



LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF
THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

THAILAND

Communicated by the Government of Thailand

NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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Ministerial Regulation B.E. 2528 (1985)
on the Storage of the Seized Narcotic Drugs

By virtue of the fact that the Regulation of the Ministry of Public Health on the Storage of the Seized Narcotic Drugs and the Seized Marihuana B.E. 2518 is out of date, the Ministry of Public Health hereby issues the Ministerial Regulation to keep up with the present situation as well as to be in line with the Regulation of the Office of the Prime Minister on the Seizure, Confiscation and Analysis of Narcotic Drugs as follows:

Section 1

General Clauses

Clause 1. This Ministerial Regulation is called "The Ministerial Regulation on the Storage of the Seized Narcotic Drugs B.E. 2528".

Clause 2. This regulation shall come into force as from the day following the date of its issuance.

Clause 3. The Ministerial Regulation on the Storage of the Seized Narcotic Drugs B.E. 2518 shall be repealed.

Other regulations, orders, restrictions or rules which are defined in this regulation or which are not in line with this regulation will be substituted by this regulation.

Clause 4. In this regulation:

"the seized narcotic drugs" means any narcotic drugs which are transmitted to the Ministry of Public Health or are confiscated or taken in custody by the court and become the property of the Ministry of Public Health according to the Narcotics Act and also includes equipment, utensils, vehicles or other materials which are confiscated or taken in custody by the court.

Clause 5. The Secretary-General of the Food and Drug Administration shall have charge and control of the execution of this Act and shall have the power to rule the problems which may occur from the execution of this regulation.

Section 2

The Central Committee

Clause 6. There shall be a Central Committee consisting of the Deputy Secretary-General of the Food and Drug Administration who is assigned to take this responsibility as Chairman, the representatives of the Office of the Narcotics Control Board, the Police Department, the Medical Sciences Department and the Medical Services Department as ex officio members. Other members, not more than five, are appointed by the Ministry of Public Health.

The Director of the Narcotics Control Division shall be member and secretary.

Clause 7. The presence of not less than half of the total number of members is required to constitute a quorum. If the Chairman is not present at the meeting, those present shall elect one among themselves to preside over the meeting.

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

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

Clause 8. The Committee shall give suggestions and opinions on the following:

- (1) The bringing into use of the seized narcotic drugs
- (2) The selling of the seized narcotic drugs

- (3) The destruction of the seized narcotic drugs
- (4) Other matters as defined in this regulation

or as entrusted by the Minister or the Permanent Secretary of the Ministry of Public Health.

Section 3

The Inspection and the Storage of the Seized Narcotic Drugs

Part 1

Inspection

Clause 9. The Inspection Committee on the Seized Narcotic Drugs consists of not less than three persons appointed by the Secretary-General of the Food and Drug Administration as members.

Clause 10. The Committee shall have the following duties:

- (1) To inspect the seized narcotic drugs.
- (2) To make the list of the details of the inspection of the seized narcotic drugs as appearing in the annex of this regulation.
- (3) To prepare reports of the receipt or transmission of the seized narcotic drugs.
- (4) To keep the key of the store of the seized narcotic drugs according to the measures, methods and conditions defined by the Secretary-General of the Food and Drug Administration.

Clause 11. Before inspection of the seized narcotic drugs, the Committee shall inspect the following documents:

- (1) Copy of the report on narcotic drugs analysis from the first responsible agency.
- (2) Copy of the transmission of narcotic drugs for analysis of the transmission agency.
- (3) The list of the seized narcotic drugs in the form specified by the Committee.

Clause 12. In the case that the narcotic drugs are mailed to the Office of Food and Drug Administration, the Committee shall act according to the duties prescribed in Clause 11 of this regulation before keeping the seized narcotic drugs in storage or before sending it to the Medical Sciences Department for analysis.

Clause 13. In performing its duties as prescribed in Clause 10 (1), (2) or (3) or Clause 12, the Inspection Committee should report the outcomes to the Secretary-General of the Food and Drug Administration every time.

Clause 14. As for marihuana, kratom plants, acetic anhydride or acetyl chloride, the storing agency or the Office of Food and Drug Administration may destroy the seized narcotic drugs before their cases come to an end on the condition that the destruction will not affect the case or is against the regulation on the storage of the seized narcotic drugs of such agencies. The destruction shall be carried out in accordance with Section 5 of this regulation. The report document on the analysis of the seized narcotic drugs as well as samples of not less than 20 kilograms have to be kept for each case. The destruction report of the Committee shall be kept as evidence.

Part 2

Storage

Clause 15. The seized narcotic drugs shall be kept at the store for the seized narcotic drugs of the Narcotics Control Division, Office of Food and Drug Administration.

Clause 16. The Inspection Committee on the Seized Narcotic Drugs shall mark, number, or make other permanent signs on the package or container which contains the seized narcotic drugs for easy reference and inspection.

Clause 17. The opening of the store for disposal, destruction of seized drugs or any other official purposes should receive written permission from the Secretary-General of the Food and Drug Administration.

After receiving the permission of the Secretary-General of the Food and Drug Administration, the Inspection Committee on the Seized Narcotic Drugs shall act in accordance with Clause 10.

Section 4

Utilization or Distribution

Clause 18. As for the seized narcotic drugs which can be officially used or can be distributed, the Office of Food and Drug Administration with the approval of the Central Committee may request permission from the Ministry of Public Health to make use for official purpose or distribute them as deemed appropriate.

Section 5

Destruction

Clause 19. For the seized narcotic drugs which cannot be used or distributed as prescribed in Section 4, the Office of Food and Drug Administration with the approval of the Central Committee shall request permission from the Ministry of Public Health to destroy them. The destruction methods shall be clearly prescribed.

The Office of Food and Drug Administration shall destroy the seized narcotic drugs as defined in this regulation at least once a year.

Clause 20. After receiving permission from the Ministry of Public Health, the Central Committee or the Committee which is appointed by the Minister shall carry out the destruction of the seized narcotic drugs and after that report the destruction to the Ministry of Public Health.

Clause 21. As for marihuana or kratom plants which are kept by other government agencies, when such agency wants to destroy it, the following methods shall be carried out:

(1) For the central administration, the governmental agency of the departmental level, which is responsible for the storage of such drugs, shall be responsible for the destruction of marihuana and kratom plants by setting up the Committee consisting of not less than five members from the concerned agencies which also includes the representatives of the Central Committee and the ONCB. The Committee shall verify the type and quantity of the seized narcotic drugs and record them. After that the Committee shall report the result of the destruction to the Ministry of Public Health.

(2) For the provincial administration, the provincial authority shall be responsible for the destruction of marihuana and kratom plants by setting up the Committee consisting of not less than five members from the concerned agencies which also includes the provincial public health doctor and the representative from the ONCB. The Committee shall verify the type and quantity of the seized narcotic drugs and record them. After that the Committee shall report the result of the destruction to the Ministry of Public Health.

Given on 22 May B.E. 2528 (1985)

Marut Bunnag
Minister of Public Health

Ministerial Regulation B.E. 2532 (1989)
on the Storage of the Seized Narcotic Drugs (No. 2)

By virtue of the fact that Section 101 bis of the Narcotics Act (No. 3) B.E. 2530 prescribes that the narcotic drugs of Schedule IV or V be destroyed or made use of as prescribed in the Ministerial Regulation, to be in line with this regulation and to keep up with the present situation, the Ministry of Public Health hereby amends the Ministerial Regulation on the Storage of the Seized Narcotic Drugs B.E. 2528 as follows:

Clause 1. This Ministerial Regulation is called "The Ministerial Regulation on the Storage of the Seized Narcotic Drugs (No. 2) B.E. 2532".

Clause 2. This regulation shall come into force as from the day following the date of issuance.

Clause 3. The provisions of clause 14 of the Ministerial Regulation on the Storage of Narcotic Drugs B.E. 2528 shall be repealed and replaced by the following:

"Clause 14. Marihuana, kratom plants, opium, magic mushroom, acetic anhydride, acetyl chloride or ethilidine diacetate after being analysed and processed in accordance with the regulations of the Office of the Prime Minister on Arrest, Confiscation and Analysis of Narcotic Drugs, may be destroyed or put into use by the storing agency, be it the Office of the Narcotics Control Board or the Office of Food and Drug Administration according to Section 5 on destruction."

Given on 1 May B.E. 2532 (1989)

Chuan Leekpai
Minister of Public Health