4 of the Narcotics Act (No.2) B.E.2528 (1985)

⁵ see the Notification of the Ministry of Public Health No.135 (B.E.2539) specifying names and categories of narcotics according to Narcotics Act B.E.2522 (1979) amended by Narcotics Act No.150 (B.E.2541), No.154 (B.E.2542), No.158 (B.E.2542) and No.170 (B.E.2544)

⁶ Repealed and Replaced by section 3 of the Narcotics Act (No.3) B.E.2530 (1987), published in the Government Gazette Vol.104, Part 269, dated 28th December B.E.2530 (1987)

⁷ Added by section 4 of the Narcotics Act (No.3) B.E.2530 (1987)

⁸ Added by section 3 of the Narcotics Act (No.5) B.E.2530 (2002)

⁹ Added by section 4 of the Narcotics Act (No.3) B.E.2530 (1987)

¹⁰"medical establishment" means hospital clinic convalescing home or such other places as the Minister notified in the Ministering Gazette to be the place for the treatment of narcotic addicts;

¹¹"pharmacist" means a pharmaceutical practitioner as pharmaceutical law.

"medicinal formula" means a formula of preparation regardless of form or description which contains narcotics, and includes narcotics in the form of finished pharmaceutical products ready for human or animal use :

¹²"information" includes an act to be displaced by alphabet, picture, film, light, sound, symbol or any act which communicates matters to the understanding of many people.

¹³"advertisement" includes any act in any method which people can see or know the information for commercial purpose unless the technical document or textbook.

"licensee" means a holder of a license under this Act;

"licensing authority" means the Secretary-General of the Food and Drug Board or person entrusted by the Secretary-General of the Food and Drug Board ;

"Committee" means the Narcotics Control Committee under this Act ;

"competent official" means a person appointed by the Minister for the execution of this Act ;

"Secretary-General" means the Secretary-General of the Food and Drug Board; "Minister" means the Minister having charge and control of the execution of this Act.

Section 5 This Act shall not apply to the Office of the Food and Drug Board, Ministry of Public Health but the Office of the Food and Drug Board shall submit semi-annual report on the receipt, distribution, storage and other operational procedures pertaining to the control of narcotics to the Committee for information, and the Committee shall submit such reports together with its opinions to the Minister for further issue of orders.

¹⁰ Repealed and Replaced by section 4 of the Narcotics Act (No.5) B.E.2545 (2002)

¹¹ Repealed and Replaced by section 4 of the Narcotics Act (No.5) B.E.2545 (2002)

¹² Added by section 5 of the Narcotics Act (No.5) B.E.2545 (2002)

¹³ Added by section 5 of the Narcotics Act (No.5) B.E.2545 (2002)

Section 6 The Minister of Public Health shall have charge and control of the execution of this Act and the power to appoint competent officials, issue Ministerial Regulations prescribing fees not exceeding the rates provided in the schedules hereto attached, granting exemption from fees, and prescribing other activities, and to issue Notifications for the execution of this Act.

Such Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette.

Section 7 Narcotics shall be classified into 5 categories, viz :

(1) category I consists of dangerous narcotics such as heroin;

(2) category II consists of ordinary narcotics such as morphine, cocaine, codeine, medicinal opium;¹⁴

¹⁵(3)category III consists of narcotics which are in the form of medicinal formula and contain narcotics of category II as ingredients in accordance with the rules prescribed by the Minister and published in the Government Gazette;

(4)category IV consists of chemicals used for producing narcotics of category I or category II such as acetic anhydride, acetyl chloride ;

(5)category V consists of narcotics which are not included in category I to category IV such as marijuana, kratom plant.¹⁶

Provided that the names of narcotics shall be specified by the Minister in accordance with section 8 (1).

For the purpose of this section, medicinal opium means processed opium to be used for medicinal purposes.

Section 8 The Minister, with the approval of the Committee, shall have the power to notify the following in the Government Gazette.

¹⁴ See Lists under the Notification of the Ministry of Public Health No.135 (B.E.2539), Category II of Narcotics No.100

¹⁵ Repealed and Replaced by section 5 of the Narcotics Act (No.3) B.E.2530 (1987)

¹⁶ See the Notification of the Ministry of Public Health No.135 (B.E.2539), Category V of Narcotics No.3 and No.4

- (1) specifying the names of narcotics in order to indicate the category of narcotics under section 7;¹⁷
- (2) revoking or altering the name or category of narcotics under (1) ;
- (3) prescribing standards on quantity, ingredients, quality, purity or other descriptions of narcotics as well as packaging and storage of narcotics ;
- ¹⁸(4) prescribing the quantity and additional quantity of narcotics to be used annually for medicinal and scientific purposes throughout the Kingdom ;
- ¹⁹ (5) prescribing rules and procedure of prescribing quantity of narcotics which a licensing authority may permit to produce, import, dispose or possess;
- ²⁰ (6) prescribing rules concerning narcotics of category III under section 7(3);
- (7) establishing medical establishments ;
- (8) prescribing rules and regulations for the control of treatment and disciplinary rules for medical establishment.

CHAPTER 1

Narcotics Control Committee

Section 9 There shall be a Committee called the "Narcotics Control Committee" consisting of the Under-Secretary of State for Public Health as Chairman, Director-General of the Medical Service Department or representative, Director-General of the Medical Science Department or representative, Director-General of the Health Department or representative, Director-General of the Police Department or representative, Director-General of the Department of Public Prosecutions or representative, Director-General of the Customs Department or representative, Secretary-General of the Council of state or representative, Secretary-General of the Narcotics Control Board or representative, a representative from the Ministry of Defense and not more than seven qualified members appointed by the Minister, as members, the Secretary-General of the Food and Drug Board shall be member and secretary and the Chief of the Narcotics Control Division, Office of the Food and Drug Board shall be member and assistant secretary.

Section 10 A qualified member shall hold office for a term of two years.

¹⁷ See the Notification of the Ministry of Public Health No.135 (B.E.2539), Specifying names and categories of narcotics according to Narcotics Act B.E.2522 (1979)

¹⁸ See the Notification of the Ministry of Public Health No.66 (B.E.2529),

¹⁹ Repealed and Replaced by section 6 of the Narcotics Act (No.5) B.E.2545 (2002)

²⁰ Added by section 6 of the Narcotics Act (No.3) B.E.2530 (1987)

An outgoing member may be re-appointed.

Section 11 A qualified member vacates his office upon :

- (1) death;
- (2) resignation;
- (3) being removed by the Minister;
- (4) being a bankrupt;
- (5) being an incompetent or quasi-incompetent person ;
- (6) being imprisoned by a final judgment to a term of imprisonment, except for an offence committed through negligence or petty offence; or
- (7) having his license to practice the art of healing or license to engage in the medical profession suspended or revoked.

When a qualified member vacates his office before the expiration of his term the Minister may appoint another person to replace him.

In the case where a member is appointed during the term of members already appointed notwithstanding it is a new appointment or replacement, the appointee shall hold office for the remaining term of the members already appointed.

Section 12 At a meeting of the Committee, the presence of not less than one-half of the total number of members is required to constitute a quorum. If the Chairman is not present at the meeting or is unable to perform his duties, the members present shall elect one among themselves to preside over the meeting.

The decision of the meeting shall be made by a majority of votes.

Each member shall have one vote. In case of an equality of votes, the person presiding over the meeting shall have an additional vote as the casting vote.

Section 13 The Committee shall have the duty:

- (1) to submit opinions to the Minister in accordance with section 5;
- (2) to give approval for the Minister to act in accordance with section 8;
- (3) to give approval for the licensing authority to suspend or revoke licenses;
- (4) to give approval for the Minister to designate the positions and levels of the competent officials for the execution of this Act;

(5)to submit opinions to the Minister in the regulation of government services in cooperation with the office of the Narcotics Control Board and other Ministries, Sub-ministries and Departments;

(6)to give approval for the Minister to issue licenses to produce, dispose of, import, export or possess narcotics of category IV and category V;

²¹(7)to perform other duties by this Act or virtue of other laws to be the authorities and responsibilities of the Committee or entrusted by the Minister.

Section 14 The Committee may appoint a sub-committee to carry out any matter as entrusted by the Board.

Section 12 shall be applied mutatis mutandis to the meetings of the sub-committee.

CHAPTER 2

Application for and Issuance of Licenses Concerning Narcotics

²²**Section 15** No person shall produce, import, export, dispose of or possess narcotics of category I, unless the Minister permits for the necessity of the use for government service.

The application for a license or the permission shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

The production, import, export or possession of narcotics of category I in quantity as the followings shall be regarded as production, import, export or possession for the purpose of disposal

(1)Dextrolyzer or LSD is of the quantity computed to be pure substances of zero point seventy five milligrams or more or is of narcotics substances thereof of fifteen doses or more or is of pure weight of three hundred milligrams or more.

²¹ Repealed and Replaced by section 7 of the Narcotics Act (No.5) B.E.2545 (2002)

²² Repealed and Replaced by section 8 of the Narcotics Act (No.5) B.E.2545 (2002)

(2) Amphetamine or derivative amphetamine is of the quantity computed to be pure substances of three hundred seventy five milligrams or more or is of narcotics substances thereof of fifty doses or more or is of pure weight of one point five grams or more.

(3) Narcotics of category I unless (1) and (2) is of the quantity computed to be pure substances of three grams or more.

²³**Section 16** No person shall produce, import, or export narcotics of category II, unless he has obtained the license from licensing authority for the necessity of the use for government service.

The application for and the issuance of a license shall be in accordance with the rules, procedure and conditions prescribed in Ministerial Regulations.

In considering a license to a person under paragraph one, the person who apply for a license shall be responsible for expenses in analysis or accession of technical document in accordance with rules and procedure prescribed by the Committee by publication in the Government Gazette.

Section 17 No person shall dispose of or possess narcotics of category II unless he has obtained a license.

The possession of narcotics of category II in quantity computed to be pure substances of one hundred grams or more shall be regarded as possession for the purpose of disposal.

The application for and the issuance of a license shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 18 The provision of section 17 shall not apply to:

(1) the possession of narcotics of category II in quantity not exceeding that which is necessary for personal use as certified by a medical practitioner or first-class modern medical practitioner in the branch of dentistry who is in charge of the treatment;

(2) the possession of narcotics of category II in quantity not exceeding that which is necessary for ordinary first-aid treatment or in case of emergency occurring on board a ship, aircraft or any other vehicle which is used in international public transport and is not

²³ Repealed and Replaced by section 8 of the Narcotics Act (No.5) B.E.2545 (2002)

registered within the Kingdom; but if the said vehicle is registered in the Kingdom, the application for a license shall be filed in accordance with section 17.

Section 19 The licensing authority may issue a license to dispose of or possess narcotics of category II, if it appears that the applicant is:

(1) Ministry, Sub-Ministry, Department, local administrative organization including Bangkok Metropolitan Administration, Thai Red Cross Society or Pharmaceutical Organization;

(2) person engaging in the international public transport; or

²⁴ (3) medical profession, pharmaceutical practitioner, dental practitioner, first-class veterinary practitioner and

(a) having place of residence in Thailand.

(b) not having been convicted by a final judgement of the law on narcotics, the law on psychotropic substances, the law on Controlling the Use of Volatile Substances, the law on measures for the suppression of offenders in an offence relating to narcotics and the law on medicine.

(c) not having his license to engage in the medical profession or license to engage in pharmaceutical practitioner, license to engage in dental practitioner or first-class veterinary practitioner or license under this Act suspended or revoked and the period of suspension or revocation has not been elapsed.

(d) not being a person of unsound mind or mental infirmity.

(e) not being an incompetent or quasi-incompetent.

In considering a license to a person under paragraph one, the licensing authority shall consider the necessity of the possession for the purpose of disposal or the possession of narcotics and may provide any condition as it thinks fit

²⁵**Section 20** No person shall produce, import, export, dispose of or possess for the purpose of disposal narcotics of category II, unless he has obtained the license from the licensing authority

²⁴ Repealed and Replaced by section 9 of the Narcotics Act (No.5) B.E.2545 (2002)

²⁵ Repealed and Replaced by section 10 of the Narcotics Act (No.5) B.E.(2002)

The provisions of paragraph one shall not apply to:

(1) The disposal or the possession for the purpose of disposal of narcotics of category III which pharmaceutical practitioner, dental practitioner disposes or possesses only for the patient under his treatment,

(2) The disposal or the possession for the purpose of disposal of narcotics of category III which first-class veterinary practitioner dispose or possess for the purpose of disposal only for the animal under his cure.

Provide that the medical profession, dental practitioner, first-class veterinary practitioner shall possess the qualifications as prescribed in section 19 (3).

The application for and issuance of a license shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

The possession of narcotics of category III which is higher than the quantity of the Minister prescribed by the approval of the Committee shall be presumed as possessing for disposal.

Section 21 The licensing authority may issue a license to produce, dispose of, import or export narcotics of category III when it appears that the applicant;

(1) has obtained a license to produce or sell modern drugs or to import or order modern drugs into the Kingdom under the law on drugs; and

(2) has a pharmacist on regular duty at all time during the hours of operation.

The licensee to produce or import narcotics of category III shall dispose of the said narcotics without being obliged to obtain a license to dispose of narcotics.

Section 22 Each time a licensee under section 20 imports or exports narcotics of category III, the licensee shall obtain an export or import license from the licensing authority.

The application for and the issuance of a license shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 23 The license issued under section 17 and section 20 shall be valid until 31st December of the year the license was issued. If the licensee wishes to apply for a renewal of his license, he shall file an application before the expiration thereof. Having filed the

application, he may carry on his business until such time when the licensing authority makes an order refusing the application.

If the licensee does not apply for a renewal of a license or the licensing authority makes an order refusing the application under paragraph one, all narcotics which the licensee or the applicant for a renewal of license has in his possession shall become the property of the Ministry of Public Health, and the Ministry of Public Health shall pay the compensation as it thinks fit.

The application for a renewal of license and the permission thereof shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 24 The license issued under section 20 and section 22 shall extend to employees or agents of the licensee.

It shall be presumed that an act of the employee or agent of the licensee done in accordance with the duties so entrusted is also the act of the licensee.

Section 25 The licensee under this Act shall be exempted from compliance with the law on drugs and the law on psychotropic substances.

Section 26 No person shall produce, dispose of, import, export or possess narcotics of category IV or category V unless the Minister has issued the license with the approval of the Board for each case.

The possession of narcotics of category IV or category V in quantity of ten kilograms upwards shall be regarded as possessing for disposal.

The application for a license shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

²⁶Section 26/1 The quantity of narcotics which is permitted by this chapter shall be in accordance with Section 8(5).

CHAPTER 3

Duties of Licensees

²⁶ Added by section 11 of the Narcotics Act (No.5) B.E.2545 (2002)

Section 27 No licensee under section 17 shall dispose of narcotics of category II outside the place specified in the license.

Section 28 The licensee under section 17 shall:

(1) keep narcotics of category II in separate storage at a secure and safe place under lock or protected by other devices of the same nature;

(2) promptly notify the licensing authority in writing in the case where narcotics of category II are stolen or lost or destroyed.

Section 29 The licensee to produce narcotics of category III shall:

(1) provide a signboard in conspicuous place at his place of production showing that it is a place for producing narcotics. The description and size of and the statement on the signboard shall be prescribed in the Ministerial Regulation;

(2) provide an analysis of the narcotics of category III produced each time before bringing them out of the place of production and such analysis shall be evidenced by a report showing the detailed analysis which must be kept for not less than three years from the date of making such analysis;

(3) provide a label and leaflet for the narcotics of category III or a statement of warning or caution for the use of narcotics attached to the container or package containing narcotics of category III so produced, in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation;

(4) keep narcotics of category II to be used for producing narcotics of category III in separate storage at a secure and safe place under lock or protected by other devices of the same nature;

(5) promptly notify the licensing authority in writing in the case where the narcotics of category II under (4) are stolen or lost or destroyed.

Section 30 The licensee to import or export narcotics of category III shall:

(1) provide a signboard in a conspicuous place at his place of business of the licensee showing that it is a place for importing or exporting the narcotics of category III. The description and size of and the statement on the signboard shall be prescribed in the Ministerial Regulation;

(2) provide a certificate to be issued by the original producer showing the detailed result of analysis of the quality of the narcotics of category III so imported or exported;

(3) provide a label on the container or package containing the narcotics of category III;

(4) provide a label and leaflet for the narcotics of category III or a statement of warning or caution for the use of narcotics on the container or package containing the narcotics of category III so imported or exported, in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 31 The licensee to dispose of the narcotics of category III shall:

(1) provide a signboard in a conspicuous place at his place of disposal showing that it is a place for disposing of the narcotics of category III. The description and size of and the statement on the signboard shall be prescribed in the Ministerial Regulation;

(2) provide a separate storage for the narcotics of category III from other drugs or substances;

(3) ensure that there shall be perfect label, leaflet, statement of warning or caution for the use of narcotics of category

III on the container or package containing the narcotics of category III.

Section 32 The licensee to produce narcotics of category IV shall:

(1) provide a signboard in a conspicuous place at his place of production showing that it is a place for producing narcotics of category IV. The description and size of and the statement on the signboard shall be prescribed in the Ministerial Regulation;

(2) provide an analysis of the narcotics of category IV produced each time before bringing them out of the place of production such analysis shall be evidenced by a report showing the detailed analysis which must be kept for not less than three years from the date of making such analysis;

(3) provide a label and leaflet for the narcotics of category IV or a statement of warning or caution on the container or package containing the narcotics of category III so produced, in

accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation;

- (4) keep the narcotics of category IV so produced in separate storage at a secure and safe place under lock or protected by other devices of the same nature;
- (5) promptly notify the licensing authority in writing in the case where the narcotics of category IV are stolen or lost or destroyed.

Section 33 The licensee to import or export the narcotics of category IV shall:

- (1) provide a signboard in a conspicuous place at his place of business showing that it is a place for importing or exporting the narcotics of category IV. The description and size of and the statement on the signboard shall be prescribed in the Ministerial Regulation;
- (2) provide a certificate to be issued by the original producer showing the detailed result of analysis of the quality of the narcotics of category IV so imported or exported;
- (3) provide a label on the container or package containing the narcotics of category IV or a statement of warning or caution on the container or package containing the narcotics of category IV so imported or exported in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation;
- (4) keep the narcotics of category IV so imported or exported in separate storage at a secure and safe place under lock or protected by other devices of the same nature;
- (5) promptly notify the licensing authority in writing in the case where the narcotics of category IV are stolen or lost or destroyed.

Section 34 The license to dispose of narcotics of category IV shall:

- (1) provide a signboard in a conspicuous place at his place of disposal showing that it is a place for disposing of the narcotics of category IV. The description and size of and statement on the signboard shall be prescribed in the Ministerial Regulation;
- (2) provide a separate storage for the narcotics of category IV from other drugs or substance;
- (3) ensure that there shall be perfect label, leaflet, statement of warning or caution for the use of narcotics of category IV on a container or package containing the narcotics of category IV;
- (4) promptly notify the licensing authority in writing in the case where the narcotics of category IV are stolen or lost or destroyed.

Section 35 In the case where the license is lost, destroyed or materially defaced, the licensee shall notify the licensing authority and file an application for a license substitute within fifteen days from the day he is aware of the loss, destruction or defacement.

The application for and the issuance of a license substitute shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

CHAPTER 4

Duties of Pharmacists

Section 36 The pharmacist who is under a duty to exercise control over the production of the narcotics of category III shall:

- (1) exercise control over the production so as to be in accordance with this Act;
- (2) exercise control in order that there shall be labels and leaflets for the narcotics of category III in accordance with section 29 (3);
- (3) exercise control over the packing and labeling of the container or package so as to be in accordance with this Act;
- (4) exercise control over the disposal of narcotics of category III so as to be in accordance with section 31;
- (5) be continuously on duty in exercising control over the business throughout the time of operation.

Section 37 The pharmacist who is under a duty to exercise control over the disposal of the narcotics of category III shall:

- (1) exercise control over the separate storage of the narcotics of category III in accordance with section 31 (2);
- (2) exercise control over the acts done in accordance with section 31 (3);
- (3) exercise control over the disposal so as to be in accordance with this Act;
- (4) be continuously on duty in exercising control over the business throughout the time of operation.

Section 38 The pharmacist who is under a duty to exercise control over the import or export of narcotics of category III shall:

- (1) exercise control over the imported or exported narcotics of category III, in order that they conform to the registration of medicinal formula;
- (2) exercise control over the acts done in accordance with section 30 (3) and (4);
- (3) exercise control over the disposal of the narcotics of category III so as to be in accordance

with section 31;

(4) be continuously on duty in exercising control over the business throughout the time of operation.

CHAPTER 5

Narcotics of category III

Fake Narcotics, Narcotics differing from Standards or Deteriorated Narcotics

Section 39 No person shall produce, dispose of, import or export the following narcotics of category III:

- (1) fake narcotics under section 40;
- (2) narcotics differing from the standards under section 41;
- (3) deteriorated narcotics under section 42;
- (4) narcotics, the medicinal formula of which are required to be registered but have not been registered under section 43;
- (5) narcotics, the medicinal formula of which have been removed from the register by order of the Minister under section 46

Section 40 The following narcotics of category III or substances shall be regarded as fake narcotics:

- (1) drugs or substances which show, by whatever manner, that they are narcotics of category III but in fact do not contain the narcotics of category III;
- (2) narcotics of category III bearing the names of another narcotics or showing the expiry month and year, which is false;
- (3) narcotics of category III bearing the name or mark of a producer, or the location of the place of production, which is false;
- (4) narcotics of category III or narcotics specified in the Notification of the Minister under section 8 (1) or those complying with the registered medicinal formula of the narcotics of category III, which is false;
- (5) narcotics of category III produced differently from the standards to the extent that the active ingredients are more than ten percent lower or higher than the quantity prescribed to be

the minimum or maximum limit prescribed in the Notification of the Minister under section 8 (3) or prescribed in the registered medicinal formula of the narcotics of category III.

Section 41 The following narcotics of category III shall be regarded as narcotics differing from the standards:

(1) narcotics of category III produced differently from the standards to the extent that the active ingredients are more than ten percent lower or higher than the quantity prescribed to be the minimum or maximum limit prescribed in the Notification of the Minister under section 8 (3) or prescribed in the registered medicinal formula of the narcotics of category III;

(2) narcotics of category III produced with the purity or other characteristics essential to the quality of the active ingredients different from the limits prescribed in the Notification of the Minister under section 8 (3) or prescribed in the registered medicinal formula of the narcotics of category III.

Section 42 The following narcotics of category III shall be regarded as deteriorated narcotics:

(1) narcotics of category III which have expired as shown on the label registered in the medicinal formula;

(2) narcotics of category III which have denatured to the extent that it has the same characteristics as fake narcotics under section 40 or narcotics differing from the standards under Section 41.

CHAPTER 6

Registration of a Medicinal Formula of the Narcotics of Category III

²⁷**Section 43** The license to produce or import narcotics of category III, who wishes to produce or import the said narcotics, shall apply to the competent official for the registration of the medicinal formula of the said narcotics; and upon receipt of a certificate of registration of the medicinal formula of narcotics, he may then produce or import the said narcotics into the Kingdom.

The application for the registration of the medicinal formula of the narcotics of category III and the issuance of the certificate of registration of the medicinal formula of the said

²⁷ Repealed and Replaced by Section 8 of the Narcotics Act (No.3) B.E.2530 (1987)

narcotics shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation. ²⁸In considering the issuance under paragraph one, the person who apply to register for a medical formula shall be responsible for expenses in analysis or accession of technical document in accordance with rules and procedure prescribed by the committee by publication in the Government Gazette.

²⁹**Section 44** The licensee to produce or import narcotics of category III under section 43 may amend the particulars in the registration of the medicinal formula of the narcotics of Category III when he has obtained a written permission from the licensing authority.

The application for amending the particulars and the issuance of the written permission to amend the particulars in the registration of the medicinal formula of the narcotics of category III shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 45 A certificate of registration of the medicinal formula of the narcotics of category III shall be valid for five years from the date of issuance. If the person holding the certificate wishes to apply for its renewal, he shall file an application before the expiration of the term of the certificate; and after having filed the application, he may carry on his business until the licensing authority makes an order refusing to renew the certificate.

The application for the renewal of a certificate of registration of the medicinal formula of the narcotics of category III, and the permission of the renewal thereof shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

Section 46 When the Committee is of the opinion that any narcotics of category III, the medicinal formula of which has been registered and the certificate of which has already been issued, do not possess the quality as declared in the registration of the medicinal formula or may be unsafe to the consumers or there is a reasonable cause to withdraw the permission, the Committee shall submit the matter to the Minister who shall have the power to revoke the registration of the medicinal formula of the narcotics of category III by publishing the order of revocation in the Government Gazette.

The order of the Minister shall be final.

²⁸ Added by section 12 of the Narcotics Act (No.5) B.E.2545 (2002)

²⁹ Repealed and Replaced by section 8 of the Narcotics Act (No.3) B.E.2530 (1987)

Section 47 In the case where the certificate of registration of the medicinal formula of the narcotics of category III is lost, destroyed or materially defaced, the licensee shall notify the licensing authority and file an application for a substitute for the certificate within fifteen days from the date he is aware of the loss, destruction or defacement.

The application for a substitute for the certificate of registration of the medicinal formula of the narcotics of category III and the issuance thereof shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

CHAPTER 7

Advertisement

³⁰**Section 48** No person shall advertise narcotics for commercial purpose unless:

(1) the advertisement of narcotics of category II or category III is made directed to a medical practitioner, dental practitioner, pharmaceutical practitioner, first-class veterinary practitioner or

(2) it is a label or leaflet for the narcotics of category II, category III or category IV on the container or package thereof.

The advertisement which is document, picture, film, voice or picture record, under paragraph one shall be permitted by licensing authority before advertising.

The application for and the issuance of a license shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

³¹**Section 48/1** No person shall advertise relating to treatment or allow anyone to act thereof by using his name or the name or location or business of his medical establishment or qualifications or abilities of practitioners in his medical establishment unless he is permitted by the licensing authority.

The application for and the issuance of license shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

The provisions of paragraph one shall not apply to the medical establishment of the State.

³⁰ Repealed and Replaced by section 13 of the Narcotics Act (No.5) B.E.2545 (2002)

³¹ Added by section 14 of the Narcotics Act (No.5) B.E.2545 (2002)

³²**Section 48/2** In case when the licensing authority decides any advertisement violate Section 48 paragraph two or Section 48/1 paragraph two or there are usage of advertisement wording not in accordance with what has been permitted by the licensing authority, the licensing authority shall have the powers to issue an order or orders as follows:

- (1) to correct wording or methods of advertisement
- (2) to forbid the usage of some specific wording as appear on the advertisement
- (3) to forbid the advertisement or the use of such method for advertisement
- (4) to advertise in order to correct the misunderstanding that may happened

In the issuance of the order under (4) the licensing authority shall define the rules and methods of advertisement by taking into account of public interest and the good faith in the action of the advertising agency.

CHAPTER 8

Competent Officials

³³**Section 49** In the execution of this Act, the competent official shall have the powers as follows:

(1) to enter the place of business of the import or export licensee, the place of production, and the place of disposal, the storage of narcotics or the premises that require a permission under this Act, in order to inspect compliances with this Act.

(2) to enter the dwelling place, or any place to search when there is a reasonable grounds to believe that there is property which is possessed to be an offence or acquired by committed an offence, or used or will be used to commit an offence this Act or which may be used as evidence, and there are reasonable grounds to believe that by reason of the delay in obtaining a warrant of search the property is likely to be removed hidden, or destroyed or diverted original condition.

(3) to search any person and vehicle when there are reasonable grounds for suspecting that there are narcotics hidden unlawfully.

³² Added by section 14 of the Narcotics Act (No.5) B.E.2545 (2002)

³³ Repealed and Replaced by section 15 of the Narcotics Act (No.5) B.E.2545 (2002)

(4)to search in accordance with the provisions of the Criminal Procedure Code

(5)to seize or attach unlawfully possessed narcotics, or any other properties which is used or will be used to commit an offence in accordance with this Act.

The usage of the power under the paragraph one (2), the competent official making the search shall act compliance with the regulation promulgated by the Committee to identify good faith before searching, to reports reasons and results to the higher commanding official, to records the reasonable grounds to believe and the competent official shall show the document to identify himself and the document of searching power including the reasonable cause to believe that be entitled to do so and submit a document issued to the occupier of the dwelling place, searched place, unless there is no occupier at that place, the competent official making the search shall submit the copy of such papers and documents to the occupier immediately as soon as possible. And in case of a search made during night time, the competent official who is the chief of that search must be a civil official at position of level 7 upward or a police Chief officer or equivalent that has the rank of Lieutenant Colonel or higher.

The competent official of what rank and of what level, who shall have the power and duties as prescribed in paragraph one, wholly or in part, or must be authorized by any person before taking action, shall be designated by the Minister, with the approval of the Committee, who shall issue a document of authorization to the competent official.

In the performance of duties of the competent official under paragraph one, the person concerned shall afford him every reasonable facility.

The Minister shall file a report of the result of the action according to this Section to the cabinet for reporting the annual performance which shall include the facts, problems and obstacles, the amount of performance and the success of the operation in details, for the cabinet to forward the report with its comment to the House of People's Representative and the House of Senate.

Section 50 In the performance of duties, the competent official must provide his identity card and the document of authorization under section 49 paragraph two to the person concerned.

The identity card of the competent official shall be in the form prescribed in the Ministerial Regulation.

Section 51 In the performance of duties, the competent official shall be official under the Penal Code.

CHAPTER 9

Suspension and Revocation of Licenses

Section 52 When any licensee violates or does not comply with this Act or Ministerial Regulation or Notification issued under this Act, the licensing authority, with the approval of the Committee, shall have the power to suspend the license for a period of not more than one hundred and eighty days each time; but in the case where the licensee is prosecuted in the court for an offence under this Act, the licensing authority may suspend the license pending the final judgment of the court.

The person whose license has been suspended may not apply for any license under this Act during the period of such suspension.

Section 53 If it appears that any licensee lacks any qualification under section 19 or commits an offence under section 39, the licensing authority, with the approval of the Committee, shall have the power to revoke his license.

The person whose license has been revoked may not apply for any license under this Act until the period of two years from the date of the revocation has elapsed.

Section 54 The licensee shall be notified of the order of suspension and the order of revocation in writing. In the case where the person whose license has been suspended or revoked is not found or refuses to receive the said order, it shall be conspicuously posted at the place specified in the license, and the licensee shall be deemed to have the knowledge thereof from the date of receiving or posting the order.

Section 55 The competent official shall seize the narcotics of the person whose license has been suspended or revoked, and his license which has been suspended or revoked for safe keeping at the office of the Food and Drug Board, Ministry of Public Health, or in case of necessity, at any other place which the Ministry of Public Health may prescribe.

In the case where a license is revoked, the narcotics seized under paragraph one shall become the property of the Ministry of Public Health.

Section 56 After the lapse of the suspension period, the competent official shall return the narcotics and license seized under section 55 to the licensee.

CHAPTER 10

Special Measures of Control

Section 57 No person shall consume narcotics of category I or category V.

Section 58 No person shall consume narcotics of category II unless it is for the purpose of curing diseases upon the prescription of a medical practitioner or first-class modern medical practitioner in the branch of dentistry who has obtained a license under section 17.

³⁴**Section 58/1** In case of necessity and there are reasonable grounds to believe that any person or any group of persons consumes narcotics of category I, category II, or category V which is the offence in accordance with this Act in dwelling place, any place, or vehicle, the administrative official, or police official or competent official under this Act shall have the powers to examine or test or order to receive examination or test that if whether such person or group of persons have narcotics within their body.

The administrative official, or police official or competent official under this Act of what rank and of what level, who shall have the powers and duties as prescribed in paragraph one, wholly or in part, or must be authorized by any person before taking action, shall be as designated by the Minister, with approval of the Committee, who shall issue a document of authorization to the administrative official, or police official or competent official of this Act.

The method of examination or test under paragraph one shall be in accordance with the rules, procedure and conditions notified by the Committee as published in the Government Gazette. Whereas in the notification, shall at least state the procedure of showing good faith of administrative official, or police official, or competent official when carry out their duties, and the procedure related to non-disclosure of the examination and test resulting to any person who does not have relevant duty, when it appears at the first place that it is suspect that there is narcotics within the body, until there is examination for the final result

Section 59 The Minister shall prescribe the quantity of narcotics of category II to be used annually for medical and scientific purposes throughout the Kingdom by notifying in the

³⁴ Added by section 16 of the Narcotics Act (No.5) B.E.2545 (2002)

Government Gazette not later than January each year, and prescribe the additional quantity in case of necessity by notifying in the Government Gazette in the same manner.

³⁵**Section 60** In case when the licensee would like to dispose of or possess narcotics of category II exceeding the quantity prescribed in Section 8(5), he may apply especially for the license.

The application and the issuance of license shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulations.

The provisions of Section 8(5) shall be applied mutatis-mutandis.

Section 61 In the case where the licensee to dispose of or possess narcotics of category II died before the license expires, the heir or the possessor or the administrator shall notify the licensing authority within ninety days from the date the licensee died, and the competent official shall have the power to seize the narcotics of the licensee left for safe keeping at the Office of the Food and Drug Board, Ministry of Public Health, the Ministry of Public Health shall pay compensation for the seized narcotics as it thinks fit.

Section 62 The licensee under section 17, section 20 and section 26 shall make receipted and expenditure accounts of narcotics, and submit monthly and yearly reports to the Secretary General. The said accounts shall be kept ready for showing to the competent official at any time during the office hours for a period of five years from the date of entering the final item on the accounts.

The receipted and expenditure accounts of narcotics under paragraph one shall be in accordance with the form prescribed in the Ministerial Regulation.

Section 63 when a medical establishment for the treatment of the narcotic addicts has been established under section 8 (7), the Minister shall designate rules and regulations for the control of such treatment, and disciplinary rules for the said medical establishment.

CHAPTER 11

Carriage of Narcotics in Transit

³⁵ Added by section 17 of the Narcotics Act (No.5) B.E.2545 (2002)

Section 64 In carrying narcotics of category I category II, category IV, and category V in transit, the carrier must obtain a license issued by the competent authority of the exporting country accompanying the narcotics, and must produce the said license to the customs official and consent to the keeping of or having the narcotics in custody by the customs official.

The customs official shall keep or control the narcotics of category I, category II, category IV and category V in safe custody at a proper place until such time when the carrier of narcotics in transit shall carry the said narcotics out of the Kingdom.

In the case where the carrier of the narcotics of category I, category II, category IV and category V in transit does not carry the said narcotics out of the Kingdom within the period of thirty days from the date the narcotics are imported, the customs official shall report to the Secretary-General for information. The Secretary-General has the power to order the carrier of narcotics in transit to carry the said narcotics out of the Kingdom within the period of sixty days from the date of the order. In the case where the person so ordered fails to comply therewith, the said narcotics shall become the property of the Ministry of Public Health.

³⁶CHAPTER 11/1 APPEAL

³⁷**Section 64/1** In case when the person who takes the order from the licensing authority according to Section 48/2 disagrees with such order, he shall have the right to appeal to the Committee.

³⁸**Section 64/2** The appeal under Section 64/1 shall be submitted to the Committee within fourteen days from the date of obtaining the order of the licensing authority.

Rules and method of appeal and trial procedure shall be prescribed in the Ministerial Regulations.

The appeal of order according to the first paragraph shall not be a stay of execution of the order from the licensing authority, except when the Committee shall order otherwise for a temporary period before consideration of appeal.

The decision of the Committee shall be final.

³⁶ Added by section 18 of the Narcotics Act (No.5) B.E.2545 (2002)

³⁷ Added by section 18 of the Narcotics Act (No.5) B.E.2545 (2002)

³⁸ Added by section 18 of the Narcotics Act (No.5) B.E.2545 (2002)

CHAPTER 12

Penalties

³⁹**Section 65** Any person who produces, imports or exports the narcotics of category I in violation of Section 15, shall be liable to imprisonment for life and to a fine of one million to five million baht.

If the commission of the offence under paragraph one is committed for the purpose of disposal, the offender shall be liable to death penalty.

If the commission of the offence under paragraph one is a production by retailing or wholeselling and in quantity computed to the pure substances, or in number of used dosage, or in net weight, that does not reach the quantity prescribed in Section 15 paragraph three, the offender shall be liable to imprisonment for a term of four years to fifteen years, or to a fine of eighty thousand to three hundred thousand baht or to both.

If the commission of the offence under paragraph three is committed for the purpose of disposal, the offender shall be imprisonment for a term of four years to life and to a fine of four hundred thousand to five million baht.

⁴⁰**Section 66** Any person who disposes of or possesses for disposal narcotics of category I without permission and in quantity computed to be pure substances, or in number of used dosage, or in net weight, that does not reach the quantity prescribed in Section 15 paragraph three, shall be liable to imprisonment for a term of four to fifteen years, or to a fine of eighty thousand to three hundred thousand baht, or to both.

If the narcotics under paragraph one is in quantity computed to be pure substances of the quantity prescribed in Section 15 paragraph three, but not over twenty grams, the offender shall be liable to imprisonment for a term of four years to life and to a fine of four hundred thousand to five million Baht.

If the narcotics under paragraph one is in quantity computed to be pure substances of the quantity over twenty grams, the offender shall be liable to imprisonment for life and to a fine of one million to five million baht, or death penalty.

³⁹ Repealed and Replaced by section 19 of the Narcotics Act (No.5) B.E.2545 (2002)

⁴⁰ Repealed and Replaced by section 19 of the Narcotics Act (No.5) B.E.2545 (2002)

⁴¹**Section 67** Any person who possesses narcotics of category I without permission and in quantity computed to be pure substances, or in number of used dosage, or in net weight, that does not reach the quantity prescribed in Section 15 paragraph three, shall be liable to imprisonment for a term of one year to ten years, or to a fine of twenty thousand to two hundred thousand baht, or to both.

⁴²**Section 68** Any person who, in violation of Section 16, produces, imports, or exports the narcotics of category II, shall be liable to imprisonment for a term of one year to ten years and to a fine of one hundred thousand to one million baht.

If the narcotics which constitute the corpus deficit are morphine, opium, or cocaine, the offender shall be liable to imprisonment for a term of twenty years to life and to a fine of two million to five million baht.

⁴³**Section 69** Any person who, in violation of Section 17, possesses narcotics of category II, shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

Any person who, in violation of Section 17, disposes of or possesses for disposal narcotics of category II, shall be liable to imprisonment or a term of one year to ten years or to a fine of twenty thousand to two hundred thousand baht or to both.

If the Narcotics which constitute the corpus deficit are morphine, opium, or cocaine, in quantity computed to be pure substances of the quantity of less than one hundred grams, the offender shall be liable to imprisonment for a term of three to twenty years or to a fine of sixty thousand to four hundred thousand baht, or to both. But if such morphine, opium, or cocaine, in quantity computed to be pure substances of the quantity of one hundred grams upward, the offender shall be liable to imprisonment for a term of five years to life and to a fine of five hundred thousand to five million baht.

If the licensee under Section 17 has committed an act in violation of paragraph one, paragraph two, or paragraph three, he shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding one hundred thousand baht.

⁴¹ Repealed and Replaced by section 20 of the Narcotics Act (No.5) B.E.2545 (2002)

⁴² Repealed and Replaced by section 20 of the Narcotics Act (No.5) B.E.2545 (2002)

⁴³ Repealed and Replaced by section 20 of the Narcotics Act (No.5) B.E.2545 (2002)

⁴⁴**Section 70** Any person who, in violation of Section 20, produces or imports the narcotics of category III, shall be liable to imprisonment for a term of one year to three years and to a fine of one hundred thousand to three hundred thousand baht.

⁴⁵**Section 71** Any person who, in violation of Section 20 paragraph one, disposes of, possesses for disposal, or exports the narcotics of category III, in the amount not exceeding as prescribed in Section 20 paragraph four shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht, or to both.

In case of paragraph one, if the narcotics of category III is exceeding the amount of Section 20 paragraph four, the offender shall be liable to imprisonment for a term not exceeding two years and to a fine of not exceeding two hundred thousand baht.

⁴⁶**Section 72** Any person who, in violation of Section 22, imports or exports the narcotics of category III shall be liable to imprisonment for a term not exceeding one year and to a fine not exceeding one hundred thousand baht.

⁴⁷**Section 73** Any person who, in violation of Section 26, produces, imports, exports, disposes of or possesses for disposal narcotics of category IV shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

In the case of paragraph one, if the narcotics of category IV are in quantity of ten kilograms upward, the offender shall be liable to imprisonment for a term of one to fifteen years and to a fine of one hundred thousand to one million and five hundred thousand baht.

⁴⁸**Section 74** Any person who, in the violation of Section 26, possesses narcotics of category IV shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

⁴⁹**Section 75** Any person who, in violation of Section 26, produces, imports or exports narcotics of category V shall be liable to imprisonment for a term of two to fifteen years and to a fine of two hundred thousand to one million and five hundred thousand baht.

⁴⁴ Repealed and Replaced by section 21 of the Narcotics Act (No.5) B.E.2545 (2002)

⁴⁵ Repealed and Replaced by section 21 of the Narcotics Act (No.5) B.E.2545 (2002)

⁴⁶ Repealed and Replaced by section 21 of the Narcotics Act (No.5) B.E.2545 (2002)

⁴⁷ Repealed and Replaced by section 21 of the Narcotics Act (No.5) B.E.2545 (2002)

⁴⁸ Repealed and Replaced by section 21 of the Narcotics Act (No.5) B.E.2545 (2002)

If the narcotics which constitute the corpus deficit is Kratom plant (*Mitragyna speciosa*), the offender shall be liable to imprisonment not exceeding two years and to a fine not exceeding two hundred thousand baht.

⁵⁰**Section 76** Any person who, in violation of Section 26, possesses narcotics of category V shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

If the narcotics which constitute the corpus deficit as defined in paragraph one is Kratom plant (*Mitragyna speciosa*), the offender shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

⁵¹**Section 76/1** Any person who, in violation of Section 26 paragraph one, disposes of or possesses for disposal narcotics of category V in quantity of less than ten kilograms shall be liable to imprisonment for a term of two to ten years or to a fine of forty thousand to two hundred thousand baht or to both.

In the case under paragraph one, if the narcotics of category V are in quantity of ten kilograms upward, the offender shall be liable to imprisonment for a term of two to fifteen years and to a fine of two hundred thousand to one million and five hundred thousand baht.

If the narcotics which constitute the corpus deficit as defined in paragraph one is Kratom plant (*Mitragyna speciosa*), the offender shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

If the narcotics which constitute the corpus deficit as defined in paragraph two is Kratom plant (*Mitragyna speciosa*), the offender shall be liable to imprisonment for a term not exceeding two years and to a fine not exceeding two hundred thousand baht.

⁵²**Section 77** Any licensee who violates Section 27 shall be liable to a fine not exceeding twenty thousand baht.

⁴⁹ Repealed and Replaced by section 22 of the Narcotics Act (No.5) B.E.2545 (2002)

⁵⁰ Repealed and Replaced by section 22 of the Narcotics Act (No.5) B.E.2545 (2002)

⁵¹ Added by section 23 of the Narcotics Act (No.5) B.E.2545 (2002)

⁵² Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

⁵³**Section 78** Any licensee who violates Section 29, Section 30, or Section 31 shall be liable to a fine not exceeding forty thousand baht.

⁵⁴**Section 79** Any licensee who violates Section 32, Section 33, or Section 34 shall be liable to a fine not exceeding one hundred thousand baht.

⁵⁵**Section 80** Any licensee who does not comply with Section 35 paragraph one shall be liable to a fine not exceeding twenty thousand baht.

⁵⁶**Section 81** Any pharmacist who, having the duty to exercise control, does not act in accordance with Section 36, Section 37 or Section 38 shall be liable to a fine not exceeding twenty thousand baht.

⁵⁷**Section 82** Any person who, in violation of Section 39(1), produces, imports or exports fake narcotics of category III shall be liable to imprisonment for a term of three to twenty years and to a fine of three hundred thousand to two million baht.

⁵⁸**Section 83** Any person who, in violation of Section 39(1), disposes of fake narcotics of category III shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding five hundred thousand baht.

⁵⁹**Section 84** Any person who, in violation of Section 39(2) or (3), produces, imports or exports narcotics of category III which differ from their standard or are deteriorated shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

⁶⁰**Section 85** Any person who, in violation of Section 39(2) or (3), disposes of narcotics of category III which differ from their standard or are deteriorated shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

⁵³ Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

⁵⁴ Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

⁵⁵ Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

⁵⁶ Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

⁵⁷ Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

⁵⁸ Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

⁵⁹ Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

⁶⁰ Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

⁶¹**Section 86** Any person who, in violation of Section 39(4) or (5), produces, imports or exports narcotics of category III which the medicinal formula of which is required to be registered but in fact has not been registered or the registration of the medicinal formula of which has been revoked by the Minister shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding five hundred thousand baht.

⁶²**Section 87** Any person who, in violation of Section 39(4) or (5), disposes of narcotics of category III which the medicinal formula of which is required to be registered but in fact has not been registered or the registration of the medicinal formula of which has been revoked by the Minister shall be liable to imprisonment for a term not exceeding three years and to a fine not exceeding three hundred thousand baht.

⁶³**Section 88** Any person who, in violation of Section 44 paragraph one, amends any particular in the registration of the medicinal formula of narcotics of category III shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

⁶⁴**Section 89** Any person who violates Section 48 or Section 48/1 or fails to comply with the Ministerial Regulations issued under Section 48 or Section 48/1 or fails to comply with the order of the licensing authority under Section 48/2 shall be liable to imprisonment for a term not exceeding two years or to a fine of twenty thousand to two hundred thousand baht or to both

⁶⁵**Section 89/1** If the commission under Section 89 is committed by an advertising agency or a media planner, he shall be liable to one half of the punishment as provided for such offence.

⁶⁶**Section 89/2** If the commission of the offence under to Section 89 or Section 89/1 is the connected offence, the offender shall be liable to a fine not exceeding five thousand baht per day or not exceeding double expense for such advertisement for the duration of the violation or the failure to comply.

⁶¹ Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

⁶² Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

⁶³ Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

⁶⁴ Repealed and Replaced by section 24 of the Narcotics Act (No.5) B.E.2545 (2002)

⁶⁵ Added by section 25 of the Narcotics Act (No.5) B.E.2545 (2002)

⁶⁶ Added by section 25 of the Narcotics Act (No.5) B.E.2545 (2002)

⁶⁷**Section 90** Any person who does not provide reasonable facilities for the competent official who is performing the duties under Section 49 or obstructs the performance of duties of the competent official under Section 55 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

⁶⁸**Section 91** Any person who consumes narcotics of category I in violation of Section 57 or consumes narcotics of category II in violation of Section 58 shall be liable to imprisonment for a term of six months to three years or to a fine of ten thousand to sixty thousand baht or to both.

⁶⁹**Section 92** Any person who, in violation of Section 57, consumes narcotics of category V shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

If the narcotics which constitute the corpus delict as aforesaid is Kraton plant (*Mitragyna speciosa*), the offender shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding two thousand baht.

⁷⁰**Section 92/1** Any person who fails to comply with the order, which is given under Section 58/1, of the administrative official, the police official or the competent official shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht.

⁷¹**Section 93** Any person who deceives threatens uses violent force against exercise under influence over or coerces other persons by whatever means to consume narcotics shall be liable to imprisonment for a term of one year to ten years and to a fine of one hundred thousand to one million baht.

If such act is committed by the use of weapons or committed jointly by two persons or more, the offender shall be liable to imprisonment for a term of two to fifteen years and to fine of two hundred thousand to one million and five hundred thousand baht.

⁶⁷ Repealed and Replaced by section 26 of the Narcotics Act (No.5) B.E.2545 (2002)

⁶⁸ Repealed and Replaced by section 26 of the Narcotics Act (No.5) B.E.2545 (2002)

⁶⁹ Repealed and Replaced by section 27 of the Narcotics Act (No.5) B.E.2545 (2002)

⁷⁰ Added by section 28 of the Narcotics Act (No.5) B.E.2545 (2002)

⁷¹ Repealed and Replaced by section 29 of the Narcotics Act (No.5) B.E.2545 (2002)

If such act under paragraph one or paragraph two is committed against a women or person who is not sui juris, or committed for the purpose of persuading other persons to commit a crime or facilitating himself or other persons to committed a crime, the offender shall be liable to imprisonment for a term of three years to imprisonment for life and to a fine of three hundred thousand to five million baht.

If the narcotics which constitute the corpus deficit under paragraph three are morphine or cocaine, the offender shall be liable to additional penalty on one half of the normal penalty, and if the offence is committed against a women or person who is not sui juris, the offender shall be liable to imprisonment for life and to a fine of one million to five million baht.

If the narcotics which constitute the corpus deficit under paragraph three is Heroin, the offender shall be liable to double penalty of the normal penalty, and if the offender is committed against a women or person who is not sui juris, the offender shall be liable to death penalty.

⁷²**Section 93/1** Any person who, in violation of the provisions of this Act, instigates another person to consume narcotics of category I or category II shall be liable to imprisonment for a term of one year to five years or to a fine of twenty thousand to one hundred thousand baht or to both.

If such act under paragraph one is committed instigating another person to consume narcotics of category V, the offender shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

⁷³**Section 93/2** Any person who deceives threatens uses violent force against exercises under influence over or coerces other persons by whatever means to produce, import, export, dispose of, possess for disposal or possess narcotics shall be liable to double penalty of the normal penalty imposed by the law for such offence.

⁷⁴**Section 94** Any person who consumes, consumes and possesses, consumes and possesses for disposal, or consumes and disposes of narcotics in accordance with description, type, category and quantity prescribed in the Ministerial Regulations, and applies for a treatment in

⁷² Repealed and Replaced by section 30 of the Narcotics Act (No.5) B.E.2545 (2002)

⁷³ Added by section 31 of the Narcotics Act (No.5) B.E.2545 (2002)

⁷⁴ Repealed and Replaced by section 32 of the Narcotics Act (No.5) B.E.2545 (2002)

a medical establishment before his offence is discovered by the competent official or administrative official or police official, and has also strictly complied with the rules of the medical establishment, and has obtained a certificate from the competent official as prescribed by the Minister shall be relieved from the offence prescribed by the law, but all these, the case that the offense is committed after applying for treatment shall not be included.

Applying for the treatment in the medical establishment under paragraph one shall be in accordance with rules and procedure prescribed by the Committee.

⁷⁵**Section 94/1** Any person who, in the ordinary course of business, gives treatment to a narcotics addict by using drugs under the law on drugs, psychotropic substances under the law on narcotics, or gives treatment to narcotics addict by any other means, which does not take place in the medical establishment prescribed by this Act, whether or not a consideration is obtained, shall be liable to imprisonment for a term of six months to three years or to a fine of fifty thousand to three hundred thousand baht.

⁷⁶**Section 95** Any heir, possessor or administrator violates Section 61 shall be liable to a fine not exceeding two thousand baht.

⁷⁷**Section 96** Any licensee who does not comply with Section 62 paragraph one shall be liable to a fine not exceeding ten thousand baht.

Section 97 If any person who, having been sentenced by a final judgment to a term of imprisonment for an offence under this Act, commits an offence under this Act again during the punishment period or within five years from the date he has been released from the punishment, and if the Court decides to sentence him to imprisonment for the latter offence, the punishment to be inflicted upon him shall be increased by one-half of the penalty determined by the Court for the latter offence.

Section 98 An offender who has been convicted of the offence under Section 91 or Section 92 for the third time shall, upon his release, be detained by the competent official, upon order of the Minister at a medical establishment specifically established by the Notification of the

⁷⁵ Repealed and Replaced by section 33 of the Narcotics Act (No.5) B.E.2545 (2002)

⁷⁶ Repealed and Replaced by section 34 of the Narcotics Act (No.5) B.E.2545 (2002)

⁷⁷ Repealed and Replaced by section 34 of the Narcotics Act (No.5) B.E.2545 (2002)

Minister, and such person shall be given a treatment until he has obtained a certificate from the competent official designated by the Minister to the effect that he has received a complete treatment in accordance with the rules and regulations for the control of treatment and disciplinary rules of the said medical establishment.

⁷⁸**Section 99** Any person who escapes during the detention period from a medical establishment under Section 98 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

⁷⁹**Section 100** Any member of the Committee and competent official under this Act or Government official or official of a State organization or State agency who produces, imports, exports, disposes of or possesses for disposal narcotics or supports the commission of such act as an offence under this Act shall be liable to treble penalty imposed for such offence.

⁸⁰**Section 101/1** wherever this Act determines that the punishment for an offence is both imprisonment and fine, the Court shall inflict both punishments and fine with regard to the punishment relating to property for controlling the commission of offence relating to narcotics.

The Court may, when having regard to the gravity of the commission of offence, status of the offender and the concerning circumstances, if it thinks fit in a specific case, inflict less punishment of fine than the minimum punishment as provided for the committed offence.

⁸¹**Section 100/2** If the Court is of opinion that any offender has given the important information for the very benefit of suppressing the commission of offence relating to narcotics to administrative official or police official or inquiry official, the Court may inflict less punishment of fine than the rate of minimum punishment as provided for such the committed offence.

⁷⁸ Repealed and Replaced by Section 35 of the Narcotics Act (No.5) B.E.2545 (2002)

⁷⁹ Repealed and Replaced by Section 35 of the Narcotics Act (No.5) B.E.2545 (2002)

⁸⁰ Added by section 36 of the Narcotics Act (No.5) B.E.2545 (2002)

⁸¹ Added by section 36 of the Narcotics Act (No.5) B.E.2545 (2002)

⁸²**Section 101** In the case where there is a seizure of narcotics of category I, category II or category III under section 49(2) or by virtue of other laws, and no court proceeding has been instituted, if, within the period of six months from the date of the seizure, no person claims to be the owner thereof, such narcotics shall become the property of the Ministry of Public Health.

⁸³**Section 101 bis** In the case where there is a seizure of narcotics of category IV or category V under section 49 (2) or by virtue of other laws, whether or not a court proceeding has been instituted, the Ministry of Public Health or person entrusted by the Ministry of Public Health, after having verified the type and quantity to be narcotics of the said category by recording the verification in the report, may destroy or utilize them in accordance with the rules prescribed by the Ministry of Public Health.

Section 102 All the narcotics of category I, category II, category IV or category V, equipment, tools, vehicles or other articles with the offender used in committing an offence relating to narcotics, which is an offence under this Act, shall be forfeited.

Section 102 bis In the case where the Court proceeding has been instituted for the narcotics of category I or category II, and no contend about the type, quantity or weight of the narcotics, if the Court of First Instance has a decision or an order to seize of the said narcotics under section 102 or by virtue of other laws and, within the period of thirty days from the date of the decision or the order to seize the narcotics, there is no offer that the real owner does not connive at the commission of the offence, the Ministry of Public Health or person entrusted by the Ministry of Public Health may destroy or utilize them in accordance with the rules prescribed by the Ministry of Public Health.

Transitory Provisions

⁸⁴**Section 103** Pending the publication of the Notification specifying the names of narcotics under Section 8 (1) under this Act ;

⁸² Repealed and Replaced by section 11 of the Narcotics Act (No.3) B.E.2530 (1987)

⁸³ Added by section 12 of the Narcotics Act (No.3) B.E.2530 (1987)

⁸⁴ Added by section 3 of the Narcotics Act (No.4) B.E.2543 (2000) published in the Government Gazette Vol.117 Part 111A, dated 29th November B.E.2543 (2000)

- (1) heroin or salts of heroin as provided in Section 4 bis of the Narcotics Act, B.E. 2465 as amended by the Narcotics Act (No.4), B.E. 2504 shall be narcotics of category I;
- (2) narcotics the names of which appear in the schedule attached to the following Ministerial Regulation and in the following Notifications of the Ministry of Public Health shall be narcotics of category II:
 - (a) in the schedule attached to the Ministerial Regulation (No.7), B.E. 2507 issued under the Narcotics Act, B.E. 2465;
 - (b) in the Notifications of the Ministry of Public Health specifying the additional names of narcotics issued under the Narcotics Act, B.E. 2465 dated 4th April B.E. 2511, dated 4th March B.E. 2512, dated 30th July B.E. 2512, dated 26th April B.E. 2514, dated 19th September B.E. 2516, and dated 24th December B.E. 2516;
- (3) Acetic Anhydride and Acetyl Chloride shall be narcotics of category IV;
- (4) marijuana under the Marijuana Act, B.E. 2477 and Kratom plant under the Kratom Plant Act, B.E. 2486 shall be narcotics of category V.

Section 104 The drugs which are exempted under the laws on narcotics before this Act comes into force shall be narcotics of category III under this Act.

The licensee to produce, sell or import the narcotics of category III referred to in paragraph one under the law on drugs shall file an application for a license to produce, dispose of or import narcotics of category III under Section 20, and in case of the producer or importer, he shall file an application for the registration of the medicinal formula of the narcotics of category III under section 43 within one hundred and eighty days from the date this Act comes into force, and upon the filing of the applications for a license and the registration of the said medicinal formula, the applicant may carry on his business temporarily; But If the licensing authority by a written order refuses to issue the license or such person has neither filed an application for a license to produce, dispose of or import nor filed an application for the registration of the medicinal formula within the said period, his rights under this section shall terminate as from the date of receiving the notice of the order or the day after the expiration of the period of one hundred and eighty days from the date this Act comes into force, as the case may be, and the provision of Section 55 shall be applied mutatis mutandis.

Section 105 The licensee to import the exempted drugs into the Kingdom in accordance with form No.9 attached to the Ministerial Regulation of the Ministry of Interior issued under the Narcotics Act, B.E. 2465 as amended by the Narcotics Act (No.2), B.E. 2479 shall be

permitted to import the said drugs under the license but he shall be required to comply with Section 104.

Section 106 The licensee to buy, have and distribute narcotics, or a special license to buy, have and distribute narcotics in excess of the quantity prescribed under the laws on narcotics in force before the date this Act comes into force shall retain the narcotics in possession and carry on the business until such license expires: and if he wishes to carry on the business, he shall file an application in accordance with the provision of this Act before the expiration of the original license. But, If the licensing authority by a written order refuses to issue the license, such person shall not be entitled to carry on the business as from the date of receiving notice of the order, and the provision of Section 55 shall be applied mutatis mutandis.

Countersigned by:

Pol. Col. Taksin Chinavatr

Prime Minister

The rate of fee⁸⁵

- (1) license to produce of narcotics of category II 1,000 Baht each
- (2) license to import of narcotics of category II 1,000 Baht each
- (3) license to export of narcotics of category II 1,000 Baht each
- (4) license to dispose of narcotics of category II 1,000 Baht each
- (5) license to process of narcotics of category III 200 Baht each
- (6) license to dispose of narcotics of category III 1,000 Baht each
- (7) license to produce of narcotics of category III 6,000 Baht each or category IV
- (8) license to import of narcotics of category III or category IV 6,000 Baht each
- (9) license to export of narcotics of category III or category IV 200 Baht each
- (10) license to process of narcotics of category IV 200 Baht each
- (11) license to each import of export of narcotics of category III 100 Baht each
- (12) license to dispose or possession of of narcotics 200 Baht each of category II more than as provided by the Minister under section 60
- (13) the certificate of registration of the medicinal formula 2,000 Baht each of the narcotics of category III
- (14) license to advertise narcotics for commercial purpose 3,000 Baht each under section 48

⁸⁵ The rate of fee shall be repealed and replaced by section 37 of Narcotics Act (No.5) B.E.2545 (2002)

and 48/1

(15) license substitute 100 Baht each

(16) a substitute for the certificate of registration 100 Baht each of the medicinal formula of narcotics of category III

(17) license to amend the particular in the registration 1,000 Baht each under section 44

(18) the application for a renewal of a license or the certificate as each license or of registration of the medicinal formula of narcotics license substitute mentioned above

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