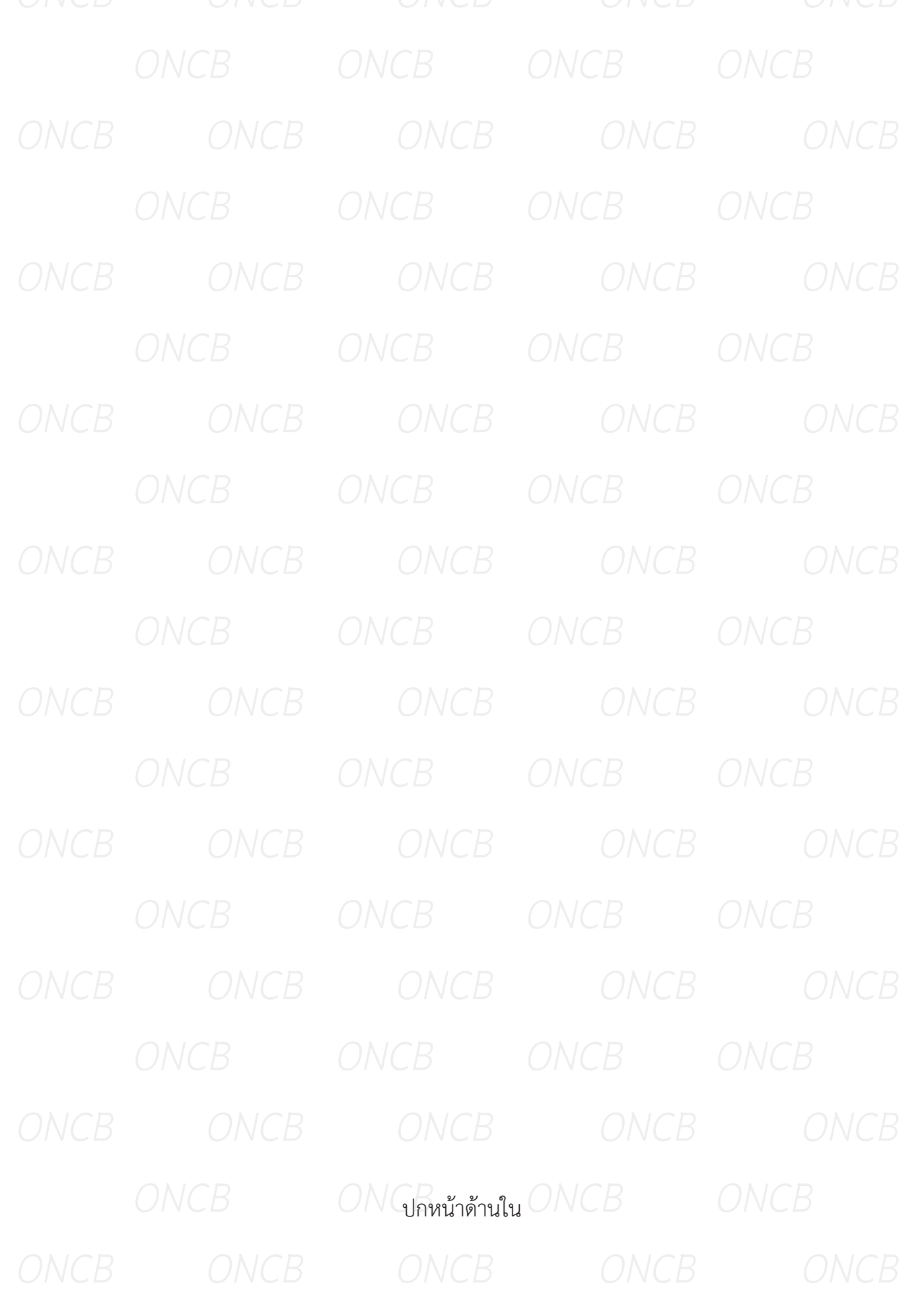




NARCOTICS CODE

Office of the Narcotics Control Board
Ministry of Justice





Act Promulgating the Narcotics Code, B.E. 2564 (2021)

NARCOTICS CODE

And

Act on Procedure of Narcotics Case B.E. 2550 (2007)

Legal Affairs Bureau

Office of the Narcotics Control Board

Ministry of Justice

NARCOTICS CODE

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Foreword

The government has the policy to amend the law relating to narcotics which shall be consistent with national strategy and the result of the United Nations General Assembly Special Session on the World Drug Problem since B.C. 2016.

The Ministry of Justice through the Office of the Narcotics Control Board and State Agencies concerned have amended the law relating to narcotics which stipulates such laws to have measures to enforce the Prevention, Suppression, and Solution of narcotics problems systematically and efficiently including grouping separated units together among the State Agency and private agency shall be beneficial to the public order including to suppression in an offence relating to narcotics in Transnational Organized Crime which serious to the security of the Kingdom, and prevention, and prevent the aiding and abetting of commission of such Organization in any field. We have amended such law to substantive law and procedural law which shall be the **“Act Promulgating the Narcotics Code, B.E. 2564 (2021) and annexed with the Narcotics Code, and the Narcotics Case Procedure Act (NO. 2), B.E. 2564”**

The Office of the Narcotics Control Board by Mr. Wichai Chaimongkhon, Secretary General of the Narcotics Control Board focuses on international cooperation and is very important to cooperate in force for international prevention and suppression. He assigned Legal Affairs Bureau to conduct to translation of such law into English to strengthen international cooperation on prevention and suppression of narcotics for purpose of conducting in the right standard of measure.

The Office of the Narcotics Control Board hopes that this publication will provide a valuable source of reference to State Agency, International Agencies, and to whom with concern and all persons interested in the law on narcotics in Thailand for the purpose of research study, understanding of, and shall include for conduct in Prevention, Suppression, and Solution of Problem of Narcotics to touch the spirit of such law.

Furthermore, this translation is provided by the Office of the Narcotics Control Board as the competent authority for information purposes only. Whilst the Office of the Narcotics Control Board has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

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Unofficial Translation**Act Promulgating the Narcotics Code, B.E. 2564 (2021)**

His MAJESTY KING Maha VAJIRALONGKORN PHRA Vajiraklaochaoyuhua:

Given on the 7th Day of November B.E. 2564

Being the 6th Year of the Present Reign

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua is graciously pleased to proclaim that;

Whereas it is expedient to proclaim **the Narcotics Code**;

Whereas this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 26, in conjunction with section 28, section 32, section 33, section 34, section 36, section 37, section 38, and section 40 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

Rationales and necessities for the restriction of rights and liberties of persons under this Act lie in prescribing measures to enforce the Prevention, Suppression, and Solution of narcotics problems systematically and efficiently including grouping separated units together among the State Agency and private agency shall be beneficial to the public order including to suppression in an offence relating to narcotics in Transnational Organize Crime which serious to the security of the Kingdom, and prevention, and prevent the aiding and abetting of commission of such Organization in any field, in this regard, the enactment of this Act duly complies with the conditions provided in section 26 of the Constitution of the Kingdom of Thailand;

Be it, therefore, enacted by the King, by and with the advice and consent of the Parliament, as follows;

“This translation is provided by the Office of the Narcotics Control Board as the competent authority for information purposes only. Whilst the Office of the Narcotics Control Board has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law”

Section 1¹ This Act is called the " Act Promulgating the Narcotics Code, B.E. 2564 (2021)".

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

Section 3 The Narcotics Code annexed to this Act shall come into force after thirty days from the date of this Act's come into force.

Section 4 When the Narcotics Code annexed to this Act shall come into force, shall be repealed;

- (1) Narcotics Control Act, B.E. 2519 (1976);
- (2) Narcotics Control Act (No. 2), B.E. 2534 (1991);
- (3) Narcotics Control Act (No. 3), B.E. 2543 (2000);
- (4) Narcotics Control Act (No. 4), B.E. 2545 (2002);
- (5) Narcotic Act, B.E. 2522 (1979);
- (6) Narcotic Act (No. 2), B.E. 2528 (1985);
- (7) Narcotic Act (No. 3), B.E. 2530 (1987);
- (8) Narcotic Act (No. 4), B.E. 2543 (2000);
- (9) Narcotic Act (No. 5), B.E. 2545 (2002);
- (10) Narcotic Act (No. 6), B.E. 2560 (2017);
- (11) Narcotic Act (No. 7), B.E. 2562 (2019);
- (12) Narcotic Act (No. 8), B.E. 2564 (2021);
- (13) Emergency Decree on the Prevention of Volatile Substance Abuse, B.E. 2533 (1990);
- (14) Act of Amendment Emergency Decree on the Prevention of Volatile Substance Abuse, B.E. 2533 (1990), B.E. 2542 (1999);
- (15) Act of Amendment Emergency Decree on the Prevention of Volatile Substance Abuse, B.E. 2533 (1990) (No. 2), B.E. 2543 (2000);

¹ Published in the Government Gazette, Vol. 138, Part 73 a, Page 1, dated 8th November B.E. 2564 (2022)

(16) Act of Amendment Emergency Decree on the Prevention of Volatile Substance Abuse, B.E. 2533 (1990) (No. 3), B.E. 2550 (2007);

(17) Measures for the Suppression of Offenders in an Offence Relating to Narcotics Act, B.E. 2534 (1991);

(18) Measures for the Suppression of Offenders in an Offence Relating to Narcotics Act (No.2), B.E. 2543 (2000);

(19) Rehabilitation of Narcotic Addict Act, B.E. 2545 (2002);

(20) Psychotropic Substances Act, B.E. 2559 (2016);

(21) Announcement of the National Council for Peace and Order No. 108/2557 Conduct for Suspects of Drug-Related Offense in Order for Them to Receive Rehabilitation, and the Care of Persons after their Rehabilitation Treatment, dated 21st July B.E. 2557 (2014);

(22) Announcement of the National Council for Peace and Order No. 109/2557 Amendment Law for the Narcotics Control, dated 21st July B.E. 2557 (2014);

(23) Announcement of the National Council for Peace and Order No. 116/2557 Amendment Law for the Measures for the Suppression of Offenders in an Offence Relating to Narcotics, dated 21st July B.E. 2557 (2014);

(24) Order of the Head of the National Council for Peace and Order No. 10/2561 Amendment List of Narcotics Annexed to Announcement of the National Council for Peace and Order No. 108/2557, dated 25th July B.E. 2561 (2018).

Section 5 The Office of the Narcotics Control Board shall cause Narcotics Control Officials to attend training pre-performance of their duties which improve knowledge, capacity, and practical experience, including training to enhance skills and proficiency, in accordance with training programs approved by the Narcotics Control Board.

Section 6 The government officials of the Office of the Narcotics Control Board which the Secretary General of the Narcotics Control Board shall appoint as Narcotics Control Officials and approved by the Narcotics Control Board

or the sub-committee assigned by the Narcotics Control Board and have completed the training under section 5 shall be officials holding special positions under the law on civil service, and the prescription of compensation for the special positions, regard shall be had to missions, duties and the quality of work and existence on the administration of justice by comparison with stipends of other officials performing work in the administration of justice, Due to in accordance with the Regulation that the Narcotics Control Board issued with the approval by the Ministry of Finance.

Section 7 When the Narcotics Code annexed to this Act shall come into force, provisions of any law which refer to the Narcotics Control Act, B.E. 2519 (1976), the Narcotic Act, B.E. 2522 (1979), the Emergency Decree on the Prevention of Volatile Substance Abuse, B.E. 2533 (1990), the Measures for the Suppression of Offenders in an Offence Relating to Narcotics Act, B.E. 2534 (1991), the Rehabilitation of Narcotic Addict Act, B.E. 2545 (2002), or the Psychotropic Substances Act, B.E. 2559 (2016) shall be deemed to refer to the provisions bearing the same meaning of the Narcotics Code annexed to this Act.

Section 8 All Ministerial Regulations, Rules or Notifications issued under the Narcotics Control Act, B.E. 2519 (1976), the Narcotic Act, B.E. 2522 (1979), the Emergency Decree on the Prevention of Volatile Substance Abuse, B.E. 2533 (1990), the Measures for the Suppression of Offenders in an Offence Relating to Narcotics Act, B.E. 2534 (1991), the Rehabilitation of Narcotic Addict Act, B.E. 2545 (2002), the Psychotropic Substances Act, B.E. 2559 (2016), or Announcement of the National Council for Peace and Order No. 108/2557 Conduct for Suspects of Drug-Related Offense in Order for Them to Receive Rehabilitation, and the Care of Persons after their Rehabilitation Treatment, dated 21st July B.E. 2557 (2014) as in force prior to the date on which the Narcotics Code annexed to this Act shall come into force, shall continue to be in force insofar as they are not contrary to or inconsistent with the Narcotics Code annexed to this Act or until Ministerial Regulations, Rules or Notifications to be issued under the Narcotics Code annexed

to this Act, or the Procedure of Narcotic Case Act B.E. 2550 (2007) which amendment to the Procedure of Narcotic Case Act (No. 2) B.E. 2564 (2021) shall come into force.

Section 9 In the case where any provisions of the Narcotics Code annexed to this Act, prescribed to inflict upon accused, or application for permission, or the granting of permission or conduct under the provisions shall be in accordance with the Rules, Procedure, or Conditions that prescribed in the Ministerial Regulation, Rule or Notification. Such provision shall not use until Ministerial Regulations, Rules or Notifications shall be issued.

Section 10 During the period without issue in the Ministerial Regulation, Rule, or Notification under the Narcotics Code annexed to this Act;

(1) Minister of Public Health, Minister of Public Health upon recommendation of the Narcotics Commission, licensor or licensor upon approval of the Narcotics Commission, as the case may be, have the power in considering the granting of permission of produce, import, export, dispose, possess, transit or advertise narcotic drugs or psychotropic substances, production or importation the samples of preparation of the psychotropic substances and the application for registration of the preparation of narcotic drug in Schedule 3 or the preparation of the psychotropic substances, conduct by the provision on produce, import, export, dispose, possess, transit or advertise narcotic drugs or psychotropic substances, production or importation the samples of preparation of the psychotropic substances and the application for registration of the preparation of narcotic drug in Schedule 3 or the preparation of the psychotropic substances which prescribed under the Narcotic Act, B.E. 2522 (1979) or the Psychotropic Substances Act, B.E. 2559 (2016), as the case may be, shall continue to be in force insofar as they are not contrary to or inconsistent with the Narcotics Code annexed to this Act;

(2) the exempted person shall produce, import, export, sell, dispose or possess for disposal of narcotic drugs or psychotropic substances without being required to apply for a licence under section 20 of the Narcotic Act, B.E. 2522 (1979)

which is amended to the Narcotic Act, (No 5) B.E. 2545 (2002) or under section 21 of the Psychotropic Substances Act, B.E. 2559 (2016), shall be the exempted person without being required to apply for a licence under section 32 of the Narcotics Code annexed to this Act;

(3) suspension of the licence, revocation of the licence, qualifications and duties of the licensee, and the duties of pharmacist shall be in accordance with the provision of the Narcotic Act, B.E. 2522 (1979) or the Psychotropic Substances Act, B.E. 2559 (2016).

Section 11 The competent official under the Narcotics Control Act, B.E. 2519 (1976), the Narcotic Act, B.E. 2522 (1979), the Emergency Decree on the Prevention of Volatile Substance Abuse, B.E. 2533 (1990), the Measures for the Suppression of Offenders in an Offence Relating to Narcotics Act, B.E. 2534 (1991), the Rehabilitation of Narcotic Addict Act, B.E. 2545 (2002), the Psychotropic Substances Act, B.E. 2559 (2016) as the case may be, as in force prior to the date on which the Narcotics Code annexed to this Act shall come into force until Newly appointed under the Narcotics Code annexed to this Act.

Section 12 All case which shall be ordered for the examination of the properties under the Measures for the Suppression of Offenders in an Offence Relating to Narcotics Act, B.E. 2534 (1991), as in force prior to the date on which the Narcotics Code annexed to this Act shall come into force, the Properties Examination Committee, the Properties Examination Sub-Committee, the Secretary General of the Narcotics Control Board, competent official, the Public Prosecutor, and the court, shall be conducted under the Measures for the Suppression of Offenders in an Offence Relating to Narcotics Act, B.E. 2534 (1991) shall continue to be in force until the case shall be terminated.

Section 13 Any application submitted under the Narcotic Act, B.E. 2522 (1979), or the Psychotropic Substances Act, B.E. 2518 (1975) and pending official consideration shall be deemed to be an application under the Narcotics Code annexed to this Act, *mutatis mutandis*, if the application which contains any

information and any document be added to the application different from those required of an application under the Narcotics Code annexed to this Act, the licensor shall have the power to adjust or add an application, in accordance with the Narcotics Code annexed to this Act.

Section 14 All licence, the certificate of registration of the preparation of narcotic drug in Schedule 3, the certificate of registration of preparation of psychotropic substances, the certificate, notice of the import, notice of the export, the substitute of licence, the substitute of certificate of registration of preparation of narcotic drug in Schedule 3, the substitutes of certificate of registration of preparation of psychotropic substances, and the substitute of certificate, which issued under the Narcotic Act, B.E. 2522 (1979) or the Psychotropic Substances Act, B.E. 2559 (2016) as in force prior to the date on which the Narcotics Code annexed to this Act shall come into force shall continue to be in force until the such licence expire.

Section 15 A licensee holding a licence for the produce, import, export, sell, dispose, or possess of narcotic drugs or psychotropic substances under the Narcotic Act, B.E. 2522 (1979) or the Psychotropic Substances Act, B.E. 2559 (2016) as in force prior to the date on which the Narcotics Code annexed to this Act shall come into force shall continue to be in force until the such licence expires, and if the intention to continue the operation of the business shall submit an application for a licence under the Narcotics Code annexed to this Act as in force prior to the such licence expire.

Section 16 Initial term, the Narcotics Control Board, the Narcotics Commission, the Properties Examination Committee, and the Narcotics Addiction Treatment and Rehabilitation Committee, consisting of ex-officio members under section 4, section 25, section 63, and section 109 of the Narcotics Code annexed to this Act, as the case may be, due to the Secretary General of the Narcotics Control Board shall be a member and secretary of the Narcotics Control Board, and the Properties Examination Committee, the Secretary General of the Food and Drug

Board shall be a member and secretary of the Narcotic Commission, and the Deputy Permanent Secretary of Public Health entrusted by the Permanent Secretary of Public Health shall be a member and secretary of the Narcotics Addiction Treatment and Rehabilitation.

The ex-officio members under paragraph one shall be ex-officio members under the Narcotics Code annexed to this Act as in force for the time being until a qualified member shall be appointed under the Narcotics Code annexed to this Act for a period not exceeding ninety days from the date the Narcotics Code annexed to this Act shall come in force.

The sub-committee appointed by the Narcotics Control Board under the Narcotics Control Act, B.E. 2519 (1976), and the sub-committee appointed by the Properties Examination Committee under the Measures for the Suppression of Offenders in an Offence Relating to Narcotics Act, B.E. 2534 (1991), shall continue to be in force until newly appointment under the Narcotics Code annexed to this Act.

Section 17 All activity, property, right, duty, debt, obligation, government official, government employee, employee, budget, and income of the Narcotics Control Fund under the Measures for the Suppression of Offenders in an Offence Relating to Narcotics Act, B.E. 2534 (1991), as in force prior to the date on which the Narcotics Code annexed to this Act shall come into force, shall conform with the Narcotics Control Fund under the Narcotics Code annexed to this Act.

Section 18 The accused who is under examination and rehabilitation, under the Rehabilitation of Narcotic Addict Act, B.E. 2545 (2002), as in force prior to the date on which the Narcotics Code annexed to this Act shall come into force, shall in force under the Rehabilitation of Narcotic Addict Act, B.E. 2545 (2002), insofar as they are not contrary to or inconsistent with the Narcotics Code annexed to this Act.

Section 19 The Committee on Rehabilitation of Narcotic Addict, the sub-committee, the sub-committee on rehabilitation of narcotic addict in localities, and competent officials under the Rehabilitation of Narcotic Addict Act,

B.E. 2545 (2002), who perform duties as in force prior to the date on which the Narcotics Code annexed to this Act shall come into force, shall have the duties and powers to perform duties which remain until accomplished.

In the case of the member of a committee or the member of a sub-committee under paragraph one shall be vacant and remain of the member of a committee or the member of a sub-committee shall not constitute a quorum or less than to constitute a quorum, remain of the committee or the sub-committee shall be performance.

The place for examination, rehabilitation of narcotics addict or for detention and the Rehabilitation Centre for narcotics addict shall have the powers and duties and conduct under the Rehabilitation of Narcotic Addict Act, B.E. 2545 (2002) until the conduct of examining or rehabilitation of narcotic addicts shall be done.

Section 20 The case shall be issued a writ of execution which appointed government official of the Office of the Narcotics Control Board shall be judgement creditor as in force prior to the date on which the Narcotics Code annexed to this Act shall come into force, the Office of the Narcotics Control Board shall be conducted under the Procedure of Narcotics Case Act B.E. 2550 (2007) until accomplished.

Section 21 The provision of presuming for disposal of narcotic drugs under the Narcotic Act, B.E. 2522 (1979) and for sale of psychotropic substances under the Psychotropic Substances Act, B.E. 2559 (2016) which repealed by this Act shall be in force for a sentence of the Court of First Instance as in force prior to the date on which the Narcotics Code annexed to this Act shall come into force, as the case may be until a case has become final.

The cases pending in Court of First Instance as in force prior to the date on which the Narcotics Code annexed to this Act shall come into force if any party or both parties file the statement of additional examination of evidence which the accused has committed an offence for disposal or sale or has not committed

an offence for disposal or sell as the case may be, the Court shall additionally examine the evidence as the Court considers appropriate

Section 22 The center for screening rehabilitation patients and the center to coordinate the care of those who have completed rehabilitation under Announcement of the National Council for Peace and Order No. 108/2557 Conduct for Suspects of Drug-Related Offense in Order for Them to Receive Rehabilitation, and the Care of Persons after their Rehabilitation Treatment, dated 21st July B.E. 2557 (2014) shall be the Screening Center and the Social Rehabilitation Center under the Narcotics Code annexed to this Act, as the case may be, due to, until establishment the Screening Center and the Social Rehabilitation Center under the Narcotics Code annexed to this Act.

Section 23 Initial term within a period of two years from the date the Narcotics Code annexed to this Act shall come into force, the granting of permission to import narcotic drugs which cover only cannabis for medical purpose or for the purpose of curing ill people in accordance with section 35 under the Narcotics Code annexed to this Act shall be imported only seed.

The provisions in paragraph one shall not apply to the cases as follows;

(1) the licensee which State Agencies that have duties to conduct research studies or provide teaching in the fields of medicine, pharmaceutical science, sciences, or agriculture; or to provide services in the fields of medicine, pharmaceutical science, or sciences; or to provide agricultural services for the interests of medical or pharmaceutical purpose; or those State Agencies that have duties to prevent, suppress, and solution narcotics problem; or the Thai Red Cross Society;

(2) the licensee whom patients traveling internationally, who need to bring with them the narcotic drugs which is cannabis into or out of the Kingdom personally for disease treatment purpose;

(3) the licensee which research studies and development purposes under section 35 paragraph two of the Narcotics Code annexed to this Act.

Section 24 The President of the Supreme Court, the Minister of Justice, the Minister of Public Health, and the Minister of Industry, shall have charge and control over the execution of this Act and under the Narcotics Code annexed to this Act, due to, duties and powers in an orderly manner.

The President of the Supreme Court upon approval of the plenary session of the Supreme Court shall have the power to issue Regulations, the Minister of Public Health shall have the power to appoint the competent official, the Minister of Justice, the Minister of Public Health, and the Minister of Industry shall have the power to issue Ministerial Regulations, Rules, or Notifications, shall be comply with this Act and the Narcotics Code annexed to this Act, due to, duties and powers in an orderly manner.

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

Countersigned by
General Prayut Chan-o-cha

Unofficial Translation

NARCOTICS CODE

Book I

Prevention, Suppression, and Narcotics Control

TITLE 1

General Provisions

Section 1 In this Narcotics Code,

“narcotics” means narcotic drug, psychotropic substance, or volatile substance;

“narcotic drugs” means any chemical, plant, or substance which upon being consumed has effects on both physical and mind in a significant manner, such as the need to increase consumption dosage sequentially, withdrawal symptoms when deprived of narcotic drugs, constant severe physical and mental craving for consumption, and deterioration of general health, and shall include chemicals which are used for the production of narcotic drugs but excluding certain formulae of household medicines which contain narcotic drugs ingredient under the law on drugs;

“psychotropic substance” means psychotropic substance which is natural material or is derived from natural material or any psychotropic substance which is a synthetic substance;

“volatile substance” means chemical or product which may be used to serve the physical or mental needs which cause health in general to deteriorate;

“offence relating to narcotics” means the offence as prescribed in this Code;

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“serious offence relating to narcotics” means the offence relating to production, importation, exportation, distribution, or having in possession of narcotics except for having in possession for consume, and shall include conspiracy, aiding and abetting, assisting, or attempting to commit such offence;

“property connected with the commission of the serious offence relating to narcotics” means money or properties obtained through the commission of a serious offence relating to narcotics and shall include money or properties which are obtained by means of using such money or properties to purchase or by causing in any manner whatsoever to transform such money or properties, irrespective of the number of transformation and whether or not such money or properties will be in the possession of, or transferred to or apparently evidenced on the register as belonging to other persons;

“produce” means cultivate, plant, manufacture, mix, prepare, transform, denature, and synthesize by scientific means;

“import” means bring or order into the Kingdom;

“export” means carry or send out of the Kingdom;

“dispose” means sell, exchange, distribute, give away indiscriminately or give for value obtained or other benefits and shall include possession for disposition;

“transit” means bring or send through the Kingdom, but excluding irrespective of bringing or sending of narcotics through the Kingdom without being discharged from the carrying aircraft used in the international public transportation;

“consume” means take in narcotics knowingly which are narcotics by whatever;

“NCB” means the Narcotics Control Board;

“ONCB” means the Office of the Narcotics Control Board;

“Secretary General of the NCB” means the Secretary General of the Narcotics Control Board;

“FDA” means the Food and Drug Administration;

“Secretary General of the FDB” means the Secretary General of the Food and Drug Board;

“Fund” means the Narcotics Control Fund;

“Narcotics Control Official” means a person whom the Secretary General of the NCB appointed with the approval from the NCB or the sub-committee entrusted by the NCB, for conduct under this Code;

“competent official” means a person Whom the Minister of Public Health appointed to conduct related narcotics control under this Book.

Section 2 In the case where a problem relating to the conduction in accordance with the national policy and plan on prevention, suppression, and solution of narcotics problems or in accordance with the duties and powers of, all committees and State Agencies or officials of State Agencies where have the powers relating to narcotics, the NCB shall consider and regulate to execution and coordination.

The ONCB shall disseminate the predication and regulations as prescribed by the NCB under paragraph one to all concerned agencies.

Title 2

Prevention, Suppression and Solution of Narcotics Problems

Chapter 1

National Policy and Plan on Prevention, Suppression, and Solution of Narcotics Problems

Section 3 For the prevention, suppression, and solution of narcotics problems shall be unity, continuity. The process of implementation shall be systematic and effective which shall be beneficial to economy, society, public order, and security of the State. The Council of Ministers shall be provided a national

policy and plan on prevention, suppression, and solution of narcotics problems as the recommendations of the NCB.

The national policy and plan on prevention, suppression, and solution of narcotics problems shall at least contents as follows;

(1) goals and strategies of the implementation, shall include the determination and management of the budget in the prevention, suppression, and solution of narcotics problems by determining of key performance indicators;

(2) measures on prevention, suppression, and solution of narcotics problems in particularly in school, educational institute, family, and community, as well as, treatment and rehabilitation for narcotics addiction by promoting and supporting professional, recruitment of job, improving quality of life, shall include promoting and supporting all sectors and entrepreneur to participate in the implementation such measures and determination of promotion measures for entrepreneur to employ persons who have completed treatment;

(3) coordination among concerned agencies, including the government sector, private sector, and public sector to promote the integration of prevention, suppression, and solution of narcotics problems including treatment and rehabilitation for narcotics addicts to be able to live in society, have a career, education and other welfares;

(4) strategy and guidelines on international cooperation with other countries or international organizations to suppress the illicit production and trafficking of narcotics, including intelligence coordination to interdict and suppress to arrest movement and networks of international narcotics trafficking;

(5) promotion and support of research study and academic development relating to narcotics, measures on prevention, suppression, and solution of narcotics problems, and dissemination of knowledge and understanding to the public and youth, both in and out of educational institutions;

(6) monitoring and evaluation of the prevention, suppression, and solution of narcotics problems;

Upon publication of the national policy and plan on prevention, suppression, and solution of narcotics problems, concerned State Agencies shall execute their respective duties and powers in compliance with such national policy and plan.

The national policy and plan under paragraph one shall come into force upon its publication in the Government Gazette.

The NCB shall review the national policy and plan every five years. In the case that it is necessary to be improved and amended to fit the present situation or other necessities relating to prevention, suppression, and solution of narcotics problems such national policy and plan shall be improved and amended and submitted to the Council of Ministers for approval and to be published in the Government Gazette.

Chapter 2

The Narcotics Control Board

Section 4 There shall be one committee entitled “ The Narcotics Control Board” or abbreviated as “The NCB”, consisting of the Prime Minister as the Chairperson, Minister of Social Development and Human Security, Minister of Interior, Minister of Justice, Minister of Labor, Minister of Education, Minister of Public Health, Minister of Industry, Permanent Secretary for Foreign Affairs, Permanent Secretary for Social Development and Human Security, Permanent Secretary for Higher Education, Science, Research and Innovation, Permanent Secretary for Interior, Permanent Secretary for Justice, Permanent Secretary for Labor, Permanent Secretary for Public Health, Secretary General of the Basic Education Commission, Secretary General of the Vocational Education Commission, Secretary General of the Office of Court of Justice, Director of the Budget Bureau, Attorney General, the Commander-in-Chief of the Royal Thai Army, Commander-in-Chief of the Royal Thai

Navy, Commander-in-Chief of the Royal Thai Air Force, Commissioner General of the Royal Thai Police, Director General of the Department of Provincial Administration, Director General of the Department of Medical Services, Director General of the Customs Department, Director General of the Local Administration Department, the Secretary General of the FDB, and Permanent Secretary of the Bangkok Metropolitan Administration, as ex-officio members, and not more than three qualified members shall be appointed by the Council of Ministers as member.

The Secretary General of the NCB shall be a member and secretary, and the NCB shall be appointed not more than two government officials of the ONCB to serve as assistant secretary.

For the sake of the execution according to the duties and powers of the NCB, the NCB may have a resolution to invite a Minister or Head of State Agency who has direct duty and authority on the issue to be considered or a person who has knowledge, expertise or experience relating to prevention, suppression, and solution of narcotics problems to attend a meeting occasionally as a member also. In such case, the invited person who attends the meeting shall have the status of a member according to paragraph one for such meeting invited.

Section 5 The NCB shall have duties and powers as follows:

(1) to propose a national policy and plan on prevention, suppression, and solution of narcotics problems to the Council of Ministers under section 3, including implementing as such national policy and plan, and report the outcomes to the Council of Ministers at least once a year;

(2) to monitor, supervise, coordinate, support, and accelerate the implementation of the committees that have the duties and powers relating to narcotics to perform consistency with the national policy and plan on prevention, suppression, and solution of narcotics problems;

(3) advice or recommendation to the Narcotics Commission, the Property Examination Committee, and the Narcotics Addiction Treatment and Rehabilitation Committee;

(4) shall have approval to the Minister of Public Health in identifying names of narcotic drugs, to which schedules what narcotic drugs belong, and revoking or changing names or schedules of such narcotic drugs under section 29 paragraph two;

(5) to demarcate area for trying to cultivate, produce, and test, or consume, or possess such narcotics under section 55;

(6) to prescribe the measures for prevention, suppression, and solution of the problem of offence relating to narcotics in the business place and set the place where shall have business that is business place subject to such measures under section 56;

(7) to regulate relating to the management and operation of the Narcotics Control Fund under section 89;

(8) to submit recommendations to the Council of Ministers in order to have the improvement in the performance of the official service or the work, the work plans or project of the State Agencies where shall have the duties and powers in respect of the execution of this Code, including the adjustment and amendment of laws relating to prevention, suppression, and solution of narcotics problems;

(9) to supervise, expedite and coordinate in the operation of State Agencies that shall have the duties and powers in the investigation, inquiry, suppression, and execute of punishment under this Code;

(10) to determine the status of each location or group of locations yearly or determine critical location and appoint person who is in charge of preventing and suppressing the offenders under the laws relating to narcotics, as well as determine mechanism, structure and official, including allocating suitable resources to the problem situation. And there shall be State Agencies that support each location demand/request/requirement;

(11) to supervise and follow-up the budget payment of all agencies both public sectors and private sectors involved with the prevention, suppression and solution of narcotics problems;

(12) to prepare and implement projects as well as to instruct the State Agencies concerned to disseminate knowledge in narcotics;

(13) to support the agency of State sectors, private sectors and the public sectors in which participation of the prevention, suppression, and solution of narcotics problems;

(14) to coordinate and supervise the treatment and rehabilitation of narcotics addicts;

(15) to consider and approve or to assign the sub-committee to consider and approve of the appointment of the Narcotics Control Official to conduct under this Code;

(16) to perform other duties under this Code or other laws shall be prescribed according to the duties and powers of the NCB.

The Council of Ministers shall submit the report of the result of the performance under (1) together with the notice of Council of Ministers to the House of Representatives and the Senate. In order that the report of the result should at least have key contents on the prevention, suppression and solution of narcotics problems, property examination, treatment and rehabilitation of narcotics addicts, and other performances under this Code.

Section 6 In consideration of any issue whereby the NCB, once the NCB has made any solutions, such solutions shall be binding on the agencies of which their representatives are ex-officio members therein, although that during the consideration and judgment of such issue, the representatives of the agencies who are ex-officio members were not present. If there are different opinions, such opinions of all members shall also be recorded under such issue.

The provision in paragraph one shall come in force to the Narcotics Commission, the Property Examination Committee and the Narcotics Addiction Treatment and Rehabilitation Committee shall apply *mutatis mutandis*.

Section 7 The qualified members shall hold office for a term of three years.

When a term of office is completed in accordance with paragraph one, if there is not appointed newly qualified members, the qualified members whose office term has terminated shall remain in the position to continually execute the duty until a newly qualified member is appointed and assume the duty.

The qualified members who vacate term of office may be re-appointed but not exceeding two consecutive terms.

Section 8 In addition to vacate office the termination of office term under section 7, a qualified member shall end his office term upon;

- (1) death;
- (2) resignation;
- (3) being dismissed by the Council of Ministers due to deficiency or dishonesty in duty, or misconduct, or incompetence;
- (4) being a bankrupt person or having been a corrupt bankrupt;
- (5) being an incompetent person or quasi-incompetent person;
- (6) being inflicted by a final judgement of imprisonment, except for the punishment for the offence committed by negligence or petty offence;
- (7) being ordered of suspension or revocation of the license for practice of the art of healing, medical license, or other professional licenses.

Section 9 In the case that a qualified member retires before the end of his/her term, another person shall be appointed as replacement except that the office term of such qualified member remains less than ninety days, a new qualified member may not be replaced, and a newly appointed person to replace the vacancy shall hold the office for the remaining term of such qualified member previously appointed.

While the vacant position of such qualified member is not yet appointed, the NCB shall comprise only the remaining members.

Section 10 The meeting of the NCB shall have no less than one-half of the total number of members in order to constitute a quorum.

At the meeting of the NCB, if the Chairperson is not able to attend or not able to perform his duty, the meeting shall elect one of the members to chair the meeting.

A final decision of the meeting shall be made by a majority vote. Each member shall have one vote. In the case of having equal votes, the Chairperson of the meeting shall have one additional vote as a casting vote.

The NCB shall have a meeting at least four times a year.

Section 11 The NCB shall have the powers to appoint a sub-committee for consideration or execution of any duties as assigned by the NCB.

For the meeting of a sub-committee, the provisions in section 10, paragraph one, paragraph two, and paragraph three shall apply *mutatis mutandis*.

Chapter 3

The Office of the Narcotics Control Board

Section 12 The Office of the Narcotics Control Board or in brief called “the ONCB” shall have the duties and powers as the following:

(1) to function as the executive body of the NCB according to the duties and powers assigned;

(2) to consider giving advice and coordinate with State affairs of central, regional, local administrations, state enterprises, public organizations, and other State Agencies to formulate plans and programs on prevention, suppression, and solution of narcotics problems to be in consistence with the national policy and plan on prevention, suppression, and solution of narcotics problems;

(3) to coordinate policy, plan, budget and the implementation of prevention, suppression, and solution of narcotics problems with concerned agencies both public and private sectors;

(4) to coordinate, monitor and evaluate the outcomes of the implementation of concerned agencies to comply with the national policy and plan on prevention, suppression, and solution of narcotics problems in order to report to the NCB;

(5) to be a national central agency to study, research, analyze problem situation and measures on prevention, suppression and solution of narcotics problems and furnish technical data and information, as well as, enhance personnel development for concerned agencies both public and private sectors domestically and internationally, including to promote public relations and dissemination of knowledge and understanding on narcotics to the public;

(6) to coordinate with the committees and the sub-committees under this Code for the execution according to the duties and powers of the NCB and the ONCB;

(7) to cooperate with foreign countries and international organizations in respect of prevention, suppression and solution of narcotics problems;

(8) to issue regulations to support the execution according to this Code;

(9) to perform any other duties as prescribed by this Code or other laws as the duties and powers of the ONCB or as assigned by the NCB.

Section 13 The Secretary General of the NCB shall have the duty to generally supervise the government duties of the ONCB, be superior of officers of the ONCB, and there shall be Deputy Secretary General of the NCB to assist the Secretary General in the performance of official duties.

Section 14 For the sake of coordination to create the integration of performance on prevention, suppression, and solution of narcotics problems, the Secretary General of the NCB with the approval of the NCB shall submit opinion to the Council of Ministers for consideration of giving reward or relocation

or imposing disciplinary sanctions on government official, employees of local administration, state enterprises, or State Agencies who are assigned to perform the duty relating to prevention, suppression and solution of narcotics problems, or who get involved with the commission of narcotics offences, as well as, requesting the Head of State Agencies of such officers and employees to expedite relevant actions, including to provide protection for state official and employees who perform on narcotics.

In the case that the Council of Ministers makes decision of relocation, reward or disciplinary sanctions, the Head Office of such officers or employees shall be informed in order to execute according to the decision of the Council of Ministers thereof.

TITLE 3

The Narcotics Commission

Chapter 1

General Provisions

Section 15 In this Title,

“narcotic drugs preparation” means the formula of which components and quantity of ingredients are identified to contain narcotic drugs;

“psychotropic substance preparation” means the formula of which components and quantity of ingredients are identified to contain psychotropic substances;

“preparation substance” means the preparation that regardless of form or description which contains psychotropic substance, and includes the psychotropic substance in the form of finished pharmaceutical finished products ready for human and animal use;

“exempted preparation substance” means the preparation substance that the Minister of Public Health notify as prescribed to be exempted from some control measures for the psychotropic substance contained in such preparation substance;

“label” means picture, invented print, symbol or any information displayed on a container or a package of narcotics thereof;

“licensee” means a holder of a license under the provisions of this Title;

“licensor” means the Secretary General of the Food and Drug Board or a person entrusted by the Secretary General of the Food and Drug Board;

“State Agency” means State affairs of central, State affairs of regional, local administrations, state enterprise, public organization, and other state affairs;

Section 16 The provision of Chapter 4 on the permission of narcotic drugs and psychotropic substances and of Chapter 5 on the registration of the preparation of narcotic drugs in schedule 3 and the registration of the preparation of psychotropic substances shall not apply to the FDA.

Section 17 In the case that the FDA produces, imports, exports, distributes, or has in possession of narcotic drugs or psychotropic substances and is entitled to the exemption under section 16 shall not be in accordance with the rules, procedures, and conditions of this Code, the FDA shall submit semi-annual reports on the receipt, distribution, and storage of such narcotic drugs and psychotropic substances and other operational procedures pertaining to the narcotics control to the Narcotics Commission every six months of the calendar year. And the Narcotics Commission shall submit such reports together with its opinions to the Minister of Public Health for further issue of orders;

Section 18 The Minister of Public Health shall have the power to issue Ministerial Regulations prescribing all fees that official has given services, shall include prescribing fees not exceeding the rates as in the schedules annexed to this Code or granting exemption from fees.

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

Section 19 The Minister of Public Health or the Secretary General of the FDB has the power to assign the authorities under his responsibility or expert, specialist organization, State Agency, or private organization both domestic and foreign which has been listed by the FDA to exercise the functions relating to the consideration process of giving permission for narcotic drugs or psychotropic substances as appropriate.

The listing of expert, expert organization, State Agency, or private organization both domestic and foreign by the FDA under paragraph one shall be in accordance with the rules, procedures, and conditions that the Minister of Public Health notify as prescribed.

Section 20 The fees under (17), (18), (19), (20), and (21) at the fee rates as annexed to this Code shall be devolved on the FDA for the expenses in performance relating to narcotic drugs and psychotropic substances or be remuneration for the conductor under section 19, due to, as Rules that the Minister of Public Health notifies as prescribed by the approval of Ministry of Finance.

Section 21 Receipt of, keeping of, and payment of money under section 20 shall be in accordance with the rules, procedures, and conditions that the Minister of Public Health notifies as prescribed by the approval of the Ministry of Finance.

Section 22 The Minister of Public Health by recommendation of the Narcotics Commission shall have the power to notify as prescribed relating to narcotic drugs as follows:

(1) to determine the standard on quantity, component, quality, purity, or other properties of narcotic drugs as well as packaging and storing of narcotic drugs;

(2) to determine the quantity and additional quantity of narcotic drugs which are required for medical and scientific use nationwide annually;

(3) to determine the rules and procedures for specifying the quantity of narcotic drugs to which licensors shall give permission to produce, import, distribute or have in possession;

(4) to specify names and schedules of narcotic drugs that require warnings or cautions of which the messages shall be in alphabets, pictures, or symbols reminding users to be cautious where practicable for the safety of the user;

(5) to prescribe any place in the Kingdom to be a checkpoint for the inspection of narcotic drugs that are imported, exported, or in transit;

(6) other provision for the purpose of conduction under this Title.

Section 23 The Minister of Public Health by recommendation of the Narcotics Commission has the power to notify the determination regarding psychotropic substances as the following:

(1) to specify names and classify which psychotropic substances are in schedule I, schedule II, schedule III, or schedule IV;

(2) to determine the standard on quantity, component, quality, purity, or other properties of psychotropic substances as well as packaging and storing of psychotropic substances subject to (1);

(3) to revoke or alter names or schedules of psychotropic substances subject to (1);

(4) to specify names and schedules of psychotropic substances which are prohibited for import, export, distribution, possession, or transit;

(5) to specify names of psychotropic substances in schedule II which are permitted to produce for export or to export;

(6) to specify preparation substances to be exempted preparation substances and revoke exempted preparation substances;

(7) to prescribe the rules and procedures in specifying the quantity of psychotropic substances to which the licensor shall give permission to produce, import, distribute or have in possession;

(8) to specify names and schedules of psychotropic substances that require warnings or cautions, and messages of warnings, or messages of cautions shall be in alphabets, pictures, or symbols reminding users to be cautious where practicable for the safety of the user;

(9) to prescribe the quantity of psychotropic substances which medicinal practitioner, dental practitioner, first-class veterinary practitioner, pharmaceutical practitioner, or medical practitioner, or other public health practitioners can have in possession under section 32;

(10) to specify State Agencies under section 33 (4);

(11) to specify names and schedules of psychotropic substances of which the import is prohibited by any country under section 44.

(12) to prescribe any places in the Kingdom to be checkpoints for the inspection of psychotropic substances that are imported, exported, or in transit;

(13) other provision for the purpose of conduction under this Title.

Section 24 The Minister of Public Health and the Minister of Industry by recommendation of the Narcotics Commission shall have the power to notify the determination regarding volatile substances as the following;

(1) to specify names, schedules, types, or packaging sizes of chemicals or products that are volatile substances;

(2) to revoke or change names, schedules, types, or packaging sizes of chemicals or products that are volatile substances under paragraph (1);

(3) other provision for the purpose of conduction under this Title.

Chapter 2

The Narcotics Commission

Section 25 There shall be one committee entitled “the Narcotics Commission” consisting of the Permanent Secretary of Public Health as the

Chairperson, Permanent Secretary of Defense, Permanent Secretary of Agriculture and Cooperatives, Secretary General of the Council of State, Attorney General, Commissioner General of the Royal Thai Police, Director General of the Department of Medical Services, Director General of the Department of Thai Traditional and Alternative Medicine, Director General of the Department of Industrial Works, Director General of the Department of Medical Sciences, Director General of the Customs Department, Director General of the Department of Health Service Support, Director General of the Department of Mental Health, Director General of the Department of Health, Secretary General of the NCB, President of the Medical Council of Thailand, President of Thai Traditional Medical Council of Thailand, and President of Pharmacy Council as ex-officio members, and ten qualified members appointed by the Minister of Public Health from their knowledge and expertise in the field of anesthetist, psychiatrist, physician, pharmacy or other related fields which are beneficial to the functioning of the Narcotics Commission and of whom not less than three shall be appointed from private sector.

The Secretary General of the FDB shall be a member and secretary, and the Secretary General of the FDB shall be appointed not more than two government officials of the FDA to serve as assistant secretary.

Section 26 The Narcotics Commission shall have duties and powers as follows:

- (1) to prescribe narcotics control measures;
- (2) to recommend to the Minister of Public Health or the Minister of Public Health and the Minister of Industry, as the case may be, on the specification of names or schedules of narcotics, shall include the revocation or alteration of names or schedules of narcotics;
- (3) to give opinion or recommendation to the Minister of Public Health, or the Minister of Public Health and the Minister of Industry or the licensor, as the case may be, for the execution of this Title;

(4) to give approval to the Minister of Public Health or the licensor under section 32, and section 35;

(5) to submit opinion to the Ministry of Public Health or who assigned by the Ministry of Public Health on the destruction or utilization of narcotic drugs or psychotropic substances under section 41, section 45, and section 60;

(6) to execute any other duties as prescribed by this Code or other laws to be the duties and powers of the Narcotics Commission or as entrusted by the Minister of Public Health.

Section 27 The provisions in section 7, section 8, section 9, and section 10 shall apply to the Narcotics Commission *mutatis mutandis*.

Section 28 The Narcotics Commission shall have the power to appoint sub-committees for any consideration or execution as assigned by the Narcotics Commission.

The appointment of sub-committees according to paragraph one, must at least includes the Sub-Committee on Narcotic Drugs, the Sub-Committee on Psychotropic Substances and the Sub-Committee on Volatile Substances.

For the meeting of the sub-committees, the provisions in section 10 paragraph one, paragraph two, and paragraph three shall apply *mutatis mutandis*.

Chapter 3

Schedules of Narcotic Drugs and Psychotropic Substances

Section 29 Narcotic drugs shall be classified into 5 schedules as follows:

(1) Schedule I: serious narcotic drugs such as heroin;

(2) Schedule II: general narcotic drugs such as morphine, cocaine, codeine, or medicinal opium;

(3) Schedule III: narcotic drugs in the form of medicinal preparations and mix of narcotic drugs in Schedule II, due to, as the Rules that the Minister of Public Health by recommend of the Narcotics Commission, notify as prescribed;

(4) Schedule IV: chemicals used for production of narcotic drugs in Schedule I or Schedule II, such as acetic anhydride;

(5) Schedule V: narcotic drugs not included in Schedule I to Schedule IV, such as opium poppy plant.

The specification of names of narcotic drugs of which any names to be in which any schedules under paragraph one (1), (2), (3), (4), and (5) and also the revocation and change of names or Schedules of such narcotic drugs shall be in accordance with that the Minister of Public Health by approved of the NCB, notify as prescribed.

For the purpose of this section, the word “Medicinal Opium” means opium that has been processed for the purpose of medical use.

Section 30 Psychotropic substances shall be classified into 4 schedules as follows:

(1) Schedule I: psychotropic substances that have no medical use, and are liable to abuse or high risk of abuse;

(2) Schedule II: psychotropic substances that have medical use, and are liable to abuse or high risk of abuse;

(3) Schedule III: psychotropic substances that have medical use, and are liable to abuse or certain risk of abuse;

(4) Schedule IV: psychotropic substances that have medical use, and are liable to abuse, or lower risk of abuse than the substances in Schedule III.

Due to, the specification of names of psychotropic substances of which any names to be in which any schedules and the revocation or change of names and schedules of such psychotropic substances shall be in accordance with notice as prescribed by the Minister of Public Health with recommendation of the Narcotics Commission.

Section 31 In the case that any preparation substance contains a psychotropic substance in any of the Schedules, it shall be deemed to be the psychotropic substance in such Schedule also.

In the case that any preparation substance contains psychotropic substances from different Schedules, it shall be deemed to be the psychotropic substance in the Schedule provided with stricter control.

Chapter 4

Permission for Narcotic Drugs and Psychotropic Substances

Part 1

Narcotic Drugs and Psychotropic Substances which No Requirement of Permission

Section 32 Production, import, export, distribution or having in possession of narcotic drugs or psychotropic substances for the benefit of medicinal practitioners, dental practitioners, first-class veterinary practitioners, pharmaceutical practitioners, or medical practitioners, and other public health practitioners or for the benefit of State Agencies or the Thai Red Cross shall not require permission, due to, under the rules, procedures, and conditions with notice as prescribed by the Minister of Public Health with approval of the Narcotics Commission.

Section 33 Having in possession of narcotic drugs or psychotropic substances in the following cases do not require permission:

(1) having in possession narcotic drugs in schedule II or psychotropic substances in schedule II, schedule III or schedule IV not more than the amount necessary for a treatment of individual disease as prescribed by a medical practitioner or a dental practitioner who is a treatment provider or a first-class veterinary practitioner for use in treatment or prevention of diseases of animals under treatment;

(2) having in possession narcotic drugs in schedule II or schedule V or psychotropic substances in schedule II, schedule III, or schedule IV at the amount necessary for a regular use in case of first aid or in the case of emergency in international public transportation vehicles which are not registered in the Kingdom shall be exempt for import, export or transit. Due to, the controller of such vehicle shall manage to prevent appropriately the narcotic drugs and psychotropic substances from being lost or wrongly used;

(3) having in possession narcotic drugs or psychotropic substances for the business of the licensee to produce, import, export, distribute or transit narcotic drugs and psychoactive substances in such schedules;

(4) having in possession or making use of psychotropic substances in schedule III or schedule IV according to the duties of Ministry, bureau, department or the Thai Red Cross or other State Agencies with notice as prescribed by the Minister of Public Health;

(5) having in possession of narcotic drugs in Schedule V not more than the amount necessary for a treatment of individual disease with a prescription or a certificate from medical practitioner, dental practitioner, Thai traditional medical practitioner, applied Thai traditional medical practitioner or local folk healer according to the law on Thai Traditional Medical Professions who provides treatment.

Part 2

Permission by the Minister of Public Health

Section 34 In the case of urgent necessity for the benefit of the government in prevention and suppression of narcotics related offences or international cooperation, the Minister of Public Health shall have the powers to

permit any person to import, export, or has in possession of narcotic drugs in schedule I or schedule IV.

The Minister of Public Health by the recommendation of the Narcotics Commission, shall have the powers to permit any person to produce, import, export, distribute or have in possession narcotic drugs in schedule I or schedule IV for the purpose of study research, the medical purpose, science or industry.

Application for permission, qualification of applicants for permission, issuance of license, issuance of substitute license and the amendment of item in the license shall be in accordance with the rules, procedures, and conditions that the Minister of Public Health as prescribed in Ministerial Regulation.

Part 3

Permission by Licensor

Section 35 The licensor has the authority to permit as the followings:

- (1) any person to produce, import, export, distribute or have in possession of narcotic drugs in schedule II;
- (2) any person to produce, import, export or distribute narcotic drugs in schedule III;
- (3) any person to import, export or have in possession of the narcotic drugs in schedule I or schedule IV in a small amount to be used as reference standard materials for analysis;
- (4) any person to distribute or have in possession narcotic drugs in schedule V;
- (5) any person to produce, import, export, distribute, have in possession, and transit psychotropic substances.

Licensor with the approval of the Narcotics Commission has the authority to permit any person to produce, import, or export narcotic drugs in

schedule V for the benefit of the government, medical use, treatment of patients, study research, or other benefits as prescribed in the Ministerial Regulations.

Application for permission, qualification of applicants for permission, issuance of license, issuance of substitute license, extension of license, and the amendment of item in the license shall be in accordance with the rules, procedures, and conditions that the Minister of Public Health as prescribed in Ministerial Regulation.

For the licensee under paragraph one or paragraph two, any person doing the business after the expiration of license shall be regarded as such persons doing business without permission except that the application for the extension of license is submitted within thirty days from the expiry date of the license, giving reasons for being unable to submit the application in due time, and that the licensor or the licensor with the approval of the Narcotics Commission, as the case may be, considers appropriate to permit the extension.

Section 36 The importation or exportation of narcotic drugs or psychotropic substances of the import or export licensee under section 34, or section 35, besides to, shall have a license under such sections but also in each time of the import or export shall have a license per time from the licensor for every import or export. Due to this, the application for permission and the issuance of license shall be in accordance with the rules, procedures, and conditions that the Minister of Public Health as prescribed in Ministerial Regulation.

Section 37 The licensee who is produce, import, export, distribute, have in possession or transit narcotic drugs or psychotropic substances under section 34, and section 35, and the licensee who has a license per time of import or export under section 36, shall keep safe, apply for permission and arrange to control the advertisement of narcotic drugs or psychotropic substances, provide a record and submit a report on business operation review as licensed or other operation for the purpose in controlling and monitoring narcotic drugs or

psychotropic substances in accordance with the rules, procedures, and conditions that the Minister of Public Health prescribed in Ministerial Regulation.

Application for permission to make advertisement on narcotic drugs or psychotropic substances under paragraph one by the licensee, the issuance of license and conditions on advertisement according to the license shall be in accordance with the rules, procedures, and conditions that the Narcotics Commission prescribed by published in the Government Gazette.

Section 38 The license under section 34 and section 35 and the license per time for import and export under section 36 shall also apply to the employee or the representative of the licensee who performs the duties as entrusted by the licensee.

It shall be presumed that the performance of the employee or the representative of the licensee who performs the duties so entrusted is also the performance of the licensee.

Section 39 The licensor may permit the patient who internationally travelling to bring narcotics to or carry out of the Kingdom for personal use of treatment of specific diseases together with license, by having prescription or certificate from medical practitioner, dental practitioner, Thai traditional medical practitioner, Thai applied medical practitioner or local folk healer according to the Law on Thai Traditional Medical Profession who is the treatment provider. Due to the request for permission and the issuance of permits shall be in accordance with the rules, procedures, and conditions that the Minister of Public Health prescribed in Ministerial Regulation.

Carrying psychotropic substances in schedule II, schedule III and schedule IV with him or her to or out of the Kingdom not exceeding the quantity necessary for personal use of treatment of specific diseases within 30 days with prescription or certificate from medicinal practitioner, dental practitioner or first-class veterinary practitioner shall not require permission; in the case of, carrying with him or her for use of treatment of specific diseases more than 30 days shall requires

permission. Due to the request for permission and the issuance of license shall be in accordance with the rules, procedures, and conditions that the Minister of Public Health prescribed in Ministerial Regulation.

Carrying narcotic drugs or the psychotropic substances with him or her to or out of the Kingdom

Carrying the narcotic drugs or psychotropic substances into or out of the Kingdom under paragraph one and paragraph two shall not be the offense to import or export of narcotic drugs or psychotropic substances under this Code.

Section 40 The licensee who is produce, import, export, distribute or have in possession of narcotic drugs in schedule II, schedule III, or schedule V or the licensee who is produce, import, export or distribute the psychotropic substances in schedule II, schedule III, or schedule IV shall arrange to have a pharmacist on regular duty at all time during the hours of operation as identified in the license, together with, shall ensure the pharmacist shall have the duty to exercise, due to, as the Minister of Public Health prescribed in Ministerial Regulation.

Section 41 In transiting psychotropic substances in all schedules, no person shall change the delivery of psychotropic substances to other destinations not specified in the export license arriving with such psychotropic substances except that written permission is granted by the authorized officers of the country issuing such license and also approved by the Secretary General of the FDB, due to, as the rules, procedures, and conditions that the Minister of Public Health prescribed in Ministerial Regulation.

In the case that shall not be delivered the psychotropic substances to the destinations under paragraph one, the licensee shall send such psychotropic substances back to the export country within 30 days from the entry date of the psychotropic substances to the Kingdom. If the licensee cannot do so within the due date, such psychotropic substances shall be devolved on the Ministry of Public Health, and the Ministry of Public Health or the person assigned by the Ministry of

Public Health shall destroy or utilize them under the rules as prescribed in Ministerial Regulation by the Minister of Public Health.

Section 42 During the transit of psychotropic substances in schedule I or schedule II, processing or transforming of the psychotropic substances into others or changing the packaging of the psychotropic substances require written permission from the Secretary General of the FDB.

Section 43 In importing psychotropic substances in all schedules, the delivery of such psychotropic substances to any persons or places other than the persons or places specified in the import license per invoice is possible in case of necessity by written permission from the Secretary General of the FDB.

Section 44 When the Ministry of Public Health is informed of the prohibition of the import of psychotropic substances in any schedule that foreign countries have informed via the United Nations Secretary General to which country the import is prohibited, the Minister of Public Health shall notify and prescribe the prohibition of import to such country.

No person shall export psychotropic substances to the country prohibited from import according to paragraph one except that a special license per invoice from such country and a special license per invoice from the Secretary General of the FDB are granted.

Application for a special license per invoice and the issuance of a special license per invoice shall be in accordance with the rules, procedures, and conditions as prescribed in Ministerial Regulation by the Minister of Public Health.

Section 45 In the case that the licensee terminates his/her business, does not apply for the extension of the license, is not permitted to extend the license, or dies, the licensee, the legal heir, the administrator/executor of a will or an estate of the dead person or the possessor of the narcotic drugs or psychotropic substances of the dead person, as the case may be, shall comply with the terms published in the Government Gazette by the licensor or the licensor by the approval of Narcotics Commission, as the case may be, otherwise the remaining narcotic drugs

or psychotropic substances shall be devolved on the Ministry of Public Health, and the Ministry of Public Health or a person assigned by the Ministry of Public Health shall destroy or utilize them, under rules as prescribed in Ministerial Regulation by the Minister of Public Health.

Section 46 The licensee of narcotic drugs or the licensee of psychotropic substances who comply with this Code shall be exempt whose have not conducting under the law on drugs.

Part 4

Suspension of License and Revocation of License

Section 47 For the licensee who violates or does not comply with this Chapter or the Ministerial Regulations or Notifications issued under this Chapter, the Minister of Public Health, the Minister of Public Health by the recommendation of the Narcotics Commission, the licensor or the licensor by the approval of the Narcotics Commission, as the case may be, shall give warning, order to suspend or revoke the license as case appropriate under the rules, procedures, and conditions as prescribed in Ministerial Regulation by the Minister of Public Health.

Section 48 A person who is ordered to suspend license cannot reapply for any license during the suspension.

A person whose license is revoked cannot reapply for any license under this Chapter until the end of three years from the date of license revocation.

In the case of a juristic person whose license is revoked, the provision in paragraph two shall apply *mutatis mutandis* to the member, manager, and responsible persons in the business of such juristic person.

Chapter 5

Registration of the Preparation of Narcotic Drugs in Schedule III and Registration of the Preparation of Psychotropic Substances

Section 49 The licensee authorized to produce or import narcotic drugs in schedule III under section 35 (2) or psychotropic substances in schedule III or schedule IV under section 35 (5) who will produce or import narcotic drugs preparation and psychotropic substances preparation that contain such narcotic drugs and psychotropic substances shall apply for registration of such narcotic drugs preparation or psychotropic substances preparation from the licensor before. After receiving the registration certificate of the said narcotic drugs preparation or psychotropic substances preparation, the licensee can produce or import such narcotic drugs preparation or psychotropic substances preparation.

Application for registration of narcotic drugs preparation or psychotropic substances preparation, issuance of registration certificate of narcotic drugs preparation or psychotropic substances preparation, extension of registration certificate of narcotic drugs preparation or psychotropic substances preparation, issuance of registration certificate substitute of narcotic drugs preparation or psychotropic substances preparation, clarification of items in registration application and request for correction of licensed items shall be in accordance with the rules, procedures, and conditions as prescribed in Ministerial Regulation by the Minister of Public Health.

The provision in paragraph one shall not apply to the licensee authorized to produce or import the narcotic drugs preparation in schedule III or the psychotropic substances preparation in schedule III or schedule IV who is licensed to produce or import the sample of narcotic drugs preparation or psychotropic substances preparation to request for registration of narcotic drugs preparation or psychotropic substances preparation. Application for permission and the permission

to produce or import the sample of the narcotic drugs preparation or psychotropic substances preparation shall be in accordance with the rules, procedures, and conditions as prescribed in Ministerial Regulation by the Minister of Public Health.

Section 50 The licensor by the recommendation of the Narcotics Commission may not accept registration of narcotic drugs preparation or psychotropic substances preparation in the following cases;

(1) Application for registration of narcotic drugs preparation or psychotropic substances preparation shall not be under section 49;

(2) The narcotic drugs preparation or the psychotropic substances preparation applied for registration is questionable in its benefits or may not be safe for users;

(3) The narcotic drugs preparation or the psychotropic substances preparation applied for registration is named to be rather pretentious, impolite, or possibly lead to misunderstanding;

(4) The narcotic drugs preparation or the psychotropic substances preparation applied for registration or the psychotropic substances preparation is revoked by the Minister of Public Health under section 51;

(5) The narcotic drugs preparation or the psychotropic substances preparation applied for registration is falsified narcotic drugs or falsified psychotropic substances under section 52.

Section 51 When the Narcotics Commission considers that any registration of the narcotic drugs preparation in schedule III or the psychotropic substances preparation in schedule III or schedule IV that has been already given a registration certificate and later appeared not to have benefits as registered earlier as the narcotic drugs preparation or the psychotropic substances preparation or possibly not safe for user or unreasonable to continue its registration, the Narcotics Commission shall make a relevant proposal to the Minister of Public Health, and the Minister of Public Health shall have the authority to revoke the registration of

the narcotic drugs preparation in schedule III or the psychotropic substances preparation in schedule III or schedule IV by Publication in the Government Gazette.

Chapter 6

Narcotic Drugs or Psychotropic Substances that Falsified, Substandard, or Degraded

Section 52 No person shall produce, import, export or distribute of narcotic drugs in schedule II, schedule III or schedule V or psychotropic substances in schedule II, schedule III or schedule IV that are falsified.

The narcotic drugs, psychotropic substances or following objects shall be deemed as falsified narcotic drugs or falsified psychotropic substances:

(1) the object that is made to mimic authentic narcotic drugs or authentic psychotropic substances in whole or in part;

(2) the narcotic drugs or the psychotropic substances of which names are displayed as other narcotic drugs or other psychotropic substances, or displayed the date, month, year, that the narcotic drugs or the psychotropic substances are already expired as not expired yet;

(3) the narcotic drugs or the psychotropic substances of which the displayed names or trademarks of the producer or the location of manufacturing plant is false;

(4) the narcotic drugs or the psychotropic substances that are produced shall not be as the standards, to the extent that the active substances are more than ten percent lower or higher than the quantity as prescribed to be the minimum or maximum limit as prescribed in Notifications of Minister of Public Health under section 22(1) or section 23 (2) or as specified in the narcotic drugs preparation or the psychotropic substances preparation that has registered on preparation or as licensor permitted to produce, import or export.

Section 53 No person shall produce, import, export, or distribute of narcotic drugs in schedule II, schedule III or schedule V or psychotropic substances in schedule II, schedule III or schedule IV that are substandard.

The following narcotic drugs or psychotropic substances shall be regarded as substandard narcotic drugs or psychotropic substances;

(1) the narcotic drugs or psychotropic substances produced incorrectly of the standards by which the active substances are short or over from the minimum limit or maximum limit as prescribed in Notification by the Minister of Public Health under section 22 (1) or section 23 (2) or subject to the formulas of the registered narcotic drugs preparation or the registered psychotropic substance preparation under section 49 but not to the extent stated in section 52 (4);

(2) the narcotic drugs or psychotropic substances produced have purity or other properties vital to the quality of narcotic drugs or psychotropic substances that are different from the rules as prescribed in Notification by the Minister of Public Health under section 22 (1) or section 23 (2) or under the formulas of the registered narcotic drugs preparation or the registered psychotropic substances preparation.

Section 54 No person shall import, export, or distribute of narcotic drugs in schedule II, schedule III, and schedule V, or psychotropic substances in schedule II, schedule III or schedule IV that are degraded.

The following narcotic drugs or psychotropic substances shall be regarded as degraded narcotic drugs and psychotropic substances:

(1) the narcotic drugs or the psychotropic substances that expire as displayed on the label, registered as the narcotic drugs preparation or the psychotropic substances preparation;

(2) the narcotic drugs or the psychotropic substances that are transformed until they have the same properties as falsified narcotic drugs or falsified psychotropic substances under section 52 (4) or the substandard narcotic drugs or the substandard psychotropic substances under section 53.

Chapter 7

Special Control Measures

Section 55 In the case of the NCB shall consider appropriate for the purpose of research study, harm reduction from narcotics used, and the prevention, suppression, and solution of narcotics problem, any area shall demarcate to conduct any conducting as follows;

(1) Try to cultivate plants that shall be or yield narcotic drugs, or psychotropic substance, or be able to produce narcotic drugs, or psychotropic substance;

(2) produce and test of narcotics;

(3) consume or possess of narcotics under schedule and the quantity as prescribed.

Such the demarcation area and conducting under paragraph one shall be enacted by a Royal Decree and such Royal Decree shall have at least control measures and verify such conducting.

Such conducting in the area which shall be demarcated under paragraph one subject to control measures and verification shall not be offense.

Section 56 The NCB shall have the power to notify as prescribed of measures on prevention suppression and solution of offense relating to narcotics offenses at business place and notify as prescribed any place where used for any business to be the business place subject to such measures, due to published in the Government Gazette.

Section 57 In the case of Narcotics Control Official shall find the violation or shall not be conducted with measures on prevention suppression and solution of offence relating to narcotics offenses at business place under section 56, or shall be fined offence relating to narcotics offences at business place under section 56, if the owner or entrepreneur of such business place unable to clarify or

prove to the NCB to believe that they have exercised caution appropriate for the case, the Secretary General of the NCB shall have the power to order to conduct on necessity measure for preventing of recidivism, or the NCB shall have the power to order to the temporary closure of such business place or suspend the license for such business operation, as the case may be, except for the case of urgent necessity the Secretary General of the NCB shall have the power such conduction. Due to, the order of temporary closure or suspension of the license for a period of not more than thirty days from the date of the owner or the business place or entrepreneur of such business place is informed of such the order.

In the case of business place which is ordered to temporarily close or suspend the license under paragraph one is the business place subject to controlling of engage in business by other laws, the Secretary General of the NCB shall inform the agency that controls such business, and such agency shall observable.

The order of temporary closure or suspend the license and informing the owner or entrepreneur of such business place under paragraph one, and informing the agency under paragraph two shall be in accordance with the rules, procedures, and conditions that the NCB prescribed by published in the Government Gazette.

Section 58 The Minister of Public Health may notify as prescribed of the narcotic drugs in schedule V as to consume for treatment of diseases according to the prescription of medicinal practitioner, dental practitioner, Thai traditional medical practitioner, applied Thai traditional medical practitioner, or local folk healer with license under the law on Thai traditional medical professions or consumed for research study.

The Thai traditional practitioner and the local folk healer under paragraph one shall be in accordance with the rules, procedures, and conditions that the Minister of Public Health notify as prescribed by the approval of the Narcotics Commission.

Section 59 The Minister of Public Health may notify as prescribed any preparation substance which shall have other characteristics as follows shall be exempted preparation substance, due to the rules, procedures, and conditions as prescribed in Ministerial Regulation by the Minister of Public Health;

(1) containing psychotropic substances in Schedule II, Schedule III, or Schedule IV, either any one or many of which;

(2) have characteristics that shall not lead to misuse;

(3) unable separate to extract of psychotropic which contained in such preparation substance to reuse in the quantity which lead to misuse, and;

(4) shall not lead to harm on health and society.

The exempted preparation substance as notified under paragraph one, the Minister of Public Health shall notify revoked when such preparation substance appears different from characteristics as prescribed.

Section 60 In transiting narcotic drugs of schedule I, schedule II, schedule IV, and schedule V, must obtain a license issued by the competent authority of the exporting country accompanying the narcotic drugs, and must produce such license to the customs official, consent for customs official to keep custody or control narcotic drugs, and carry such narcotic drugs in transit to competent official at the narcotic drugs checkpoints as prescribed in Notification of the Minister of Public Health under section 22 (5) for verify under the rules, procedures, and conditions that the Minister of Public Health notify as prescribed.

The customs official shall keep custody or control the narcotic drugs under paragraph one at a proper place until the carrier of narcotic drugs in transit shall carry such narcotic drugs out of the Kingdom.

In the case where the carrier of the narcotic drugs under paragraph one in transit does not carry such narcotic drugs out of the Kingdom within the period of thirty days from the date the narcotic drugs is imported, the customs official shall report to the Secretary General of the FDB for information. The Secretary General of the FDB shall have the power to order the carrier of narcotic drugs in transit to

carry such narcotic drugs out of the Kingdom within sixty days from the date of the order. If the ordered person fails to comply therewith, such narcotic drug shall devolve into the property of the Ministry of Public Health. And the Ministry of Public Health or a person entrusted by the Ministry of Public Health shall destroy or utilize them as the rules that the Minister of Public Health prescribed.

Section 61 The competent official who conducting relating to narcotics control under this Book shall have the duties and 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 permission under this Book, in worktimes of such premises for inspect of conduction under this Book;

(2) to seize or attach narcotics that it is unlawfully possessed or any other property which shall be used or intended to use in the commission of the offense under this Book;

(3) to issue a letter of summon any person to give a statement or to submit any document, or material for supplement the consideration.

The competent official under paragraph one any position, any level, or any rank shall have duties and powers as prescribed which all or some part or shall have approved by any person before performance, shall be in accordance with as the Minister of Public Health prescribed by the recommendation of the Narcotics Commission.

Section 62 In the conducting of the competent official under section 61 (1), the competent official shall have the power to carry narcotics out of such place in reasonable quantity for the samples to verify or analyze, and if it appears any narcotics shall be narcotics which shall not be safe or may be harmful to users, and notify the resulted of verification and analysis qualitative such narcotics which shall be verified or analyzed. People shall have informed in proper method by approval of the Secretary General of the FDB.

For the sake of safety protection of narcotics users, in the case that it appears to the competent official to believe that any narcotics shall be narcotics which shall not be safe or may be harmful to users, the competent official shall seize or attach such narcotics or order the licensee to stop the production, importation, exportation or disposal of narcotics, impose such narcotics back within the period that specified by the competent official and may order to destroy such narcotics, due to the rules, procedures, and conditions that the Narcotics Commission prescribed by published in the Government Gazette.

TITLE 4

Property Examination

Chapter 1

Property Examination Committee

Section 63 There shall be one committee entitled “ the Property Examination Committee” consisting of the Permanent Secretary of Justice as Chairperson, Attorney General, Secretary General of Anti Money Laundering Board, Commissioner-General of the Royal Thai Police, Director General of the Department of Lands, Director General of the Legal Execution Department, Director General of the Thai Customs, Director General of Revenue Department, and Governor of the Bank of Thailand as ex-officio members and other two qualified members appointed by the NCB from persons having knowledge and expertise on property examination.

The Secretary General of the NCB shall be member and secretary, and the Property Examination Committee shall be appointed any one of government official of the ONCB to serve as assistant secretary.

Section 64 The Property Examination Committee shall have duties and powers as follows;

(1) to submit recommendations to the Minister of Justice relating to issue of Ministerial Regulation under section 71, section 73, section 74, and section 82;

(2) to examine property that shall be connected with the commission of serious offence relating to narcotics and shall be issued an order under section 68;

(3) to determine any property that shall be connected with the commission of serious offence relating to narcotics under section 73;

(4) shall have resolution to seize or attach under section 73;

(5) to regulate relating to ordering of property examination under section 68, rules relating to termination of property examination and restitution of property which shall be temporarily seized and attached under section 71, and rules relating to relating to custody of, public auction of, and utilization of property, and valuation of damage and depreciation under section 75;

(6) to appoint a sub-committee or a working group to conduct as the Property Examination Committee shall be entrusted;

(7) to any conduct as the provision of this Code or other laws shall be duties and powers of the Property Examination Committee.

The Property Examination Committee shall be entrusted the Property Examination Sub-Committee under section 66 or the Secretary General of the NCB to conduct property examination under (2), seize and attach to the property under (4), or entrusted the Sub-Committee under (6) to determine property under (3), and then report.

Section 65 At a meeting of the Property Examination Committee shall be attended by not less than two-thirds of the total number of members to constitute a quorum.

At the meeting of the Committee, if the Chairperson is not present at the meeting or is unable to perform his/her duty, the meeting shall elect one member to chair the meeting.

The decision of the meeting shall be made by a majority vote except that the decision under section 64 (2), (3), and (4) shall be made by two-thirds of the votes of the members present. One member shall have one vote. If it shall be equality of votes, the Chairperson of the meeting shall make one additional vote as a casting vote.

Section 66 The Property Examination Committee shall appoint, one or many, the Property Examination Sub-Committee consisting of the Director General of the Office of Attorney General who is entrusted by the Attorney General shall be the Chairperson of the sub-committee, representative of the Royal Thai Police, representative of the Department of Lands, representative of the Legal Execution Department, representative of the Thai Customs Department, representative of the Revenue Department, representative of the Bank of Thailand and other three qualified committees who is appointed by the Chairperson of the Sub-Committee from knowledge and expertise relating to property examination from government or private sectors as members

The Director of the Property Examination Bureau or the Director of Regional Narcotics Control Offices of the ONCB, as the case may be shall be members and secretary of the Sub-Committee, and the Chairperson of the Sub-Committee shall be appointed any one of government official of the ONCB to serve as assistant secretary.

The provision of section 65 shall be applied to the meeting of the Property Examination Sub-Committee **mutatis mutandis**.

Section 67 The provisions of section 7, section 8, and section 9 shall be applied to Property Examination Sub-Committee **mutatis mutandis**.

Chapter 2

Property Examination Measure

Section 68 In the case there are reasonable suspicion that the property of an alleged offender shall be property connected with the commission of serious offence relating to narcotics, the Property Examination Committee shall be ordered to examine of property of such person.

In the case of urgent necessity, the Secretary General of the NCB shall be ordered to examine of property of the alleged offender for the time being and then report to the Property Examination Committee for information.

The rules, procedures, and conditions in order of property examination shall be in accordance with the rules as the Property Examination Committee prescribed by published in the Government Gazette.

Section 69 For the sake of ordering of property examination under section 68, when the Secretary General of the NCB shall have reported relating to property which shall have reasonable suspicion relating to property connected with the commission of serious offence relating to narcotics, the Secretary General of the NCB shall have to comment to the Property Examination Committee to further consideration.

If it appears that property possessed or acquired by him or her beyond his status or his capability of engaging in his or her career or other activities in good faith, or property that ordinary people shall be afforded as his or her status, or necessity in subsistence, the Secretary General of the NCB shall be reported to the Property Examination for information.

Section 70 In examination of property of the alleged offender, if there is evidence to believe that any property of other persons is connected with the commission of serious offence relating to narcotics of the alleged person, and such persons have gratuitously obtained them or have obtained them knowing that they

are the properties connected with the commission of an offence relating to narcotics, the Property Examination Committee shall also have the power to order the examination of the properties of such persons, in the case of urgent necessity, the provisions of section 68 paragraph two shall apply *mutatis mutandis*.

Section 71 The Property Examination Committee or the Secretary General of the NCB, as the case may be, shall be entrusted to a Narcotics Control Official to conduct the examination of the properties on its or his behalf, and then report thereto. In conducting the property examination the examinee or the person who claims ownership over the property for information relating to property examination to prove in such property shall not be connected with the commission of a serious offence relating to narcotics.

In the case of the Narcotics Control Official who is entrusted to conduct the property examination and found that further examination shall not be purpose to the official service, the Narcotics Control Official who is entrusted shall inform the result of examination together with his opinion to the Property Examination Committee for consideration. If the Property Examination Committee agrees with the opinion of the Narcotics Control Official who is entrusted, the Property Examination Committee shall order to terminate of the property examination, If the Property Examination Committee shall have reasonable to order to restitution of property which shall be temporarily seized and attached during examination to the owner.

Property examination and information under paragraph one shall be in accordance with the rules, procedures, and conditions as prescribed in the Ministerial Regulations by the Minister of Justice.

The termination of property examination and restitution of property which shall be temporarily seized and attached under paragraph two shall be in accordance with the rules as prescribed by the Property Examination Committee and Publication in the Government Gazette

Section 72 In the case of the property connected with the commission of serious offence relating to narcotics shall be property that shall be able to conduct under other laws, and the conducting under other laws shall be more purpose to the official service, the Property Examination Committee shall order to transmit such property to conduct under other laws.

Section 73 In property examination, if the examinee or the person who claims ownership over the property shall not be able to provide that the property examined shall not be connected with the commission of serious offence relating to narcotics or he has accepted the transfer of such properties in good faith and for value, or has reasonably acquired them on account of good moral or public charity, the Property Examination Committee shall order to seize or attach such property until the court shall dismiss the motion to forfeiture of property.

For the purpose of property examination, if there is a reasonable belief that any item property shall be transferred, removed, concealed, or in the case where exists any other reasons and necessities, the Property Examination Committee shall have the power to order to temporarily seize or attach to such any item property until the decision is made that property is connected with the commission of serious offences relating to narcotics. the examinee or the person who claims to be the owner of the properties shall not be prevented from submitting an application for staying the execution of the order in order to take the property back for utilization with or without bail or with bail and security, and the provisions of section 68 paragraph two shall apply *mutatis mutandis*.

When there are temporary seizure or attachment of the property, the Property Examination Committee shall forthwith make an arrangement for the proof under paragraph one rapidly, and in the case where the examinee or the person who claims to be the owner of the properties is able to prove under paragraph one, the property shall be restitution to such person, but if it is unable to prove, it shall be deemed that the seizure or attachment under paragraph two is the seizure or attachment under paragraph one.

The filing of the motion to respite under paragraph two shall be in accordance with the rules, procedure, and conditions that the Minister of Justice prescribed in the Ministerial Regulation.

For the purpose of this section, the word “property” shall include as follows;

(1) properties that have been transformed, claims, benefits, and the fruits of such properties;

(2) debts due to be paid by the third person to the alleged offender;

(3) property connected with the commission of serious offence relating to narcotics of the alleged offender which have been sold, disposed of, transferred, or removed during the period of ten years before the order of the seizure or attachment, and thereafter unless the transferee or beneficiary shall prove to the Property Examination Committee that such transfer or such act has been done in good faith and for value.

Section 74 When the Property Examination Committee or the Secretary General of the NCB, as the case may be, shall be ordered to seize or attach property, the Narcotics Control Official who has been entrusted shall seize or attach and valuation of such property rapidly, then report for information.

The seizure or attachment of the property and the valuation of the property shall be in accordance with the rules, procedures, and conditions that the Minister of Justice prescribed in the Ministerial Regulation. Due to the Civil Procedure Code relating to seizure or attachment of the property shall apply, *mutatis mutandis*.

Section 75 The keeping in the custody of property that the Property Examination Committee or the Secretary General of the NCB, as the case may be, shall be ordered to seize or attach, shall be in accordance with the Rules that the Property Examination Committee prescribed by Published in the Government Gazette.

In the case where the property under paragraph one shall not be proper for keeping in custody, or if the keeping in the custody of such properties will be more burdensome to the official service than the utilization thereof for other purposes, the Secretary General of the NCB shall be ordered for a sale by auction or for the utilization of such properties for official purposes, and then report to the Property Examination Committee.

A sale by auction or the utilization of the properties under paragraph two shall be in accordance with the Rules that the Property Examination Committee notify as prescribed in the Government Gazette by the approval of the Ministry of Finance.

If it appears thereafter that the properties utilized under paragraph two shall not be the property connected with the commission of an offence relating to narcotics, such property shall be restitution together with the reimbursement of damage and the depreciation value as prescribed by the Property Examination Committee, through it shall be paid from the Fund to the owner or the possessor. If the restitution of the property is impossible, such reimbursement as the price of valuation on the date of seizure or attachment or as the auctioned price of such property, as the case may be.

Valuation of damage and depreciation under paragraph four shall be in accordance with the Rules that the Property Examination Committee prescribed by Published in the Government Gazette.

Section 76 For the purpose of consideration and examination or seize or attach the property under this chapter, members of the Property Examination Committee, members of the Sub-Committee, the Secretary General of the NCB, Deputy Secretary General of the NCB, and the Narcotics Control Official who has been entrusted shall have powers as the follows;

(1) to issue a letter of inquiry requesting or issuing an order requiring an official of a Government Sector, State organization, or State Agency, or State enterprise to give his statements or give explanations in writing, or to submit any

account, document, or evidence for examination or supplementing the consideration;

(2) to issue a letter of inquiry requesting or issuing an order requiring any person concerned to give his statements, give explanations in writing, or to submit any account, document, or evidence for examination or supplementing the consideration, due to, shall include the examination by the banks, the Securities Exchange and the financial institutions;

(3) to enter any dwelling places, premise, or conveyance where there is reasonable suspicion that the serious offence relating to narcotics is committed or the property under section 73 is hidden therein, for the purposes of searching or examining, seizing or attaching the properties during daytime and between sunrise to sunset, in the case where there is a reasonable belief that if prompt action is not taken, such property is likely to be removed, so shall have the powers to enter during the nighttime then.

In the case under (3), the Chairperson of the Property Examination Committee, the Chairperson of the Property Examination Sub-Committee, or the Secretary General shall be entrusted the Narcotics Control Official to act on his behalf, and then report for information.

In the performance of the duty of the Narcotics Control Official who has been entrusted under paragraph two shall have to present the document to the person concerned each time.

Section 77 When the Public Prosecutor has a prosecution order, and the Property Examination Committee shall have a decision on any property which property is connected with the commission of serious offence relating to narcotics, the Public Prosecutor shall file a motion to request the court to forfeiture of such property by file the motion together with an indictment or at any time within one year from the date of that the court shall have been final judgment.

In the case where it appears that there are additional properties connected with the commission of serious offence relating to narcotics, the motion

shall be filed to request the court to forfeiture of such property within one year from the date that the court shall have been final judgment.

In the case where shall not be prosecuted because it shall not be arrested the alleged offender or the accused, or the reason where the death of the alleged offender or any accused, or the Public Prosecutor shall have a final non-prosecution order, the Public Prosecutor shall file the motion to the court where jurisdiction to request the court to forfeiture of such property within one year from the date that the Property Examination Committee shall have the decision, or in the case of filed the motion under paragraph one, the court shall continue to be considered such motion under section 82.

Section 78 When the court shall order to obtain the motion of the Public Prosecutor under section 77, the court shall order the Secretary General of the NCB to inform the person who may claim to be the owner of the property may file the motion to enter into the case before the case shall be final, by inform in registered mail and respond to the latest address of such person as appeared on evidence in the inquiry record. In the case where shall not be informed of such the *modus operandi*, such notification letter shall be placed or posted at the position that is easily seen at such address in the presence of an administrative official or a police official, it shall be deemed that such person is informed or notified.

The expense of notification shall be paid by the Fund.

Section 79 The court shall examine the motion that the Public Prosecutor filed to court under section 77, If it is a *prima facie* case that the property shall be connected with the commission of serious offence relating to narcotics, the court shall order to forfeiture of such property, unless the person who may claim to be the owner of the property may file the motion to request to retribute of such property before the case shall be final, and demonstrate to the court that;

(1) he is the true owner and such property shall not be connected with the commission of an offence relating to narcotics; or

(2) he is the transferee or the beneficiary, and has acquired such property in good faith and for value or has reasonably acquired them on account of good moral or public charity.

For the purpose of this section, if it appears evident that the accused or the examinee is involved or used to involve in the commission of serious offence relating to narcotics, it shall be presumed that all money or property that such person possessed or acquired by him beyond his status or his capability of engaging in his career or other activities in good faith shall be the property connected with the commission of serious offence relating to narcotics.

In the case where the court shall have been examined that *prima facie* any items of the property shall have been connected with the commission of serious offence relating to narcotics, and the court shall order such property that shall be the property connected with the commission of serious offences relating to narcotics but it shall not be able to execute with such property, the Public Prosecutor shall file a motion to the court to execute with other property of the accused or examinee within ten years from the date which the court shall order but shall not exceeding the value of such property.

Section 80 In the case that the person who request to restitution of property under section 79 paragraph one, did not know that the Public Prosecutor has filed a motion to request the court to forfeiture of the property until the court shall be ordered to forfeiture of such property, such person who request to restitution of property shall be filed a motion to restitution of property to the court within one year from the date the court shall have ordered to forfeiture of the property.

Section 81 The property that the court shall have ordered to forfeiture under section 79 paragraph one shall devolve on the Fund.

Section 82 In the case where the Public Prosecutor shall have the order on final non-prosecution to the alleged offender, or the court shall have a final judgment dismissing the charge against any accused, the court shall examine the motion of the Public Prosecutor that requests the court to forfeiture of the property

which such file of under section 77 shall be continued, if it appears on evidence to be reasonable belief that property in such case shall be the property connected with the commission of serious offences relating to narcotic drugs.

The property where the owner is not known which the property that was seized or attached because of the commission of an offence by the alleged offender or such accused, if no person requested their restitution within five years from the date of the final non-prosecution order or the final judgment dismissing the charge, shall devolve on the Fund.

The request to retribute property and restitution of property shall be in accordance with the rules, procedures, and conditions that the Minister of justice prescribed in Ministerial Regulation.

Section 83 In the case where shall be restitution of other property except money to the owner but it shall not be restituted, it shall be reimbursed as the price of the properties instead by the Fund as the price of the properties as assessed on the date of seizure or attachment.

Chapter 3

Property Examination Measure by Value Based

Section 84 In the case that the Property Examination Committee shall be considered evidence collected from the examination, it shall be a decision that the examinee obtained the property connected with the commission of serious offence relating to narcotics, the Property Examination Committee shall calculate the value of such property in definite amount of money, send the property examination record together with documents, and evidence to the Public Prosecutor. The Public Prosecutor shall file a motion to request the court to order forfeiture of the value of such property.

In requesting the court to order the forfeiture of the value of the property and examine the motion of the Public Prosecutor, the provisions in section 77, section 79 paragraph one and paragraph two, and section 82 shall be applied *mutatis mutandis*.

Section 85 In the case that the court shall examine and it is a *prima facie* case that the value of the property shall be connected with the commission of serious offence relating to narcotics, which such the court has ordered to forfeiture which shall not be ably pursuing the property connected with the commission of serious offence relating to narcotics as such value of, the Public Prosecutor shall file the motion to the court to execute with other property of the accused or examinee within ten years from the date which the court shall order but shall not exceeding the value of the property that such the court has ordered to forfeiture.

In the case that shall have been executed with the property under paragraph one, the ONCB shall be deemed to be a judgement creditor and the Narcotics Control Official who has been entrusted by the ONCB shall have the duties to inquire for property or right of claim of the accused or examinee to execute in accordance with the court order by the recommendation of the Public Prosecutor.

In the requesting to restitute the property value, the provision in section 80 shall be applied *mutatis mutandis*.

Section 86 The property acquired from the execution under section 85 shall devolve on the Fund.

Chapter 4

Narcotics Control Fund

Section 87 There shall be established a Narcotics Control Fund in the ONCB with objection for the purpose of prevention, suppression, and solution of narcotics problems and hereto have duties and powers as follows;

(1) Promote and support on prevention, suppression, treatment, rehabilitation, and social rehabilitation of narcotics addict, the follow-up and assisting after treatment;

(2) Promote and support to have education, research, test, trial, training, meeting or seminar on narcotics prevention, suppression, treatment, rehabilitation, and social rehabilitation of the narcotics addict;

(3) Promote and support to have experts who have knowledge and expertise in various fields both domestic and foreign to conduct the duty of advice, recommendation, training, meeting or seminar on prevention, suppression, treatment, rehabilitation and social rehabilitation of narcotics addict;

(4) Promote and support to have the service providing or organize activities which are beneficial to prevention, suppression, treatment, rehabilitation and social rehabilitation of narcotics addict, and also including to promote and develop narcotics addict, persons under treatment and persons completed treatment to be able to live decently in society;

(5) Promote and support the coordination among concerned agencies or take part in assisting or supporting of prevention, suppression, treatment, rehabilitation and social rehabilitation of narcotics addict both domestic and foreign level;

(6) Compensate the persons who are affected from the prevention, suppression, treatment, rehabilitation and social rehabilitation of narcotics addict;

(7) Other undertaking that necessary for the sake of prevention, suppression and solution of narcotics problems under this Code.

The person or the agency which receives financial support in the same manner as other revolving funds has no right to receive support money from this Fund.

Section 88 The Fund consists of money and property as follows:

(1) money and property which are transferred from the Narcotics Control Fund under the Act on Measures for the Suppression of Offenders in an Offence Relating to Narcotics B.E.2534 (1991);

(2) property that devolves on the Fund under section 81, section 82, section 86, and section 186;

(3) money and property acquired from donation;

(4) money and property received from the government;

(5) The benefit arising from the property under (1), (2), (3), and (4);

The money and the property of the Fund under paragraph one shall not be remitted to the Ministry of Finance as public revenue.

Section 89 The NCB shall rule out the regulations on management and performance of the Fund as follows;

(1) The appointment, resignation, and duties and authorities of the Sub-Committees and the management of the Fund according to the Revolving Fund Management Law;

(2) Benefit earnings, management, and distribution of the property of the Fund;

(3) Receipt, payment, and saving of money of the Fund;

(4) Expense or any compensation which needs to be paid to the agency, outsider person, competent Official, Narcotics Control Official, government official, or officer on duty for helping and supporting the execution of duties according to this Code to be more effective and efficient shall be paid by the Fund;

(5) Management and other functions to achieve the objectives of the Fund;

Regulating under (2), (3), (4), and (5) shall be approved by the Ministry of Finance.

Title 5

Offences relating to Production, Importation, Exportation, Distribution, Having in Possession or Transition of Narcotic Drugs and Psychotropic Substances

Section 90 No person shall produce, import, export, distribute or having in possession of narcotic drugs in schedule I, unless for the case that the permission is granted under section 34 or section 35 (3).

Section 91 No person shall produce, import, export, distribute, or having in possession of the narcotic drugs in schedule II or schedule IV, unless for the case that the permission is granted under section 34 or section 35 (1) or (3).

Section 92 No person shall produce, import, export, or distribute narcotic drugs in schedule III, unless for the case that the permission is granted under section 35 (2).

Section 93 No person shall produce, import, export, or distribute narcotic drugs in schedule V, unless for the case that the permission is granted under section 35 paragraph one (4) or paragraph two.

Section 94 No person shall produce, import, export, distribute, having in possession or transiting psychotropic substances, unless for the case that the permission is granted under section 35 (5).

Section 95 No licensee shall produce or distribute narcotic drugs in schedule II, schedule III or schedule V or psychotropic substances in schedule II, schedule III, or schedule IV during the time that the pharmacist shall not be on regular duty to control the operation.

Section 96 No person shall distribute more than two types of psychotropic substances or distribute psychotropic substances combined with medicines in various preparations as a prepared set for commercial benefits.

Title 6

Offences relating to Volatile Substances

Section 97 No person shall produce or import volatile substances of which before distribution not arranging to display picture, symbol or message on the container or package of the volatile substances to give precautions for use of such volatile substance under the rules, procedures, conditions, and quantity that the Minister of Public Health and the Minister of Industry prescribed in Ministerial Regulation.

Section 98 No person shall distribute volatile substances without picture, symbol, or message which the producer or the importer of such volatile substances must arrange to display on the container or package according to section 97 completely.

Section 99 No person shall distribute or procure volatile substances for a person not over eighteen years old unless that distribution or procurement is done by educational institutes for use in teaching.

Section 100 No person shall distribute or procure volatile substances for a person who is known or should be known as an addict to volatile substances.

Title 7

Offences relating to Preparation Registration

Section 101 No certified person of preparation registration certificate according to section 49 shall produce or import the formula of narcotic drugs or the formula of psychotropic substances which does not match the list of registered formulas.

Section 102 No person shall produce, import, export, or distribute the narcotic drugs or psychotropic substances that are required to be registered as narcotic drugs formula or as psychotropic substance formula under section 49 but are not registered as narcotic drugs preparation or psychotropic substance preparation.

Section 103 No person shall produce, import, export or distribute the narcotic drugs or the psychotropic substances of which the Minister of Public Health ordered to revoke the registration of narcotic drugs preparation or psychotropic substances preparation under section 51.

Title 8

Offences relating to Narcotics Consumption and Having in Possession of Narcotics for Consume

Section 104 No person shall consume narcotic drugs in schedule I, schedule II, or schedule V or consume psychotropic substances in schedule I, or schedule II, unless for the consumption of narcotic drugs in schedule II, or psychotropic substances in schedule II for disease treatment in according to the order of medicinal practitioner or dental practitioner, or the consumption of narcotic drugs in schedule V that the Minister of Public Health notifies as prescribed under

section 58 for disease treatment of medicinal practitioner, dental practitioner, Thai traditional medical practitioner, applied Thai traditional medical practitioner or local folk healer according to the Thai Traditional Medical Profession Law or the consume for study research.

Section 105 No person shall consume volatile substances.

Section 106 No person shall motivate, induce, incite, deceive, coerce, control by force, wrongly using power to dominate or other means to compel other persons to consume the narcotic drugs in schedule I, schedule II, or schedule V, psychotropic substances or volatile substances.

The professional practitioners as follows may motivate or induce other persons to consume narcotic drugs or psychotropic substances for treatment:

1) Medicinal practitioner or dental practitioner for narcotic drugs in schedule II or schedule III or psychotropic substances in schedule II, schedule III, or schedule IV, or for narcotic drugs in schedule V that the Minister of Public Health notifies as prescribed under section 58;

(2) Thai traditional medical practitioner, applied Thai traditional medical practitioner, or local folk healer under the Thai Traditional Medical Profession Law for narcotic drugs in schedule V that the Minister of Public Health notifies as prescribed under section 58.

Section 107 No person shall have in possession of narcotic drugs in schedule I, schedule II or schedule V or psychotropic substances in schedule I or schedule II for consume.

Having in possession of the narcotic drugs in schedule I, schedule II, or schedule V, or the psychotropic substances in schedule I, or schedule II in a small quantity, that does not exceed the quantity that the Minister of Public Health prescribed in Ministerial Regulations, shall be presumed as having in possession for consume.

Book 2

Treatment and Social Rehabilitation for Narcotics Addict

Title 1General Provisions

Section 108 In this Part,

“being addicted to narcotics” means consume drugs regularly and continually and falling into the condition of being dependent on such narcotics, and that can be diagnosed such condition according to academic criteria;

“treatment” means treatment of narcotics addict which includes screening, dependence assessment, treatment with medicine, rehabilitation, harm reduction from narcotics, and follow-up after treatment;

“rehabilitation” means any actions that are the therapy of narcotics use behavior, and the restoration of physical and mental conditions of narcotics addict to normal;

“social rehabilitation” means any action which is the assistance or support for narcotics addict or persons who have completed treatment to improve their quality of life in terms of housing, education, career as well as follow-up and aftercare until they can return to live in a society decently;

“healthcare facility for narcotics addict” means hospital or healthcare facility according to the rules, procedures, and conditions that the Narcotics Addiction Treatment and Rehabilitation Committee shall prescribe it to be the workplace of narcotics addiction treatment.

“rehabilitation facility for narcotics addict” means healthcare facility, rehabilitation facility, or other facilities according to the rules, procedures, and conditions that the Drug Addict Treatment and Rehabilitation Committee shall prescribe it to be the workplace of rehabilitation for drug addicts.

“screening center” means the place for screening narcotics using.

“social rehabilitation center” means the workplace of social rehabilitation for narcotics addict, or for persons who have completed treatment.

“licensor” means the Permanent Secretary of Public Health or the person entrusted by the Permanent Secretary of Public Health.

Title 2

Narcotics Addiction Treatment and Rehabilitation Committee

Section 109 There shall be a committee called “Narcotics Addiction Treatment and Rehabilitation Committee” consisting of Deputy Prime Minister assigned by the Prime Minister to act as Chairperson, Permanent Secretary of Social Development and Human Security, Permanent Secretary of Interior, Permanent Secretary of Labor, Permanent Secretary of Education, Permanent Secretary of Public Health, Commander-in-Chief of the Royal Thai Army, Commander-in-Chief of the Royal Thai Navy, Commander-in-Chief of the Royal Thai Air Force, Commissioner-General of the Royal Thai Police, Director General of Provincial Administration Department, Director General of Medical Services Department, Director General of Disease Control Department, Director General of Probation Department, Director General of Corrections Department, Director General of Medical Sciences Department, Director General of Local Administration Department, Director General of Health Service Support, Director General of Mental Health Department, Secretary General of the NCB, Secretary General of the FDB, Permanent Secretary of Bangkok Metropolitan Administration, Governor of Sports Authority of Thailand, Chairperson of the Federation of Thai Industries, and Chairperson of the Thai Chamber of Commerce as ex-officio members, and three qualified members appointed by the Minister of Public Health, at least one of whom shall be a representative from private organization relating to narcotics addiction treatment and rehabilitation.

A Deputy Permanent Secretary of Public Health which the Permanent Secretary of Public Health entrusted to be a member and secretary of the Committee, the Narcotics Addiction Treatment and Rehabilitation Committee shall be appointed not more than two government officials of the Ministry of Public Health to serve as assistant secretary.

For the purpose of performance according to the duties and powers of the Narcotics Addiction Treatment and Rehabilitation Committee, the Narcotics Addiction Treatment and Rehabilitation Committee may have a resolution to invite to invite the Permanent Secretary of Ministry or head of State Agency who has direct duties and authorities on the issue to be considered or invite persons who has knowledge, expertise, and experience relating to narcotics addiction treatment and rehabilitation to attend the meeting occasionally as a member also. In such case, the invited person who attends the meeting shall have the status of a member according to paragraph one for such meeting invited.

Section 110 The Office of the Permanent Secretary of Public Health shall serve as the secretariat office of the Narcotics Addiction Treatment and Rehabilitation Committee in charge of secretarial work, meeting, education, and other undertaking relating to the work of the Narcotics Addiction Treatment and Rehabilitation Committee.

Section 111 The Narcotics Addiction Treatment and Rehabilitation Committee shall have duties and powers as follows;

(1) give advice to the Minister of Public Health about issuance the Ministerial Regulations under this Part;

(2) formulate the policy and measures relating to narcotics addiction treatment and rehabilitation;

(3) formulate the guidelines and performance of the development of academic work, standard and quality of narcotics addiction treatment and rehabilitation, human capacity development, and the database relating to narcotics addiction treatment and rehabilitation;

(4) set the rules, procedures, and conditions for the establishment and the quality warranty of the screening center, healthcare facility for narcotics addict, narcotics addiction rehabilitation center and social rehabilitation center;

(5) set the rules, procedures and conditions in screening, drug addiction treatment and rehabilitation and outcome evaluation of narcotics addiction treatment and rehabilitation;

(6) set the regulations or rules to control treatment and disciplinary procedures for screening center, healthcare facility for narcotics addict, addiction rehabilitation facility;

(7) give approval upon the formulation of the rules, procedures and conditions of social rehabilitation, and follow-up, aftercare and support for narcotic addict or person who have completed treatment;

(8) supervise, follow up, monitor, give advices and recommend local agencies about the delivery of assistance and support to narcotics addict or person who have completed treatment;

(9) outline the guidelines for concerned agencies to provide necessary and appropriate assistance on social benefits, social welfare as well as support narcotics addict or person who have completed treatment who have no dwelling to have a temporary shelter and be able to live in a society;

(10) outline the implementation guidelines for agencies to provide assistance on career, education, welfare fund, and other welfare benefits necessary for making a living to narcotics addict or person who has completed treatment;

(11) support and promote the employment or career of narcotics addict or person who have completed treatment;

(12) formulate the policy to support and promote the participation of community in following up, monitoring, and assisting narcotics addict or person who have completed treatment;

(13) appoint sub-committee to perform any duty as assigned;

(14) implement any other duties according to this Code or other laws as prescribed as duties and authorities of the Narcotics Addiction Treatment and Rehabilitation Committee.

Section 112 The provision in section 7, section 8, section 9, and section 10 shall apply to the Narcotics Addiction Treatment and Rehabilitation Committee, *mutatis mutandis*.

Title 3

Narcotics Addiction Treatment

Section 113 Any person attribute that oneself shall consume narcotics under section 162 or section 163 or shall have in possession of the narcotic drugs or the psychotropic substances for consume under section 164 and shall be voluntarily requested to treatment in the healthcare facility for narcotics addict before the detection of the Narcotics Controls Official or administrative official or police official, and also completely conduct under in the rules, procedures, and conditions that the Narcotics Addiction Treatment and Rehabilitation Committee prescribed by published in the Government Gazette, until such person was certified in a written as a person who has completed treatment with satisfactory results from the head of the healthcare facility for narcotics addict or narcotics addiction rehabilitation center, such person shall not be guilty of such sections.

Section 114 In the case that Narcotics Control Official or administrative official or police official shall discover a person whose circumstance shall be reasonable suspicion of committing the offence of consumption of narcotics under section 162 or section 163 or having in possession of narcotics for consume under section 164, if it shall not appear that such person shall be the alleged offender or upon being prosecuted for other offences which have imprisonment or being imprisoned by the court judgement, no circumstance shall cause danger to other person or society or circumstance shall cause danger to other

person or society by psychiatric and neurological diseases or symptoms that effects of narcotics used and voluntarily to have treatment, the Narcotics Control Official, or administrative official or police official shall then refer such person to healthcare facility for narcotics addict or screening center.

When a person voluntarily shall have treatment under paragraph one and complies completely with the rules, procedures, and conditions that the Narcotics Addiction Treatment and Rehabilitation Committee prescribed by published in the Government Gazette, until receiving a certification in writing as a person who has completed treatment with satisfactory results from the head of the healthcare facility for narcotics addict or narcotics addiction rehabilitation center, such person shall not be guilty of such section.

If a person who attends treatment under paragraph one escapes or shall not cooperate in treatment completely under the rules, procedures, and conditions that the Narcotics Addiction Treatment and Rehabilitation Committee prescribed by published in the Government Gazette. Healthcare facility for narcotics addict or narcotics addiction rehabilitation center shall past record, data, and circumstances of such person who escapes or shall not cooperate in such treatment, for the purpose of considering having treatment under paragraph one.

Section 115 for the purpose of narcotics addiction treatment, the Narcotics Control Official, or administrative official, or police official shall have duties and powers as follows;

(1) to examine or search a person whose circumstance is reasonable suspicion of consuming narcotics;

(2) to seize narcotics from a person who possesses narcotics;

(3) to examine or test or order to be examined or to be tested for narcotics substances within the body of a person. When there is a necessity and there is a reasonable belief that there is such person consumed narcotics in any dwelling or any premises or in the vehicle;

(4) to enquire and examine for realized name, career, address, past record, income, and other circumstance of a person under (1), (2), or (3);

(5) to enquire about volunteering and to sign up voluntarily or involuntarily to have treatment;

(6) for the purpose of the implementation under (1), (2), (3), (4), and (5) and a referral of such person to healthcare facility for narcotics addict, such person shall be in temporary custody but shall not exceeding twenty-four hours from the time as be examined or to be tested such person have some narcotics substances within his or her body;

(7) to record circumstances in implementing under (1), (2), (3), (4), (5), and (6) and post him or hers to the inquiry official to keep as evidence in the case that shall prosecute to such person.

The rules, procedures, and conditions on implementation under paragraph one shall be in accordance with the Minister of justice prescribed in the Ministerial Regulation.

The Narcotics Control Official, or administrative official, or police official in any position or any level shall have duties and powers as prescribed under paragraph one, which shall be in accordance with the Minister of justice prescribed in Ministerial Regulations.

Section 116 The Ministry of Public Health shall notify as prescribed the place where shall be screening center. Due to, shall be in accordance with the rules, procedures, and conditions that the Drug Addiction Treatment and Rehabilitation Committee prescribed by published in the Government Gazette.

The screening center shall have the duties and power as follows;

(1) to detect narcotics substances in the body;

(2) to screen and assess the severity of being addicted to narcotics, risk conditions of both physical and mental health;

(3) to consider referring a person who has treatment admission to healthcare facility for narcotics addict or narcotics addiction rehabilitation center;

(4) to prepare the screening data and other data of a person who attends the screening.

Section 117 Healthcare facility for narcotics addict or narcotics addiction rehabilitation center shall have the duties and powers in conducting treatment or rehabilitation, evaluation, continuous follow-up, and aftercare, preparing and recording the past record of a person who has treatment and rehabilitation and conducting harm reduction, as the case may be.

Title 4

Social Rehabilitation

Section 118 The Ministry of Interior and the Bangkok Metropolitan Administration shall establish social rehabilitation center, due to, shall be in accordance with the rules, procedures, and conditions that the Drug Addiction Treatment and Rehabilitation Committee prescribed by Published in the Government Gazette.

The social rehabilitation center shall follow up, aftercare, counseling, guidance, support, and welfare to a person who attending treatment under section 113, section 114, and section 169 for a person who attending treatment shall have social rehabilitation by services of social welfare, social work which necessity and appropriate including assist and support a dwelling for temporary to such person to be able to live in society and shall not be recidivism offence relating to narcotics .

Ministry of Social Development and Human Security, Ministry of Labor, Ministry of Education, Ministry of Public Health, and the ONCB shall provide support and assistance for the implementation of the agencies under paragraph one in terms of career, education, follow-up, aftercare for the problem of health care, and providing other welfare services.

Social rehabilitation under paragraph one and paragraph two shall be in accordance with the rules, procedures, and conditions that the Minister of Public Health prescribed in the Ministerial Regulations by the approval of the Narcotics Addiction Treatment and Rehabilitation Committee.

Section 119 In social rehabilitation under section 118, Ministry of Social Development and Human Security, Ministry of Interior, Ministry of Labor, Ministry of Education, Ministry of Public Health, or the Bangkok Metropolitan Administration shall be appointed official or entrusted volunteers in the local areas or shall make an agreement to assign or transfer it to Government Sector, local administrative organization, non-governmental organization, community organization, or other organizations that shall be providing cooperation.

Section 120 The social rehabilitation center shall have the duties and powers as follows;

(1) to advice, counsel, and assistance to narcotics addict or person who have completed treatment;

(2) to provide assistance on social welfare including support to narcotics addict or person who have completed treatment shall have a dwelling for temporary;

(3) to provide assistance on career, education, welfare fund, and other social work which necessary for living to narcotics addict or a person who completed treatment;

(4) to promote and support employer or business place to recruit narcotics addict or person who completed treatment to start employment;

(5) to encourage family and community to have involved in treatment, and follow-up aftercare, and assistance to narcotics addict or person who completed treatment.

Title 5

Offence Relating to Narcotics Addiction Treatment

Section 121 No person shall provide treatment to narcotics addict as normal business by using medicine under the law on drugs or psychotropic substances or narcotic drugs under this Code or conducting narcotics treatment no matter by any other means which are not conducted in the healthcare facility for narcotics or narcotics addiction rehabilitation center as prescribed in this Code, no matter with or without benefit in return.

The provision in paragraph one shall not comply to the providing of knowledge, providing of counselling or providing of guidance to narcotics addict without any benefit in return.

Section 122 No person shall advertise on narcotics treatment, or allow other person to conducted such advertise by using his/her name or the name or location or business of the healthcare facility for narcotics addict or the narcotic addiction rehabilitation center of his/hers or qualification or certificate of the practitioner in healthcare facility for narcotics addict or narcotics addiction rehabilitation center of his/her unless having a license from the licensor.

The application for permission, issuance of license and the conditions for advertisement according to the license, shall be in accordance with the rules, procedures, and conditions that the Minister of Public Health prescribed in Ministerial Regulations.

The provision in paragraph one shall not comply with the State healthcare facility.

Section 123 In the case that the licensor considers that any advertisement violates section 122, or there is using of advertising messages that is not compliant with the permission from the licensor, the licensor shall have the powers to issue order of any one or several as follows;

- (1) to correct the messages or methods in advertisement;
- (2) to prohibit the using of some messages which appear in advertisement;
- (3) to prohibit the advertisement or prohibit the using of any method in advertisement;
- (4) to provide advertisement to correct the misunderstanding that may occur.

In issuing the order under (4), the licensor shall prescribe the rules and procedures of advertisement by taking into consideration the benefit of the people and the good faith in the conducting of advertiser.

Book 3

Penalty

Title 1

General Provisions

Section 124 Any person who commits a serious offence relating to narcotics, despite the fact that the offence is committed outside the Kingdom, shall be punished in the Kingdom, if it appears that;

- (1) the offender or accomplices, any one of them is a Thai person or has a residence in Thailand;
- (2) the offender is an alien and have intends its consequence to occur within the Kingdom or the Thai Government is the injured person; or
- (3) the offender is an alien and such act is an offence under the law of the State in the jurisdiction of which the offence is committed, if such offender has appeared in the Kingdom and has not been extradited under the law on Extradition.

Due to, the provision in section 10 of the Penal Code shall apply *mutatis mutandis*.

Section 125 In the serious offence relating to narcotics, any person who commits any of the following acts shall likewise be liable to the same penalty as a principal of such offence;

(1) aiding and abetting or assisting the offender before or at the time of such commission;

(2) providing or giving money or properties, conveyance, premises or any material for the purpose of the commission of an offence or for facilitating the commission thereof or for preventing the offender from being punished;

(3) providing or giving money or properties, meeting place, lodging, or hiding place in order to assist or facilitate the offender or help him from being arrested;

(4) accepting money, properties or any other benefits from the offender for the purpose of the commission of the offence or for facilitating the commission thereof or for preventing the offender from being punished;

(5) concealing, hiding or taking away narcotics or any article used for the commission of the offence in order to help the offender;

(6) suggesting or contacting other persons for the purpose of the commission of an offence.

In the case that any person provides or gives money or properties, lodging or hiding place to help his/her father, mother, child, husband or wife from being arrested, the Court shall not impose punishment on such person or impose less punishment than that provided by the law for such offence at his/her discretion.

Section 126 Any person who attempts to commit the serious offence relating to narcotics shall likewise be liable to the same penalty imposed for such offence as the offender who has accomplished the offence.

Section 127 Whenever two or more persons, with manifest intention, agree to commit the serious offence relating to narcotics, every such person is said to conspire to commit the serious offence relating to narcotics, shall be liable to

imprisonment for a term of not exceeding five years and to a fine of not exceeding five hundred thousand Baht.

If the serious offence relating to narcotics has actually been on account of conspiracy under paragraph one, every such conspirator shall be liable to the penalty imposed for such offence.

In the case that the act under paragraph one is like the act of Organized Crime, the offender shall be liable to double penalty imposed under paragraph one.

For the sake of this section, the word “Organized Crime” means a group of three or more persons who gather for a period of time and jointly take any action with the purpose to commit the serious offence relating to narcotics and to acquire the benefit in finance, properties, or other benefits on material.

Section 128 Any person who deceives, coerces, forces, use power to dominate wrongly or compels by any other means to other person to commit the offence on produce, import, export, distribution or having in possession of narcotic drugs or psychotropic substances shall be liable to double penalty imposed for such offence.

Section 129 Any person allows other person to use name, document, evidence of his/her for opening, enrolling or registering for financial transaction, buying goods or any other services, allows using bank account, electronic card, telephone sim card or allows other person to use all such things which the person has already opened, enrolled, or registered by knowing or likely knowing that it will be useful to the commission of the serious offence relating to narcotics shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding sixty thousand Baht or to both.

Section 130 Any person who knows or is likely to know an official secret relating to the conducting under this Code, does any act in any manner causing other persons to know or likely to know such secret, unless that it is the performance of duties or according to the law, shall be liable to imprisonment for

a term of not exceeding five years or to a fine of not exceeding one hundred thousand Baht or to both.

Section 131 No person shall disclose the data or information which are sent through post mail, telephone, facsimile, computer, tool or communication equipment, electronic media or information technology media which are used or shall be used for the purpose in committing the offence relating to narcotics which the Narcotics Control Official has acquired by the permission order of the Criminal Court under the law on Procedure of Narcotics Case, unless that it is the disclosure as the performance of duties under the law or the court's order.

Any person violating paragraph one shall be liable to imprisonment for a term of not exceeding five years or to a fine of not exceeding one hundred thousand Baht or to both.

If the act under paragraph one is the act done by the NCB member, the Secretary General of the NCB, Deputy Secretary General of the NCB, or the Narcotics Control Official, such actor shall be liable to treble penalty that imposed in paragraph one.

Section 132 Any person commits the serious offence relating to narcotics by wearing the uniform or dressing in such a manner as to cause any person to believe that he is a competent official, government official, local government official, official of organization, or State Agency official, official of state enterprise or other official of State Agencies shall be liable to higher penalty than the penalty imposed for such offence at one-half.

Section 133 In the case that the offender under this Book is a juristic person, it shall be liable to a fine of double penalty that imposed for such offence.

If the commission of the offence by a juristic person under paragraph one is caused by the order or act of committee member or manager or any person who is responsible for the conduction of such juristic person or in the case that such person has a duty to order or take action and refrains from ordering or taking action

until causing such juristic person to commit the offence, such person shall be liable to the penalty that imposed for such offence.

Section 134 All narcotic drugs in schedule I, schedule II, schedule IV or schedule V, psychotropic substances, tool, apparatus, conveyance, machine or any other properties which are used in the commission of the offence relating to narcotics or used as means for gaining a result from committing the offence relating to narcotics or in possession for use in committing the offence relating to narcotics which is the offence under the Narcotics Code shall be forfeited, no matter whether or not there is any person punished according to the court judgement.

Title 2

Penalty relating to Permission for Narcotic Drugs and Psychotropic Substances

Section 135 Any conveyance operator does not manage to have a proper prevention for narcotic drugs or psychotropic substances from being lost or wrongly used under section 33 (2) shall be liable to a fine of not exceeding fifty thousand Baht.

Section 136 The licensee under section 36, any person imports or exports, in each time, which narcotic drugs or psychotropic substances without a temporary single-use license for each of import or export shall be liable to a fine for each time of not exceeding five thousand Baht.

Section 137 Any person advertises about narcotic drugs or psychotropic substances without permission under section 37 shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding two hundred thousand Baht or to both.

If the act under paragraph one is the act of the owner of the advertisement media or the advertisement business entrepreneur, the actor shall be liable to the same punishment as the advertiser.

The offender who are liable to the punishment under paragraph one or paragraph two shall also be liable to a fine per day of not exceeding ten thousand Baht throughout the period of violation persisting or until complying correctly.

Section 138 Any person changes the destination of the consignment of psychotropic substances, which is violation of section 41 paragraph one or does not return the psychotropic substances to the export country under section 41 paragraph two shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding sixty thousand Baht or to both.

Section 139 Any person, without permission from the Secretary General of the FDB, processes or transforms psychotropic substances or changes the package containing psychotropic substances without reasonable cause which is not conducted under section 42, shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding sixty thousand Baht or to both.

Section 140 Any person sends psychotropic substances that had import license to any person or place other than that is specified in the single-use import license without permission which is not conducted under section 43, shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht or to both.

Section 141 Any person exports psychotropic substances to the country which prohibits the import without a special single-use license from such country and a special single-use license from the Secretary General of the FDB, which is violation of section 44 paragraph two shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding sixty thousand Baht or to both.

Title 3

Penalty Relating to the Narcotic Drugs

and Psychotropic Substances that Falsified, Sub-standard or Deteriorated

Section 142 Any person produces, imports, or exports the falsified of narcotic drugs in schedule II, schedule III, or schedule V or of psychotropic substances in schedule II, schedule III, or schedule IV, which is violation of section 52, shall be liable to imprisonment for the term of not exceeding ten years or to a fine of not exceeding one million Baht.

Any person distributes the falsified of narcotic drugs or psychotropic substances, which is in violation of Section 52 shall be liable to imprisonment for the term of not exceeding seven years or to a fine of not exceeding seven hundred thousand Baht.

Section 143 Any person produces, imports, or exports the sub-standard of narcotic drugs in Schedule II, III, or V or of psychotropic substances in Schedule II, III, or IV, which is violation of section 53, shall be liable to imprisonment for a term of not exceeding three years or a fine of not exceeding sixty thousand Baht or to both.

Any person distributes the sub-standard of narcotic drugs or psychotropic substances, which is violation of section 53 shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht or to both.

Section 144 Any person imports or exports the deteriorated of narcotic drugs in schedule II, schedule III, or schedule V or of psychotropic substances in schedule II, schedule III or schedule IV, which is violation of section 54, shall be liable to imprisonment for a term of not exceeding two years, or to a fine of not exceeding forty thousand Baht or to both.

Any person distributes the deteriorated of narcotic drugs in schedule II, schedule III or schedule V or of psychotropic substances in schedule II, schedule III or schedule IV, which is violation of section 54, shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht or to both.

Title 4

Penalty Relating to Production, Importation, Exportation, Distribution,
Having in Possession, or Transit of Narcotic Drugs and Psychotropic Substances

Section 145 Any person produces, imports, exports, distributes, or has in possession the narcotic drugs in schedule I, which is violation of section 90, shall be liable to imprisonment for a term of not exceeding fifteen years or to a fine of not exceeding one million and five hundred thousand Baht.

If the offence under paragraph one is the act as follows, shall be liable to imprisonment for a term of two years to twenty years and to a fine of two hundred thousand Baht to two million Baht;

- (1) the act for trade;
- (2) the cause of the widespread in groups of people;
- (3) distribution to person under eighteen years old;
- (4) distribution in the premise of educational institute, respectful religious place of any group of people or government office;
- (5) the act of using force to cause injury or threaten to use force to cause injury;
- (6) the act of having weapon or using weapon.

If the commission of the offence under paragraph one or paragraph two is the act as the following shall be liable to imprisonment for a term of five years

to imprisonment for life and to a fine of five hundred thousand Baht to five million Baht or death penalty;

(1) the act by a head, or a person in charge of making orders, or a person in charge of management in a criminal syndicate;

(2) the act that has an impact on state security or public safety.

Section 146 Any person produces, imports, exports, distributes, or has in possession of the narcotic drugs in schedule II or schedule IV, which is violation of section 91, shall be liable to imprisonment for a term of not exceeding ten years or to a fine of not exceeding one million Baht.

If the commission of the offence under paragraph one only for the narcotic drugs in schedule II, is the act as the following, shall be liable to imprisonment for a term of one year to five years and to a fine of one hundred thousand Baht to one million and five hundred thousand Baht;

(1) the act for trade;

(2) the cause of the wide spread in groups of people;

(3) distribution to person under eighteen years old;

(4) distribution in the premise of educational institute, respectful religious place of any group of people or government office;

(5) the act of using force to cause injury or threaten to use force to cause injury;

(6) the act of having weapon or using weapon.

Section 147 Any person produces, imports, exports, or distributes narcotic drugs in schedule III, which is violation of section 92, shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding three hundred thousand Baht.

Section 148 Any person produces, imports, exports, distributes or having in possession of the narcotic drugs in schedule V, which is violation of Section 93, shall be liable to imprisonment for the term of not exceeding five years or to a fine of not exceeding five hundred thousand Baht.

If the act in paragraph one is the act as the following shall be liable to imprisonment for the term of one year to fifteen years and to a fine of one hundred thousand Baht to one million and five hundred thousand Baht;

- (1) the act for trade;
- (2) the causes of the wild spread in groups of people;
- (3) distribution to person under eighteen years old;
- (4) distribution in the premise of educational institute, respectful religious place of any group of people or government office;
- (5) the act of using force to cause injury or threaten to use force to cause injury;
- (6) the act of having weapon or using weapon.

Section 149 Any person produces, imports, exports, distributes or having in possession of the psychotropic substances, which is violation of section 94, shall be liable to punishment as the follows:

- (1) The psychotropic substances in schedule I shall be liable to imprisonment for the term of not exceeding ten years or to a fine of not exceeding one million Baht;
- (2) The psychotropic substances in schedule II shall be liable to imprisonment for the term of not exceeding seven years or to a fine of not exceeding seventy hundred thousand Baht;
- (3) The psychotropic substances in schedule III or schedule IV shall be liable to imprisonment for a term of not exceeding five years or to a fine of not exceeding five hundred thousand Baht.

If the commission of the offence under paragraph one, only the psychotropic substances in schedule I or schedule II is the act as the following, shall be liable to imprisonment for a term of one year to fifteen years and to a fine of one hundred thousand Baht to one million and five hundred thousand Baht;

- (1) the act for trade;
- (2) the cause of the wide spread in groups of people;

- (3) distribution to person under eighteen years old;
- (4) distribution in the premise of educational institute, respectful religious place of any group of people or government office;
- (5) the act of using force to cause injury or threaten to use force to cause injury;
- (6) the act of having weapon or using weapon.

Any person transits the psychotropic substances without permission, which is violation of section 94, shall be liable to imprisonment for a term of not exceeding five years or to a fine of not exceeding five hundred thousand Baht.

Section 150 Any licensee produces or distributes of narcotic drugs in schedule II, schedule III or schedule V or of psychotropic substances in schedule II, schedule III or schedule IV while the pharmacist is not on duty to control business, which is violation of section 95, shall be liable to a fine of ten thousand Baht to hundred thousand Baht.

Section 151 Any person distributes the psychotropic substances from two types or more or distributes psychotropic substances together with many other medicines by making a set in advance for trade, which is violation of section 96, shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding two hundred thousand Baht or to both.

Section 152 The serious offence relating to narcotics under this Code that the penalty for an offence is both imprisonment and fine, the Court shall inflict both penalty of imprisonment and fine with regard to the penalty relating to property for controlling the commission of serious offence relating to narcotics.

If the court considers that the commission of the offence under paragraph one of any person when having regard to the gravity of the commission of offence, economic status of the offender, and the concerning circumstances, in the case that there is a reasonable cause to consider in a specific case, the court shall inflict less imprisonment of fine than the minimum penalty as provided for the committed offence.

Section 153 If the court considers that any offender gives information that is important and very useful for the suppression of the offence relating to narcotics to the Narcotics Control Official, or provincial administrative official or police official who made the arrest, or the inquiry official of such case, when the Public Prosecutor states so in the indictment or files a motion to the court, the court can impose less punishment than the penalty provided by law for such offence.

In the case that the offender has been to give information which is important and very useful for the suppression of the offence related to narcotics under paragraph one, if the Public Prosecutor does not state so in the indictment or file a motion to the court, such offender shall file a motion to the court under this section.

Title 5

Penalty Relating to Volatile Substances

Section 154 Any person produces or imports volatile substances, and before making distribution, not arranging to have picture, symbol or message on containers or packages containing such volatile substances, which is violation of section 97, shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht or to both.

Section 155 Any person distributes volatile substances without picture, symbol or message of which the producer or importer shall arrange to have on the containers or packages containing such volatile substances under section 97, which is violation of section 98, shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht or to both.

Section 156 Any person distributes volatile substances to a person under eighteen years old, which is violation of section 99, shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht or to both.

Section 157 Any person distributes or procures volatile substances for another person whom such person's self knows or should know to be an addict of volatile substances, which is violation of section 100, shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding sixty thousand Baht or to both.

If the offence under paragraph one is the distribution or procurement of volatile substances for a person under eighteen years old, shall be liable to imprisonment of for a term not exceeding five years and to a fine of not exceeding one hundred thousand Baht or to both.

Title 6

Penalty Relating to the Preparation Registration

Section 158 Any person changes the list of preparation registration of narcotic drugs in schedule III or psychotropic substances in schedule III or schedule IV that is not compliant with the provision as prescribed in the Ministerial Regulation under section 49 shall be liable to a fine of not exceeding twenty thousand Baht.

Section 159 A person certified on the preparation registration certificate under section 49, any of such person produces or imports the narcotic drugs preparation or the psychotropic substance preparation that is not compliant with the description already registered, which is violation of section 101 shall be liable to a fine of not exceeding twenty thousand Baht.

Section 160 Any person produces, imports, exports or distributes the narcotic drugs or the psychotropic substances which requires registration as the narcotic drugs preparation or the psychotropic substance preparation under section

49 but does not register the narcotic drugs preparation or the psychotropic substances preparation, which is violation of section 102, shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding three hundred thousand Baht or to both.

Section 161 Any person produces, imports or exports the narcotic drugs or the psychotropic substances of which the preparation registration has been revoked by the order of the Minister of Public Health under section 51, which is violation of section 103, shall be liable to imprisonment for a term of not exceeding seven years or to a fine of not exceeding seven hundred thousand Baht.

Any person distributes the narcotic drugs or the psychoactive substances that the Minister of Public Health has been ordered to revoke the preparation registration of narcotic drugs or psychotropic substance under section 51 which is violation of section 103, shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding three hundred thousand Baht.

Title 7

Penalty Relating to Narcotics Consumption

and Having in Possession of Narcotics to Consume

Section 162 Any person consume narcotic drugs in schedule I, schedule II or schedule V or psychotropic substances in schedule I or schedule II and not as the case under section 113 or section 114 which is violation of section 104 shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht or to both.

Section 163 Any person consume volatile substances, which is violation of section 105 shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht or to both.

Section 164 Any person have in possession of narcotic drugs in schedule I, schedule II or schedule V or psychotropic substances in schedule I or schedule II

to consume, which is violation of section 107, shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht or to both.

Section 165 In the considering and judgement cases under this Title, the court shall have power to adjudicate the cases by taking into consideration the assistance for the defendant to quit narcotics by treatment rather than punishment. If the court shall inflict the punishment, it shall impose proportional sentence appropriate to each of defendants, despite that the defendants jointly committed the crime by considering the gravity of the criminal conduct which is different in each case, the serious consequences by type and quantity of narcotics related to the offender, and factual information of offender, such as age, history, behavior, character, intelligence, education, family burden, consumption for disease treatment and pain relief, necessity to consume for other reasons, physical condition, mental condition, environment, being forced, coerced, deceived to consume narcotics or falling victim to the narcotics traffickers or any other extenuating circumstances for mercy,

Besides, the punishment should be dependent upon the type of narcotics consumed or in possession to consume, the amount of narcotics consumed or in possession to consume, consumption periodically or regularly or narcotics consumed for the purpose to performance of some job.

In the case that the court has ordered to the probation officer to search for the facts under paragraph one, a responsible person shall send the court's order and related documents to the Probation Office within three days from the date the court's order issued unless the court rules otherwise.

When the Probation Office receives the order under paragraph three, the probation officer shall search for the facts, then make a report and opinion to complete within thirty days from the date that the Probation Office received the document. In case of necessity, the probation officer shall file a petition to the court to extend such period further not exceeding fifteen days.

Section 166 In the adjudicating the offender under this Title, if it does not appear that such person is an offender or being prosecuted for other offence which has the penalty of imprisonment or serving imprisonment according to the court's judgement, the court that adjudicating such case shall have power to change from the imprisonment penalty to use the safety measures under the Penal Code or use one or more of the conditions for controlling the behavior of the offender under section 56 of the Penal Code for instead of criminal punishment, due to, within the period specified by the Court but not exceeding two years.

If the causes determined to use the safety measures or the circumstances relating to conditions for controlling behaviors have changed, when the court considers as appropriate, the court shall correct and change it.

Section 167 When the fact appears to the court itself or the fact is appeared from the statement of the Public Prosecutor or the competent official that the offender does not comply with the conditions determined by the court under section 166, the court shall admonish the offender or redetermine the measures under section 166 paragraph one or consider to impose punishment as appropriate.

Section 168 Subject to section 114, when the prosecution at court appears that any person commits the offence under this Title if it does not appear that such person is the offender or being prosecuted for other offence which is having imprisonment penalty or serving imprisonment according to the court's judgement, in case that the court considers the circumstances of the case inappropriate to punish the defendant yet, if the defendant repents of his/her conduct by agreeing to receive treatment. When the court asked the Public Prosecutor, if the court considers as appropriate, shall send the defendant to healthcare facility for narcotics addict to receive treatment.

Section 169 When the defendant had undergone treatment and completed to comply with the rules, procedures, and conditions that the Narcotics Addiction Treatment and Rehabilitation Committee prescribed, until received

certification in writing that is a person who completed treatment as satisfactorily by head of healthcare facility for narcotics addict or narcotics addiction rehabilitation center, the court shall make an order to terminate the case, unless that it needs to make an order relating to the case exhibits in dispute and shall acquit such defendant as prescribed in section 168.

If the defendant shall not cooperate in treatment completely according to the rules, procedures, and conditions that the Narcotics Addiction Treatment and Rehabilitation Committee prescribed, the court shall resume the case for trial.

Section 170 The court's order under section 166, section 168 and section 169 shall be deemed a final judgement.

The adjudicating and making of the court's order under section 166, section 168 and section 169 shall be in accordance with the rules, procedures, and conditions as prescribed in the Regulations of the President of the Supreme Court upon the approval of the plenary session of the Supreme Court.

Title 8

Penalty for Motivating, Inducing, Inciting, Deceiving,

or Compelling Other Persons by Force to Consume Narcotics

Section 171 Any person motivate, induce, incite, deceive, compel by force, using power to dominate wrongly or any other compelling methods to make other person to consume narcotic drugs in schedule I, schedule II, or schedule V, which is violation of section 106, shall be liable to imprisonment for the term of not exceeding ten years or to a fine of not exceeding one million Baht or to both.

If the offence under paragraph one is committed with weapon or jointly committed by two persons or more, the offenders shall be liable to imprisonment for a term of two years to fifteen years and to a fine of two hundred thousand Baht to one million and five hundred thousand Baht.

If the offence under paragraph one or paragraph two is the act against woman or the person not exceeding eighteen years old or is the act to motivate other person to commit criminal offence or for the sake of oneself or others in committing criminal offence, 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 Baht to five million Baht.

Section 172 Any person motivates, induce, incite, deceive, compel by force, using power to dominate wrongly or any other compelling methods to make other person consume psychotropic substances which is violation of section 106, shall be liable to imprisonment for a term of not exceeding five years or to a fine of not exceeding five hundred thousand Baht or to both.

If the offence under paragraph one is committed with weapon or jointly committed by two persons or more, the offender shall be liable to imprisonment for a term of one year to ten years and to a fine from one hundred thousand Baht to one million Baht.

If the offence under paragraph one or paragraph two is the act against a woman or person not over eighteen years old or the act to coerce other person into committing criminal offence or for the sake of oneself or others in committing criminal offence, 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 Baht to five million Baht.

Section 173 Any person motivate, induce, incite, deceive, compel by force, using power to dominate wrongly or any other compelling methods to make other person consume volatile substances which is violation of Section 106 shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht or to both.

If the offence under paragraph one is the act against woman or the person under eighteen years old or the act to motivate the other to commit criminal offence or for the sake of oneself or other in committing criminal offence, the actor

shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding sixty thousand Baht or to both.

Title 9

Penalty for the Offence against the Secretary General of the NCB,
the Deputy Secretary General of the NCB, the Narcotics Control Official,
and the Competent Official

Section 174 Any owner or entrepreneur of the business place who violates or does not comply with the order under section 57, shall be liable to a fine of ten thousand Baht to one hundred thousand Baht.

Section 175 Any licensee or related person not appearing to give a statement or not sending any evidence or objects to the competent official who performs duty under to section 61, shall be liable to a fine of not exceeding two thousand Baht.

Section 176 Any person not giving a statement or not sending document records or any objects or not consenting to a test or examination of whether or not any person has narcotics in his or her body, in performing the duties of the Secretary General of the NCB, Deputy Secretary General of the NCB or the Narcotics Control Official in investigation, inquiry or property examination under the Law on Procedure of Narcotics Case, shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht or to both.

Section 177 Any person manipulates, hides, takes away, causes damage, destroys, causes loss or waste or receives wrongly by any means the property that has ordered to seize or attach or that is known by oneself to be seized or attached under section 73, shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding three hundred thousand Baht or to both.

Title 10

Penalty for the Offence of Malfeasance in Public Office

Section 178 Member of the Board/Committee, member of the Sub-Committee or member of the work committee under this Code, Secretary General of the NCB, Deputy Secretaries General of the NCB, the Narcotics Control Official or the competent official under this Code, any of whom commits the serious offence relating to narcotics himself or herself, shall be liable to treble penalty imposed for such offence.

Section 179 Member of the Board or Commission or Committee, member of the Sub-Committees or competent official under this Code or any officer or government official commits the offence on malfeasance in public office or malfeasance in judicial office as prescribed in the Penal Code which relating the commission of the serious offence relating to narcotics, shall be liable to treble penalty imposed for such offence.

Section 180 The person who holds political position, local council member, local administration executive, government official, official of the local administration organization, official of organization or State Agency, member or executive or employee or official of state enterprise, competent official, or member of other organizations according to the Constitution, any of whom commits the serious offence relating to narcotics, shall be liable to treble penalty imposed for such offence.

Title 11

Penalty Relating to Narcotics Addiction Treatment

Section 181 Any person conducts on narcotics addiction treatment as a normal business by not doing so in the healthcare facility for narcotics addict or

narcotics addiction rehabilitation center as prescribed by this Code, regardless of benefit in return which is violation of section 121, shall be liable to imprisonment for a term of not exceeding three years or to a fine of not exceeding three hundred thousand Baht or to both.

Section 182 Any person advertise on narcotics addiction treatment or allowing other person to do so by using his/her name or the name or location or business of the healthcare facility for narcotics addict or narcotics addiction rehabilitation center or his/her certificate or qualification of practitioner in the healthcare facility for narcotics addict or narcotics addiction rehabilitation center without permission or not in compliance with the advertisement conditions as prescribed in the Ministerial Regulations, which is violation of section 122, shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding two hundred thousand Baht or to both.

Section 183 Any person not comply with the order of the licenser under section 123, shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding two hundred thousand Baht or both.

Section 184 If the act under section 182 or section 183 is the act of the owner of advertisement media or the entrepreneur of advertisement business, such actor shall be liable to only one half of the penalty imposed for such offence.

Title 12

Fine Execution

Section 185 All offences under this Book which shall be inflicted only a fine punishment, the NCB or the persons assigned by the NCB or the Secretary General of the FDB or the persons assigned by the Secretary General of the FDB, as the case may be, shall has powers to make a settlement of penalty under the rules,

procedures, and conditions that the NCB prescribed by published in the Government Gazette.

If the offender has paid up the fine according to the settlement sum within the time fixed, such case shall be deemed dismissed under the Criminal Procedure Code.

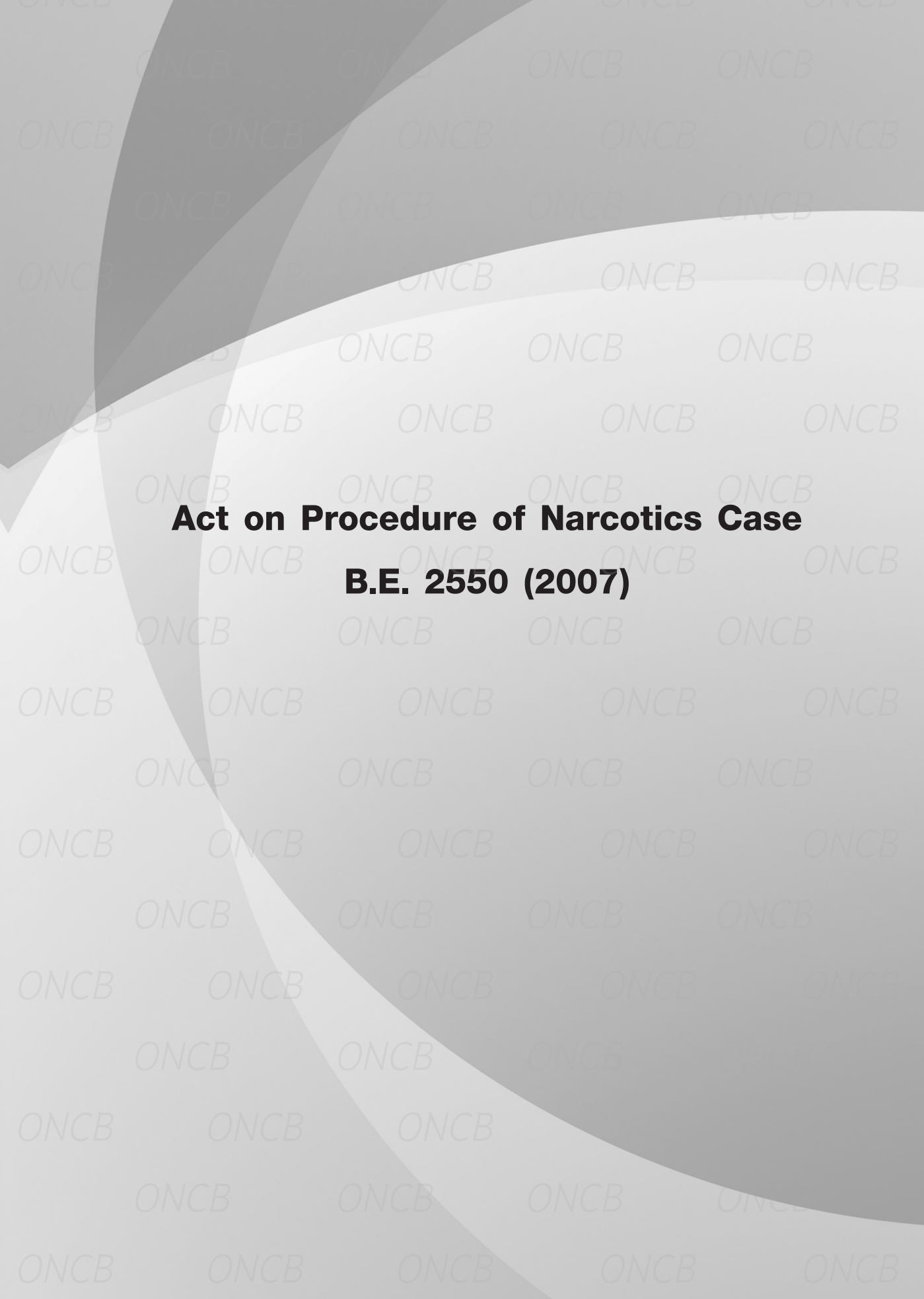
Section 186 In the case that the court imposes a fine punishment, the money from the fine according to the court's judgment shall be devolved on the Fund, due to, of which only the part that was sent to public finance by the approval of the Ministry of Finance.

If the offender does not pay the fine under paragraph one, and legal execution is applied under the Criminal Code, the Narcotics Control Official shall facilitate or assist in such legal execution also.

The Rate of Fee

	(Each)
(1) License for production of narcotic drugs or psychotropic substances	50,000 Baht
(2) License for production for the export of psychotropic substances	10,000 Baht
(3) License for import of narcotic drugs or psychotropic substances	100,000 Baht
(4) License for export of narcotic drugs or psychotropic substances	10,000 Baht
(5) Temporary license for import or export as single-use of narcotic drugs or psychotropic substances	20,000 Baht
(6) License for distribution of narcotic drugs or psychotropic substances	5,000 Baht
(7) License for distribution of narcotic drugs or psychotropic substances as wholesale	10,000 Baht
(8) License for having in possession of narcotic drugs or psychotropic substance	5,000 Baht
(9) License for distribution or having in possession of narcotic drugs in schedule II exceeding the amount as prescribed by the Minister	1,000 Baht
(10) License for transit of psychotropic substances	2,000 Baht
(11) License for advertisement of narcotic drugs or psychotropic substance	10,000 Baht
(12) License for production or import of the samples of narcotic drugs preparation in schedule III or psychotropic substance preparation	5,000 Baht
(13) Registration certificate for the narcotic drugs preparation in schedule III or the psychotropic substance preparation	10,000 Baht
(14) Permit for correction of registration list	2,000 Baht
(15) Substitute for license or registration certificate of the narcotic drugs preparation in schedule III or the psychotropic substance preparation	2,000 Baht
(16) Extension of license or extension of registration certificate of the narcotic drugs preparation in schedule III or such the psychotropic substance preparation certificate	as one-half of the fee of license or
(17) Registering fee that collected from expert, professional organization, State Agency or private organization, both domestic and foreign	100,000 Baht
(18) Fee for the request for permission or other requests	7,000 Baht
(19) Fee for assessment of technical document	500,000 Baht
(20) Fee for business place inspection	50,000 baht
(21) Other service fees apart from (1)-(20)	4,000 baht

Notes: The reasons of promulgating this Act is since the legal provisions relating to control and regulation of narcotics as well as narcotics addiction treatment and rehabilitation were dispersed in many various laws, and the execution of each law was the duty and power of many agencies resulting in inconsistency in law enforcement; moreover, some provisions of the narcotics related laws are deemed out of date and therefore expedient to be brought into the form of the single Narcotics Code for use as an all-in-one complete reference, and have the provisions of the aforesaid Code improved to be up-to-date. Besides, it was deemed necessary to rule out the license systems for regulating and utilizing narcotics in medicines, science and industry effectively, prevent the spread and abuse of narcotics leading to narcotics addiction and deterioration of public health, essentially, the group of youths which is the main resources for national development, have a machinery of the Board and Committees comprising members from various entities, both state and private, to participate in making policies relating to the control and regulation of narcotic including narcotic addiction treatment and social rehabilitation that are well-rounded and effective.



Act on Procedure of Narcotics Case
B.E. 2550 (2007)

Unofficial Translation

Act on Procedure of Narcotics Case
B.E. 2550 (2007)

BHUMIBOL ADULYADEJ, REX.

Given on the 31st day of December B.E. 2550

Being the 62nd year of the Present Reign

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

Whereas it is expedient to enact a law on the Procedure of Narcotics
Case;

This Act contains certain provisions in relation to the restriction of
rights and liberties of person, in respect of which section 29, in conjunction with
section 33, section 36, and section 41 of the Constitution of the Kingdom of Thailand
so permit by virtue of provisions of law;

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

“This translation is provided by the Office of the Narcotics Control Board as the competent authority for
information purposes only. Whilst the Office of the Narcotics Control Board has made efforts to ensure the
accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in
all events remain the sole authoritative text having the force of law”

Section 1² This Act is called the “Act on Procedure of Narcotics Case B.E. 2550”

Section 2 This Act shall come into force after one hundred and eighty days from the date of its publication in the Government Gazette.

Section 3³ Any provisions or procedure which this act shall not be prescribed peculiarly shall use the provisions or procedure of the Criminal Procedure Code, Juvenile and Family Court and Juvenile and Family Procedure law, Establishment of and Criminal Procedure in Kwaeng Court law or the Organization of the Court of Military law, shall come in force insofar as they are not contrary to or inconsistent with this Act.

Section 4⁴ The provisions in Chapter 3 Procedure of Courts of First Instance and Chapter 4 Appeal and Appeal to the Supreme Court in this Act shall not be in force to Juvenile and Family Case under Juvenile and Family Court and Juvenile and Family Procedure law.

Section 5 In this Act, except the text shall be described as otherwise;
“**Public Prosecutor**” means including judge advocate under the Organization of the Court of Military law;

“**narcotics**”⁵ means narcotics under the Narcotics Code;

“**law relating to narcotics**”⁶ means the Narcotics Code;

² Published in the Government Gazette, Vol. 125, Part 9 a, dated 14th January B.E. 2551 (2008)

³ Section 3 was repealed and replaced by section 3 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

⁴ Section 4 was repealed and replaced by section 3 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

⁵ Section 5 the definition of “narcotics” was repealed and replaced by section 3 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

⁶ Section 5 the definition of “law relating to narcotics” was repealed and replaced by section 4 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

“**offence relating to narcotics**”⁷ means the offence as prescribed in the Narcotics Code;

“**NCB**”⁸ means the Narcotics Control Board under the Narcotics Code;

“**Members of NCB**”⁹ means member of the Narcotics Control Board under the Narcotics Code;

“**NCO**”¹⁰ means Narcotics Control official under the Narcotics Code”

“**competent official**”¹¹ means Narcotics Control Official and administrative or police official under the Criminal Procedure Code;

“**Appeal Court**” means the Appeal Court which shall not be Regional Appeal Courts

Section 6¹² The President of the Supreme Court, the Prime Minister, the Minister of Defence, the Minister of Interior, the Minister of Justice, and the Minister of Public Health shall have charge and control over the execution of this Act, The President of the Supreme Court upon approval of the plenary session of the Supreme Court shall have the power to issue Regulations, and the Prime Minister, the Minister of Defence, the Minister of Interior, the Minister of Justice, and the Minister of Public Health shall have the power to issue Ministerial Regulations, and Rules, to conduct under this act, due to duties and power in an orderly manner.

⁷ Section 5 the definition of “offence relating to narcotics” was repealed and replaced by section 4 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

⁸ Section 5 the definition of “NCB” was repealed and replaced by section 5 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

⁹ Section 5 the definition of “Member of NCB” was repealed and replaced by section 5 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

¹⁰ Section 5 the definition of “NCO” was repealed and replaced by section 5 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

¹¹ Section 5 the definition of “competent official” was repealed and replaced by section 5 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

¹² Section 6 was repealed and replaced by section 6 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

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

Chapter I

Investigation

Section 7 In the case of necessity and for the sake of condictions under this Act. The competent official, who shall have permission in writing from the Commissioner-General of the Royal Thai Police, the Secretary General of the Narcotics Control Board, or their authorized person, as the case may be, shall have authorized to undercover operation to investigate an offence under the law relating to narcotics.

Undercover means all performance to cover identity or purpose of performance to bluff into any people misleading or shall not be to verify of performance of competent official

In the case of urgent necessity and reasonable causes, the competent official shall have authorized the previously undercover operation to investigate an offence under the law relating to narcotics law, then report to the authorized person who has permission under paragraph one rapidly.

The permission and undercover under paragraph one including the conducting under paragraph three shall be in accordance with the rules, procedures, and conditions as prescribed in the Ministerial Regulation. Due to such Ministerial Regulation shall have at least control measures and verify the exercise of power.

Performance and evidence which shall be obtained from the undercover operation of the competent official in this section shall be admissible evidence.

Section 8 In the case of necessity and for the sake of conceptions under this Act. The competent official, who shall have permission in writing from the Commissioner-General of the Royal Thai Police, the Secretary General of the Narcotics Control Board, or their authorized person, as the case may be, shall have authorized to Possess or Controlled Delivery in the Kingdom and outside the Kingdom.

The authorized person under paragraph one shall have to hold office such duty by entrusting which consideration to rank of duty such authorized person.

Controlled Delivery means the temporary possession of narcotics to consign to suspected person who deems committed offence subject to supervision, command, or tracking by competent official. Such consignment shall be included in importation and exportation for consignment in or outside the Kingdom.

The application of permission, the permission, the possession, the period of possession, or providing narcotics possession under control, shall be in accordance with the rules, the procedures, and the conditions as prescribed in the Ministerial Regulation. Due to, such Ministerial Regulation shall have at least the control measures and verify the exercise of power.

Performance and evidence which shall be obtained from the performance of the competent official in this section shall be admissible evidence.

Section 9 In the case where competent official shall request expert in any particularity shall be the assistant of competent official in conducting under this act, such assistant shall not have civil offence in strictly personal in all damage which happened unless it shall be committed an act through intentionally or serious negligence, shall not preclude the injured person to claim compensation from the State.

Section 10 In the case of necessity and for the sake of conceptions under this Act. The competent official shall request the competent official under the Commission of an Offence relating to Computer law to acquire the computer data purpose to be evidence to establish the guilt and prosecute an offence relating to narcotics.

When the competent official under the Commission of an Offence relating to Computer law shall have such request, the competent official shall have the power to conduct as the request by performing under procedure such the law.

Any competent official who shall disclose or hand over computer data acquired under paragraph one to another person which purpose to prosecute to offender under this act, or does any negligent act causing another person to know such computer data, shall be liable like the competent official under the Commission of an Offence relating to Computer law.

Chapter II

Inquiry

Section 11 In the case of offence relating to narcotics under prescribed in the Ministerial Regulation where inquiry official seized of article under the law and claim it is narcotics. Such inquiry official hand in such article which seized within three days of office hours as from the time where inquiry official acquired such article to be an exhibit in the case, for the purpose of the specialist shall verify and provide the opinion in writing including in the file of inquiry. Unless ***force majeure*** or other under necessity shall not such article which seized within such time by record ***force majeure*** or under necessity which shall not be done such conduct including in the file of inquiry.

Chapter 2/1¹³**The duties and powers of Members of NCB,****Secretary General of the NCB, Deputy Secretary General of the NCB, and NCO**

Section 11/1¹⁴ Prescribing to enforce the Prevention, and Suppression offence relating to narcotics, Members of NCB, Secretary General of the NCB, Deputy Secretary General of the NCB, and NCO shall have the duties and powers as follows;

(1) to enter any dwelling places or premises to search when there is reasonable suspicion that there is narcotics or the person who had a reasonable suspicion that committed the offence relating to narcotics is hidden or there is property which possesses to be an offence or acquired through the commission of an offence or used or intended to use in the commission of the offence relating to narcotics or which may be used as the evidence, together with reasonable belief that because of more delayed to get the search warrant, such person shall be escaped or such property shall be removed, hidden, destroyed or transformed in original;

(2) to search any person or conveyance in which there is a reasonable suspicion that there is narcotics unlawful hidden;

(3) to search under the provisions of the Criminal Procedure Code;

(4) to arrest any person who committed the offence relating to narcotics;

(5) to seize or attach narcotics that there is unlawfully possessed or any other property which shall be used or intended to use in the commission of

¹³ Chapter 2/1 was added by section 7 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

¹⁴ Section 11/1 was added by section 7 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

the offence relating to narcotics, or shall be obtained from the offence relating to narcotics or may be used as the evidence;

(6) to seize or attach properties that there is reasonable suspicion which committed relating to the serious offence relating to narcotics in case of urgent before examination of the properties, and then report to the Secretary General of the NCB within 7 days to conduct further under (7);

(7) examination of the properties, seize or attach properties as the Properties Examination Committee under the Narcotics Code, or the Secretary General of the NCB shall be entrusted, as the case may be;

(8) to make an inquiry of the alleged offender in the offence relating to narcotics;

(9) to issue a letter of inquiry to or summon any person or the official of any Government agency to give a statement or to submit any account, document, or material for examination or supplement the consideration.

The powers execution under paragraph one (1), the NCO who searched under rules that the NCB prescribed, and shall perform his innocent before entering to search, report on the reason and the result of searching in writing to the superior, and record the reasonable suspicion, and reasonable belief that shall be able to enter for search in writing, given its to the dwelling possessor or premises to search, if no possessor is present in such place, the NCO who searched shall submit the copy of such writing as soon as practicable, and if the search during nighttime after sunset, the NCO who is the chief of the search shall be a civil servant that holding executive positions, managerial positions, knowledge worker position on the professional level or higher, general positions on the experience level or higher, or police officer that holding the from the inspector position or likewise, or higher rank, or defense official that holding the from the commander of a company position or likewise, or higher rank.

The NCO of any position or any level shall have duties and powers as prescribed under paragraph one which assigns all or some part or shall have approved by any person before performance prescribed by the Secretary General of the NCB with the approval of the NCB by issued document which is given to be Identity of NCO who shall have been authorized.

The NCO shall have been authorized under paragraph one shall have to produce such document to person who is concerned each time.

In the conducting under this section, Members of the NCB, Secretary General of the NCB, Deputy Secretary General of the NCB, and NCO shall have been competent officials according to the Penal Code.

The Secretary General of the NCB shall prepare the report of the result of performance under this section to submit to the Council of Ministers to report the result of annual performance, whereby it shall report facts, obstructive problems, number of performances under fiscal and funds year, and achievement of performance in details to the Council of Ministers to submit such reports with theirs notice to the Assembly of Representatives, and the Assembly of Senate.

Section 11/2¹⁵ In the case of necessity and there is reasonable belief that there is any person or any group of persons consumed narcotics in any dwelling or any premises or in the vehicle, Members of the NCB, Secretary General of the NCB, Deputy Secretary General of the NCB, and NCO shall have the power to examine or test or order the suspected person to be examined or to be tested such person or a group of persons have some narcotics substances within their bodies or not.

The procedure of examination or testing under paragraph one shall be in accordance with the rules, procedures, and conditions that the NCB prescribed by published in the Government Gazette.

¹⁵ Section 11/2 was added by section 7 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

Section 11/3¹⁶ In the case where there is a seizure of narcotics under this act or by virtue of other laws, irrespective of whether bringing the case to court or not when having verified the type and quantity to be narcotics by recording the verification in the report, and perform as follows;

(1) In case where it is narcotic drugs of Schedule I, Schedule II, or Schedule III or psychotropic substance, which residue of verified, the Ministry of Public Health or person entrusted by the Ministry of Public Health, may destroy or utilize them;

(2) In case where it is narcotic drugs of Schedule IV, or Schedule V, or volatile substance, which residue of verified, the Inquiry official may destroy or utilize them;

(3) The container or packaging of narcotic drugs and psychotropic substance or relevant documents seized, the testing place gives its back to the Inquiry official;

Acceptance, Keeping, Destroy, Utilize, and Report shall be in accordance with the rules, procedures, and conditions that the NCB prescribed by published in the Government Gazette.

Section 11/4¹⁷ In the conducting of their duties of the NCO under section 11/1, or section 11/2, If the NCO requests any person to assist the conducting, such person shall have the powers to assist the performance of the NCO.

Section 11/5¹⁸ In the case of necessity and there is reasonable belief that any document or information transmitted by any post, telephone, fax, computer, tool, or instrument in communication, electronic communication, or communication by information technology has been used or may be used for the

¹⁶ Section 11/3 was added by section 7 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

¹⁷ Section 11/4 was added by section 7 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

¹⁸ Section 11/5 was added by section 7 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

sake of the commission offence relating to narcotics. The NCO who is approved by the Secretary General of the NCB in writing shall submit unilateral application to the Criminal Court to issue the granting for the NCO to obtain such information.

The granting under paragraph one, the Court shall consider the effect of individual rights or any right together with the reasonable and necessary, as follows:

(1) there is a reasonable belief that there is committed the offence or may be committed the offence relating to narcotics;

(2) there is reasonable belief that it will receive the information relating to the committed offence relating to narcotics from the accessing of such information;

(3) shall not be used other proper procedures or shall be more effective than.

The permission under paragraph one, the Court shall order to granting a period not exceeding ninety days, by prescribing any conditions. And the person concerned with information in the communication instrumental under such order shall give the cooperation to the execution in accordance with this section. After having the granting order, if it appears the fact that the reasonable and necessity are not in accordance with the provisions, or the circumstance has been changed, the Court shall change such granting order appropriately.

When the NCO has conducted according to the permission, it shall report the conducting to the Court to realize.

All information obtained under paragraph one shall be kept and utilized for the investigation and be used as evidence in the case prosecution only, due to, As the rules that the NCB prescribed by published in the Government Gazette.

Section 11/6¹⁹ For the sake of conducting under section 11/7, Members of the NCB, Secretary General of the NCB, Deputy Secretary General of the NCB, and NCO, who have been authorized under section 11/1 (4) shall be deemed to have the same duties and powers as the inquiry official under the Criminal Procedure Code entire the Kingdom, and shall have the power to keep in custody arrested the person under section 11/1 (4) which committed the offence relating to narcotics under the Narcotics Code to inquiry for a period not exceeding three days. When upon the elapse such period or before it shall have elapsed as it should be, they shall send the arrested person to the inquiry official under the Criminal Procedure Code for further proceedings, due to the keeping in custody such arrested person shall not be kept in custody of the inquiry official under the Criminal Procedure Code.

The keeping in custody arrested the person under paragraph one shall be in accordance with the rules that the NCB prescribed by published in the Government Gazette.

Section 11/7²⁰ Informing the offence Charge to the accused under section 125 and section 127 of the Narcotics Code, shall have approved by the Secretary General of the NCB, or the person entrusted by the Secretary General of the NCB, except in case of the inquiry official shall be sent prosecution to the Public Prosecutor to make prosecution order. The Public Prosecutor views it as proper to Charge the accused under section 125 and section 127 of the Narcotics Code, added in. The Public Prosecutor shall have approved such charge by himself to prosecute this case. When conducting shall be approved, the inquiry official shall report to the Secretary General of the Narcotics Control Board to realize immediately.

¹⁹ Section 11/6 was added by section 7 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

²⁰ Section 11/7 was added by section 7 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

A Request for approval, the Approval, and the Report under paragraph one shall be in accordance with the rules, procedures, and conditions as prescribed in the Ministerial Regulation.

Chapter III

Procedure in the Courts of First Instance

Section 12 In the case of offence relating to narcotics which the accused shall have counsel, if it appears any accused shall not intend to court or escape and under necessity shall not render loss of evidence or difficult to bring it for examination in Post-Diem. when the court sees fit, the court shall have the power to examination of evidence in the absence of the defendant, but it shall give an opportunity for the counsel of accused to cross-examine and adduce and rebut such evidence.

Section 13 At the trial stage, if the accused pleads guilty to the charge, the court may render a judgement without examining further evidence, except in the case of reasonable suspicion in which the accused shall not commit the offence or a case in which the accused pleads guilty to the charge for which the minimum term of imprisonment or more severe punishment, the court shall hear the plaintiff's evidence until the court is satisfied that the defendant actually committed the offence.

Chapter IV

Appeal and Appeal to the Supreme Court

Section 14 There shall be established in the Court of Appeal a division of narcotic case which shall have jurisdiction to try and adjudicate offence relating to narcotics case in respect of which appeals are made against judgments or orders of Courts of First Instance, as prescribed in this Act.

Section 15 Subject to the provisions of section 16, an appeal against a judgement or order of the Court of First Instance in offence relating to narcotics case shall be made to the narcotics case division of the Appeal Court, whereby it shall be filed to the Court of First Instance within one month as from the date on which such judgement or order has been read or is deemed to have been read to the appellant.

When the Court of First Instance issues an order accepting the appeal or when a request is filed for appealing against the Court of First Instance's order rejecting the appeal, the Court of First Instance shall furnish such appeal or request together with the briefs to the Appeal Court for trial and adjudication or issuing an order rapidly.

Section 15/1²¹ In the case where, according to the judgement, the accused is sentenced to imprisonment or a more severe punishment and he or she has not been detained, the accused may file an appeal only when he or she has presented himself or herself to a court officer while filing the appeal; otherwise, the court shall issue an order not to accept the appeal. In this regard, the President of the Supreme Court may issue Rules of the plenary session of the Supreme Court prescribe the rules, procedures, and conditions of the defendant's presence.

The provisions in paragraph one shall not be executed in case where the accused has been granted suspension of imprisonment or has completely served the term of his or her imprisonment.

Section 16 In the case where the Court of First Instance renders judgement imposing a death sentence or life imprisonment, the Court of First Instance shall, in the absence of an appeal against the judgement, furnish the briefs and the judgement to the Appeal Court under section 245 of the Criminal Procedure Code.

²¹ Section 15/1 was added by section 8 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

Section 17 In the case where the plaintiff has filed the accused who committed multiplicity offences and any offence which shall have been offence relating to narcotics, if it shall have appealed in offence relating to narcotics with other offence, it shall have file appeal against to appeal Court and the Appeal Court shall have jurisdiction to try and adjudicate in other offence which shall not be offence relating to narcotics.

Section 18 The Appeal Court shall try and adjudicate judgement or order without delay and subject to section 16 and section 19. The judgement and order of the Appeal Court which is specific to the offence relating to narcotics shall be final.

The judgement and order of the Appeal Court which is another offence that shall not be the offence relating to narcotics, the parties shall be filing an appeal to the Supreme Court under provision of appeal to the Supreme Court under the Criminal Procedure Code.

Section 19 In the case of the Appeal Court shall have the judgement and order in the case of the offence relating to narcotics under section 18 paragraph one, the parties shall be filing the request by application with an appeal to the Supreme Court to the Supreme Court within one month from the date of on which the judgement or order has been read or deemed to have been read over to the party which asks the permission to accept such appeal to the Supreme Court to decide.

When the request under paragraph one, the Supreme Court shall accept on question of an appeal to the Supreme Court any particularity to decide, if it shall be deemed important question which the Supreme Court shall be decided.

In the case where the Supreme Court issues an order rejecting to acceptance of appeal to the Supreme Court for deciding, the judgment or order of the narcotics case division of the Appeal Court shall be final as from the date on which such judgment or order has been read or is deemed to have been read.

The Rules and Procedures for the filing of the request, as well as trial and order granting or not granting, shall be appealed to the Supreme Court under paragraph one in accordance with the regulation of the plenary session of the Supreme Court. Such Regulation shall specify at least the time clause of the ordering granting insofar as they are not contrary to or inconsistent with the conducting under section 263 of the criminal procedure code.

Regulations under paragraph four shall come into force upon their publication in the Government Gazette.

Section 19/1²² The provisions in section 15/1 shall be in force in accordant with filing requesting granting of Appeal to the Supreme Court and Appeal to the Supreme Court, *mutatis mutandis*,

Section 20 Appeal and appeal to the Supreme Court in Military Court shall be in accordance with the Organization of the Court of Military Law.

Chapter V²³

Fine Execution

Section 21 (Repealed)

Chapter VI

Prescription

Section 22 In the case of offence relating to narcotics, the offence where shall be subject punishment to death or life imprisonment, if a suit shall not be filed and the accused's presence in court is able to be obtained within thirty years from the date of commission of the offence, prescription shall expire.

²² Section 19/1 was added by section 9 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

²³ Chapter 5 was repealed by section 10 of the Narcotics Case Procedure Act (No. 2), B.E. 2564 (2021)

If a suit shall be filed and the accused's presence in Court is able to be obtained which such accused shall have become of unsound mind and the Court shall be given an order staying adjudicate or escape exceeding those specified under paragraph one from the date of the Court shall be given an order staying adjudicate or from the date of such person have been escaped, as the case may be, likewise the prescription shall be deemed expired.

Section 23 In the case of offence relating to narcotics the Court shall have been final judgement to death sentence or life imprisonment sentence to any person and such person who shall not be served or served but shall not be completely served the term of his or her penalty because of escape. If shall not be obtained such person to have served penalty in a period exceedingly thirty years as from the date such person escaped, as the case may be, it shall elapse to punishment, shall not punish such person.

Transitory Provision

Section 24 All cases of offence relating to narcotics pending on trial in any Court as in force prior to the date on which this Act shall come into force, such court shall continue to be trial and shall be in force under such law which prior to the date on which this Act shall come into force until the case shall be terminated

Countersigned by

Mr. Khosit Panpiamrat

Deputy Prime Minister

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