[EMBLEM]

The Psychotropic Substances Act

B.E. 2559 (2016)

MAHA VAJIRALONGKORN BODINDRADEBAYAVARANDKUN, REX.,

Given on the 18th day of December 2016

Being the 1st year of the present reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that:

Whereas it is expedient to amend the law on psychotropic substances:

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

Section 1 This Act is called the " Psychotropic Substances Act, B.E. 2559 (2016)".

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

Section 3 The following acts shall be repealed:

(1) The Psychotropic Substances Act, B.E. 2518 (1975)

(2) The Psychotropic Substances Act (No. 2), B.E. 2528 (1985)

(3) The Psychotropic Substances Act (No. 3), B.E. 2535 (1992)

(4) The Psychotropic Substances Act (No. 4), B.E. 2543 (2000)

Section 4 In this Act,

“psychotropic substance” means any psychotropic substance which is a natural substance or is derived from a natural substance or any psychotropic substance which is synthetic substance as notified by the Minister in the Government Gazette;

“preparation” means any solution or mixture, in whatever physical state, containing one or more psychotropic substances, including the psychotropic substance in the form of a pharmaceutical substance ready for use with humans or animals;

“exempt preparation” means a preparation notified by the Minister in the Government Gazette that is exempted from some measures of control for a psychotropic substance containing therein;

“label” means an image, artificial mark, sign or statement that is displayed on the container or packaging of a psychotropic substance.

“accompanying leaflet of psychotropic substances” means a piece of paper or any other material on which certain meaning is made apparent via an image, artificial mark or statement relating to psychotropic substances, which has been inserted in or contained within a container or packaging of the psychotropic substance;

“manufacture" means to make, mix, prepare or process, transform, scientifically synthesized, culture or grow specific psychoactive plants. The term shall include the repacking or bulk packing of the psychotropic substances;

“sell” means to distribute, dispense, hand out, exchange, give, deliver, or having in possession for sale;

“import” means to bring in or to order into the Kingdom;

“export” means to take out or to send out of the Kingdom;

“transit” means to convey or carry psychotropic substance across the Kingdom but excluding to convey or carry such substance across the Kingdom without removing it from the aircraft used for international public transportation;

“consume” means to bring, by whatever means, a psychotropic substance into one’s body with the knowledge that it is a psychotropic substance;

“psychotropic substance addiction” means to regularly consume a psychotropic substance on a continuous basis until one is in a state of psychotropic substance dependence which can be identified on a technical basis;

“treatment” means the treatment of psychotropic substance addicts which also includes rehabilitation and post-treatment follow-up;

“medical facility” means a hospital, convalescent home or any other place that provides treatment for psychotropic substance users or addicts as notified by the Minister.

“place” means a building or part of a building and shall include its compound;

“pharmacist” means a practitioner in the profession of pharmacy under the law on the practice of the profession of pharmacy;

"statement" means the narrative or fact whether in the forms of alphabet, image, motion picture, light, sound or mark and shall include any act that causes such form to appear so that the general public can understand its meaning.

"advertise" means to disseminate or communicate meanings by any method to cause the public to see or acknowledge a statement for commercial benefits, excluding academic documents or instructional textbooks.

"government agency" means the central administrative units, regional administrative and local administrative units as well as state enterprises, public organizations and other government entities.

"licensee" means a person who has been granted a license under this Act. In the case where the licensee is a juristic person, it shall also mean a person appointed by the juristic person to operate a business relating to psychotropic substances;

"licensor" means:

(1) The Secretary-General of the Food and Drug Administration or a person entrusted by him or her, exception the granting of licenses in (2);

(2) Governors of any province other than Bangkok or a person who is entrusted by the said governors specifically for the granting of sale licenses for psychotropic substances in Schedule II, Schedule III or Schedule 4, the suspension and revocation of such licenses in the province of a governor's jurisdiction.

"Board" means the Psychotropic Substances Board;

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

"Secretary-General" means the Secretary-General of the Food and Drug Administration;

"Minister" means the Minister having charge and control of the execution of this Act.

Section 5 This Act shall not apply to the Food and Drug Administration and the Food and Drug Administration shall report the receiving, dispensing, safekeeping and any other practices relating to the control of psychotropic substances to the Board every six calendar months.

Section 6 The Minister of Public Health shall have charge and control of the execution of this Act and shall have power to appoint competent officials, issue ministerial regulations on the rates of fee not exceeding the rates annexed to this Act, exempt fees, determine other activities and issue notifications for the execution of this Act.

Such ministerial regulations and notifications shall come into force upon their publication in the Government Gazette.

Section 7 The Minister, by the advice of the Board, shall have power to determine the following matters:

(1) Specifying the names and classifying psychotropic substances into one of the following Schedules:

(a) Schedule I – psychotropic substances with no medical use and have a high potential for abuse.

(b) Schedule II – psychotropic substances with current medical use and have a potential for abuse.

(c) Schedule III – psychotropic substances with current medical use and have a potential or a tendency for abuse.

(d) Schedule IV – psychotropic substances with current medical use and have a lower potential or tendency for abuse than the substances listed in Schedule III.

(2) Prescribing standards on the quantity of the ingredients, quality, purity or any other attributes of psychotropic substances, including the packing and safekeeping of the psychotropic substances in (1);

(3) Revoking or changing the names or Schedules of the psychotropic substances in (1);

(4) Specifying the names and Schedules of the psychotropic substances that are prohibited from being manufactured, sold, imported, exported, transited, or kept in possession;

(5) Specifying the name of psychotropic substances in Schedule II that are permitted to be manufactured for exportation and can be exported;

(6) Specifying the names and Schedules of the psychotropic substances that require warnings or cautions with the warning or caution statements reminding users to take the necessary precautions for their own safety;

(7) Specifying the names and Schedules of the psychotropic substances that need to indicate an expiration date on their labels;

(8) Revoking a preparation registration, specifying a preparation as an exempt preparation and revoking exempt preparations.

(9) Prescribing the criteria and methods for the determination of the quantity of the psychotropic substances that the licensor shall permit their manufacturing, sale, importation or possession;

(10) Prescribing the quantity of the psychotropic substances in Schedule III or Schedule IV that medical practitioners, dentists or first-class veterinary practitioners shall have in possession under section 90;

(11) Specifying the names and Schedules of the psychotropic substances that are prohibited from being imported into a country under section 111;

(12) Appointing specific places in the Kingdom as the inspection stations of imported, exported or transited psychotropic substances;

(13) Specifying the government agencies under section 21 (2), section 47 paragraph one, section 89 (3) and section 97 paragraph one;

(14) Identifying the medical facilities under this Act;

(15) Prescribing rules and regulations for the regulating of treatment and disciplinary regulations for medical facilities.

CHAPTER 1

The Psychotropic Substances Board

Section 8 There shall be a Board called “the Psychotropic Substance Board” consisting of the Permanent Secretary of the Ministry of Public Health as the Chairperson, the Secretary-General of the Council of State, the Attorney General, the Commissioner General of the Royal Thai Police, the Director-General of the Department of Provincial Administration, the Director-General of the Department of Medical Services, the Director-General of the Department of Probation, the Director-General of the Department of Medical Sciences, the Director-General of the Customs Department, the Director-General of the Department of Health Services Support, the Director-General of the Department of Mental Health, the Director-General of the Department of Health, the Secretary-General of the Office of the Narcotics Control Board, President of the Medical Council of Thailand, President of the Pharmaceutical Council of Thailand and not more than seven qualified members appointed by the Minister from persons with relevant knowledge, skills and experiences in psychotropic substances as members.

The Secretary-General shall be a member and secretary of the Board and the Director of the Narcotics Control Division of the Food and Drug Administration shall be a member and assistant secretary.

Section 9 A qualified member shall be in office for a term of three years.

Upon completion of the term prescribed in paragraph one, if a new qualified member has not been appointed, the vacating member shall continue working until a new qualified member is appointed and assumes the duties.

A qualified member who vacates office at the end of his or her term may be reappointed.

Section 10 In addition to vacating at the end of his or her term, a qualified member shall vacate office upon:

(1) death;
(2) resignation;
(3) being dismissed by the Minister due to misconduct, deficiency or dishonesty in his or her duty or inability;
(4) being an incompetent or quasi-incompetent person;
(5) having been imprisoned by a final judgement of imprisonment except for an offence committed through negligence or a petty offence;
(6) having his or her license to practice the medical profession, license to practice the art of healing or license to practice any other profession suspended or revoked.

Upon a qualified member vacating office before the end of his or her term, the Minister shall appoint a replacement member and that person shall be in office only for the remaining term of the member he or she replaces.

Section 11 A meeting of the Board requires the presence of no less than one-half of the total number of its members to constitute a quorum.

The Chairperson of the Board shall be the meeting chairperson. If the Chairperson of the Board is absent or unable to perform his or her duties, the attending members shall choose among themselves a person to preside over the meeting.

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

In casting a vote, each member shall have one vote. In case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

In casting votes, each member shall have one vote on every question. In case of an equality of votes, the chairperson of the meeting shall have an additional vote as the casting vote.

Section 12 The Board shall have the following powers and duties:

(1) To advise the Minister on the execution of section 7;

(2) To approve the licensor's registration of a preparation;

(3) To approve the licensor's suspension or revocation of a license;

(4) To give opinions to the Minister with respect to the issuing of ministerial regulations for the execution of this Act;

(5) To give opinions or advices to the licensor for the execution of this Act;

(6) To conduct any other operations that are the powers and duties of the Board as stipulated by this Act or as entrusted to the Board by the Minister.

Section 13 The Board shall have power to appoint sub-committees to consider and conduct a study or research into any matter within the powers and duties of the Board. The provisions of section 11 shall apply *mutatis mutandis* to the meeting of the sub-committees.

CHAPTER 2

Application and Issuance of Licenses Related to Psychotropic Substances

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Section 14 No person shall manufacture, sell, import or export psychotropic substances in Schedule I unless he or she is granted a license to do so by the licensor in case of necessity and for the benefits of the government.

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

The manufacturing, importation or exportation of psychotropic substances in Schedule I, whose calculated purity exceeds the quantity prescribed in the Ministerial Regulations, shall be presumed to be manufactured, imported or exported for sale.

Section 15 No person shall manufacture, import or export psychotropic substances in Schedule II unless he or she is granted a license to do so by the licensor in the following cases:

(1) when it is necessary for the benefits of the government;

(2) a person entrusted by the Ministry of Public Health with the approval of the Board; or

(3) being manufactured for export and the exportation of certain types of psychotropic substances in Schedule II whose names are specified and notified by the Minister under section 7 (5);

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

In deliberating the granting of license in paragraph one, the license applicant shall be responsible for the expenses of the test, analysis or evaluation of academic documents in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette.

The manufacturing, importing or exporting of psychotropic substances in Schedule II, whose calculated purity exceeds the quantity prescribed in the Ministerial Regulations, shall be presumed to be manufactured, imported or exported for sale.

Section 16 No person shall sell psychotropic substances in Schedule II unless he or she is granted a license by the licensor. The application for and issuance of such a license shall be in accordance with the criteria, methods and conditions prescribed in the Ministerial Regulations.

Section 17 The licensor may permit the vehicles used for international public transportation, which are registered in the Kingdom, to import or export a reasonable quantity of psychotropic substances in Schedule II, Schedule III or Schedule IV that is necessary for regular first aid use or for an emergency occurring on such vehicles.

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

Section 18 The provisions of section 15 shall not apply to:

(1) the carrying of the psychotropic substances in Schedule II on a person into or out of the Kingdom at the quantity not exceeding the necessary quantity required for personal use for a period of thirty days together with a certificate issued by a medical practitioner, dentist or first-class veterinary practitioner; or

(2) the importing or exporting of a reasonable quantity of the psychotropic substances in Schedule II that is necessary for regular first aid use or for an emergency occurring on the vehicles used for international public transportation which are not registered in the Kingdom.

Section 19 The licensor shall issue a sale license of the psychotropic substances in Schedule II when it appears that the license applicant is:

(1) a government agency whose duties are to treat or prevent a disease and the Thai Red Cross Society;

(2) a government agency with a license granted under section 15 (1);

(3) a licensee for the manufacturing or importing of the substances under section 15 (2); or

(4) a medical practitioner, dentist or first-class veterinary practitioner who practices under the law on medical facility or the law on veterinary sanatoriums as the case maybe, and

(a) resides in Thailand;

(b) has never been imprisoned by a final judgement of imprisonment for offence under the law on psychotropic substances, the law on narcotics, the law on the prevention against Abuse of volatile substances, the law on the measures for the suppression of narcotics offenders and the law on drugs;

(c) not being a person whose license to practice in the medical profession, license to practice in the dentistry profession, first-class license to practice in the veterinary profession, license issued under the law on narcotics or license issued under this Act is suspended or revoked;

(d) not being a person of unsound mind or mental deficiency;

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

In deliberating the issuance of a license under paragraph one, the licensor must take the license applicant's need to possess the substances for sale into consideration and may prescribe any other condition as the licensor deems appropriate.

Section 20 No person shall manufacture, sell, import or export psychotropic substances in Schedule III or Schedule IV or transit psychotropic substances in all schedules unless he or she is granted a license by the licensor.

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

The manufacturing, importing or exporting of psychotropic substances in Schedule

The manufacturing, importing or exporting of psychotropic substances in Schedule III or Schedule IV or the transit of psychotropic substances in all schedules, whose calculated purity exceeds the quantity prescribed in the Ministerial Regulations, shall be presumed to be manufactured, imported, exported or transited for sale.

Section 21 The provisions of section 20 shall not apply to:

(1) the manufacturing by preparing, repacking or bulk packing of psychotropic substances in Schedule III or Schedule IV by a pharmacist whose duty is to supervise the sales of the psychotropic substances under section 51 as specified in the medical prescription issued by a medical practitioner or dentist for a specific patient or by a first-class veterinary practitioner for a specific animal;

(2) the manufacturing, sale, importing or exporting of psychotropic substances in Schedule III or Schedule IV by a ministry, government bureau, government department and the Thai Red Cross Society or any other government agency prescribed and notified by the Minister;

(3) the sale of psychotropic substances in Schedule III or Schedule IV in a medical facility under the law on the medical facilities by medical practitioners or dentists for patients under their care or in a veterinary sanitorium under the law on veterinary sanitorium which is owned by first-class veterinary practitioners for the treatment or prevention of a disease for animals under their care;

(4) the carrying of psychotropic substances in Schedule III or Schedule IV on a person into or out of the Kingdom at the quantity not exceeding the necessary quantity required for personal use for a period of thirty days together with a certificate issued by a medical practitioner, dentist or first-class veterinary practitioner; or

(5) the importing or exporting of a reasonable quantity of psychotropic substances in Schedule III or Schedule IV that is necessary for regular first aid use or for an emergency occurring on the vehicles used for international public transportation which are not registered in the Kingdom.

Section 22 The licensor shall grant a license to manufacture, sell or import psychotropic substances in Schedule III or Schedule IV when it appears that the license applicant:

(1) has been granted a license to manufacture, sell or import modern drugs under the law on drugs as the case maybe; and

(2) has a full-time pharmacist on duty throughout the operating hours;

The licensor shall issue an export license for psychotropic substances in Schedule III or Schedule IV when it appears that the license applicant has been granted a license to manufacture, sell or import the psychotropic substances under paragraph one. The licensee with a license to manufacture or import psychotropic substances may sell the substances that he or she has manufactured or imported without having to apply for another sale license.

Section 23 Licenses issued under section 14, section 15, section 16, section 20, section 88 and section 100 shall provide protection to employees or agents of the licensee as well.

Any action carried out by an employee or agent of the licensee, who is protected under paragraph one, shall be deemed an action carried out by the licensee unless the licensee can prove that such action was carried out beyond his or her knowledge or control.

Section 24 Licenses issued under section 16, section 20, section 28 (1) and section 88 shall be valid until 31st December of the year of issue. If a licensee wishes to renew the license, a renewal application must be filed before the license expires. After filing the application, the licensee may continue operating until the licensor refuses to renew the license.

A licensee whose license has expired for less than thirty days may file an extension request by providing the reasons for doing so. However, such request shall not be cited as a reason for an exemption of any liability incurred during the period that the license has expired and prior to the filing of a license renewal application.

The application for and issuance of such a renewal shall be in accordance with the criteria, methods and conditions prescribed in the Ministerial Regulations.

Section 25 In the case where the licensor refuses to grant or renew a license, the license applicant or the license renewal applicant shall have the right to submit an appeal in writing to the Minister within thirty days from the date of receiving a written notice of refusal from the licensor.

The Minister shall complete the appeal deliberation within thirty days from the date of receipt of the appeal. The decision of the Minister shall be final.

In the case where there is a license renewal appeal under paragraph one, before the Minister issues a decision on the appeal the Minister may issue an order permitting the appellant to continue operating his or her business upon the appellant's request.

Section 26 Licensees under this Act shall be exempted from compliance with the law on drugs.

CHAPTER 3

Duties of the Licensees

Section 27 No licensee shall manufacture, sell, import or store psychotropic substances in all Schedules outside the place indicated in the license.

Section 28 The licensor may grant licensees a license to sell psychotropic substances in Schedule III or Schedule IV outside the place indicated in the license in the following cases:

(1) a direct wholesale to another licensee under this Act or to a medical practitioner, dentist or first-class veterinary practitioner;

(2) a sale carried out at a venue for the meeting of medical practitioners, dentists, pharmacists or first-class veterinary practitioners.

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

Section 29 Licensees with a license to sell psychotropic substances in Schedule II may sell them under the following conditions:

(1) sold exclusively to patients being treated by a medical practitioner or dentist at a medical facility under the law on medical facility or government medical facility or sold exclusively for use on animals being treated or prevented against a disease by a first-class veterinary practitioner at an animal sanitarium under the law on animal sanitoriums and;

(2) sold only the psychotropic substances in Schedule II whose manufacturing or import are permitted by the licensor;

The provision of (1) shall not apply to licensees under Section 19 (2) and (3) , provided that they comply with the sale conditions prescribed by the Secretary-General with the approval of the Board.

Section 30 Licensees with a license to manufacture, import or export psychotropic substances in Schedule II pursuant to section 15, licensees with a license to sell psychotropic substances in Schedule II pursuant to section 19 (3) and licensees with a license to manufacture, sell, import or export psychotropic substances in Schedule III or Schedule IV pursuant to section 20 shall arrange to have a pharmacist present to supervise such operations during the operating hours specified in the license.

When there is no pharmacist present to supervise the operations, licensees are prohibited from manufacturing or selling psychotropic substances in Schedule II, Schedule III or Schedule IV.

In the case where a pharmacist is temporarily discharge from or unable to perform his or her duties, licensees shall arrange to have a replacement pharmacist to perform the duties for a period not exceeding ninety days. The licensor must be informed of the replacement in writing and the replacement pharmacist shall be regarded as having the same duties as the pharmacist he or she is replacing.

In the case where the licensees in paragraph one wishes to change the pharmacist, they shall file a request to the licensor and the change shall take place only after a permission is granted.

Section 31 Licensees with a license to manufacture psychotropic substances in Schedule II shall observe the following practices:

(1) arrange to have the manufactured psychotropic substances analyzed before being removed from the place of manufacturing; the analysis must be carried out before each removal and evidences of the analysis details shall be retained not less than ten years from the date of the analysis;

(2) arrange to have labels for manufactured psychotropic substances or labels and accompanying leaflets for the psychotropic substances contained in a manufactured preparation in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

(3) arrange to have psychotropic substances stored separately from other drugs or materials;

(4) arrange to have records of the psychotropic substance manufacturing kept in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

(5) manufacture psychotropic substances in accordance with the manufacturing criteria and conditions under the law on drugs.

Section 32 Licensees with a license to manufacture psychotropic substances in Schedule III or Schedule IV shall observe the following practices:

(1) arrange to have a signage indicating the place of psychotropic substances manufacturing together with a signboard indicating pharmacist's names and operating hours placed in an open location where it is easily visible from outside the building at the place of manufacturing. Features, sizes and statements that appear on the signs shall be as prescribed by the Board and notified in the Government Gazette;

(2) arrange to have the manufactured psychotropic substances analyzed before being removed from the place of manufacturing; the analysis must be carried out before each removal and evidences of the analysis details shall be retained not less than ten years from the date of the analysis;

(3) arrange to have labels for manufactured psychotropic substances or labels and accompanying leaflets for the psychotropic substances contained in a registered preparation in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

(4) arrange to have psychotropic substances stored separately from other drugs or materials;

(5) arrange to have records of the psychotropic substance manufacturing and sale kept in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

(6) manufacture psychotropic substances in accordance with the drug manufacturing criteria, methods and conditions under the law on drug.

Section 33 Licensees with a license to sell psychotropic substances in Schedule II shall observe the following practices:

(1) make sure that labels and accompanying leaflets for psychotropic substance with complete information as prepared or provided by licensees of a license to manufacture or import are available;

(2) arrange to have psychotropic substances stored separately from other drugs or materials;

(3) arrange to have records of the psychotropic substance sale kept in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

Section 34 Licensees with a license to sell psychotropic substances in Schedule III or Schedule IV shall observe the following practices:

(1) arrange to have a signage indicating the place of psychotropic substances sale together with a signboard indicating pharmacist's names and operating hours placed in an open location where it is easily visible from outside the building at the place of sale. Features, sizes and statements that appear on the signs shall be as prescribed by the Board and notified in the Government Gazette; (2) make sure that labels and accompanying leaflets for psychotropic substance with complete information as prepared or provided by licensees of a license to manufacture or import are available;

(3) arrange to have psychotropic substances stored separately from other drugs or materials;

(4) arrange to have records of the psychotropic substance sale kept in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette.

Section 35 Licensees with a license to import psychotropic substances in Schedule II shall observe the following practices:

(1) arrange to have a certificate of manufacturer with analysis details of imported psychotropic substances available;

(2) arrange to have labels for imported psychotropic substances or labels and accompanying leaflets for the psychotropic substances contained in an imported preparation in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

(3) arrange to have psychotropic substances stored separately from other drugs or materials;

(4) arrange to have records of the importing of psychotropic substances kept in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

Section 36 Licensees with a license to import psychotropic substances in Schedule III or Schedule IV shall observe the following practices:

(1) arrange to have a signage indicating the place of psychotropic substances importation together with a signboard indicating pharmacist's names and operating hours placed in an open location where it is easily visible from outside the building at the place of importation. Features, sizes and statements that appear on the signs shall be as prescribed by the Board and notified in the Government Gazette;

(2) arrange to have a certificate for manufacturers indicating the analysis details of imported psychotropic substances;

(3) arrange to have labels for imported psychotropic substances or labels and accompanying leaflets for the psychotropic substances contained in a registered preparation in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

(4) arrange to have psychotropic substances stored separately from other drugs or materials;

(5) arrange to have records of psychotropic substance importation and sale kept in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

Section 37 Licensees with a license to export psychotropic substances in Schedule II shall observe the following practices:

(1) make sure that labels and accompanying leaflets for psychotropic substance with complete information as prepared or provided by licensees of a license to manufacture or import are available;

(2) arrange to have psychotropic substances stored separately from other drugs or materials;

(3) arrange to have records of exporting of psychotropic substances kept in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

Section 38 Licensees of a license to export psychotropic substances in Schedule III or Schedule IV shall observe the following practices:

(1) arrange to have a signage indicating the place of psychotropic substances exportation together with a signboard indicating pharmacist's names and operating hours placed in an open location where it is easily visible from outside the building at the place of exportation. Features, sizes and statements that appear on the signs shall be as prescribed by the Board and notified in the Government Gazette;

(2) make sure that labels and accompanying leaflets for psychotropic substance with complete information as prepared or provided by licensees of a license to manufacture or import are available;

(3) arrange to have psychotropic substances stored separately from other drugs or materials;

(4) arrange to have records of the exporting of psychotropic substances kept in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

Section 39 The provisions of section 30 paragraph one, section 31, section 32, section 35, section 36, section 37 and section 38 shall not apply to licensees with a license to manufacture, import or export psychotropic substances for a study or research purpose or for any other necessary cases for the benefits of the government as prescribed and notified by the Secretary-General with the approval of the Board.

Section 40 In the case where a license is lost or materially destroyed, the licensee shall file an application for a replacement license within fifteen days from the date that such loss or destruction is known.

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

Section 41 Licensees must have their license displayed openly and easily visible at the placed indicated in the license.

Section 42 Licensees are prohibited from moving, changing or adding a place of manufacturing, sale, importation or storage of psychotropic substances in all Schedules except when a permission has been granted by the licensor.

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

Section 43 Subject to section 42, in the case where there is a change of information in a license in section 14, section 15, section 16, section 20, section 28 and section 88, a licensee shall submit a request to the licensor for amendment of the information in the said license within thirty days from the date that such information was changed.

The application for and issuance of such a permission shall be in accordance with the criteria, methods and conditions prescribed by the Secretary-General and notified in the Government Gazette.

Section 44 Any licensee who wishes to terminate the licensed operation granted under this Act shall give a prior notice of such intention to the licensor in writing, and the said license shall be regarded as terminated from the date given in such notice.

Any licensee who terminates the operation without observing the provision of paragraph one shall give a written notice to the licensor within fifteen days from the operation's termination date. The said license shall be regarded as expired from the date that the operation is terminated.

Section 45 Licensees who have given an operation termination notice, have not renewed the license or whom the licensor does not grant a license renewal shall destroy or sell the amount of the remaining psychotropic substances in Schedule II, Schedule III or Schedule IV that they have in possession and exceeds the amount permitted by law. In case of a sale, they shall have to sell the said psychotropic substances to another licensee in the same Schedule od psychotropic substances or to any person deemed suitable by the licensor. The sale must be completed within sixty days from the date of termination, the expiry date of the license or the date that the licensor refuses to grant a license renewal, as the case maybe, unless the licensor shall grant an extension to such date, which must not be longer than sixty days.

In the case where a licensee does not comply with the provision in paragraph one, the remaining psychotropic substances shall become the property of the Ministry of Public Health and the Ministry of Public Health or a person entrusted by the Ministry may destroy or utilize them in accordance with the regulations prescribed by the Ministry of Public Health.

Section 46 If a licensee died and his or her successor or a person with the successor's consent has indicated his or her intention to the licensor to apply for a continuation of the licensed operation within thirty days of the licensee's death, and if upon examining the request, the licensor deems that person to possess the qualifications specified in section 19 (4) or section 22, as the case may be, the licensor shall permit the applicant to continue the operation until the expiry date of the license. The applicant shall be considered a licensee under this Act from the date that the former licensee died.

The indicating of intention and its examination shall be in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette.

In the case where the intention to operate the business under paragraph one has not been indicated, it shall be the successor's duty to comply with section 45.

Section 47 Licensees under section 14, section 15, section 16, section 20 or section 88, medical practitioners, dentists or first-class veterinary practitioners who have psychotropic substances in Schedule III or Schedule IV in their possession for the quantity not exceeding the quantity prescribed in section 90, including the ministries, government bureaus, government departments and the Thai Red Cross Society or any other government agencies prescribed by the Minister, which have been involved in the manufacturing, sale, import, export, transit of or possession of psychotropic substances that are not an exempt preparation, must submit reports on the executing of such operations to the Secretary-General.

The reports in paragraph one shall be prepared in the format and time periods as prescribed by the Secretary-General and notified in the Government Gazette.

CHAPTER 4

Duties of the Pharmacist

Section 48 Pharmacists whose duty is to supervise the manufacturing of psychotropic substances in Schedule II shall:

(1) supervise compliance of the psychotropic substances manufacturing with this Act;

(2) supervise the availability of labels and accompanying leaflets for the psychotropic substances under section 31 (2);

(3) supervise separate storing of the psychotropic substances from other drugs or materials;

(4) supervise the keeping of the psychotropic substances manufacturing records in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

(5) be present to supervise the operation throughout the operating hours;

Section 49 Pharmacists whose duty is to supervise the manufacturing of psychotropic substances in Schedule III or Schedule IV shall:

(1) supervise compliance of the psychotropic substances manufacturing with this Act;

(2) supervise the availability of labels and accompanying leaflets for the psychotropic substances under section 32 (3);

(3) supervise separate storing of the psychotropic substances from other drugs or materials;

(4) supervise the keeping of the psychotropic substances manufacturing records in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

(5) be present to supervise the operation throughout the operating hours;

Section 50 Pharmacists whose duty is to supervise the sale of psychotropic substances in Schedule II shall:

(1) supervise compliance of the psychotropic substances sale with this Act;

(2) supervise the psychotropic substances label and accompanying leaflet practices under section 33 (1);

(3) supervise separate storing of the psychotropic substances from other drugs or materials;

(4) supervise the keeping of the psychotropic substances sale records in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

(5) be present to supervise the operation throughout the operating hours;

Section 51 Pharmacists whose duty is to supervise the sale of psychotropic substances in Schedule III or Schedule IV shall:

(1) supervise compliance of the psychotropic substances sale with this Act;

(2) supervise the psychotropic substances label and accompanying leaflet practices under section 34 (2);

(3) supervise separate storing of the psychotropic substances from other drugs or materials;

(4) supervise compliance of the preparing or repacking of the psychotropic substance with the medical prescription issued by practitioners of the professions specified in (5);

(5) supervise the availability of labels for the psychotropic substances prepared or repacked in accordance with the medical prescriptions issued by a medical practitioner, dentist or first-class veterinary practitioner in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

(6) supervise correct delivery of psychotropic substances in compliance with the medical prescription of practitioners of the professions specified in (5);

(7) supervise the recording of the psychotropic substances sale in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

(8) supervise the sale of psychotropic substances to ensure that they are not sold to person without a medical prescription issued by practitioners of the professions specified in (5) or to person without a license to manufacture, sell, or import psychotropic substances;

(9) be present to supervise the operation throughout the operating hours;

Section 52 Pharmacists whose duty is to supervise the importation of psychotropic substances in Schedule II shall:

(1) supervise compliance of the psychotropic substances importation with this Act;

(2) supervise the psychotropic substances label and accompanying leaflet practices under section 35 (2);

(3) supervise separate storing of the psychotropic substances from other drugs or materials;

(4) supervise the keeping of the psychotropic substances importation records in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

(5) be present to supervise the operation throughout the operating hours.

Section 53 Pharmacists whose duty is to supervise the importation of psychotropic substances in Schedule III or Schedule IV shall:

(1) supervise compliance of the psychotropic substance importation with this Act;

(2) supervise the psychotropic substances label and accompanying leaflet practices under section 36 (3);

(3) supervise separate storing of the psychotropic substances from other drugs or materials;

(4) supervise the keeping of the psychotropic substances importation records in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

(5) be present to supervise the operation throughout the operating hours;

Section 54 Pharmacists whose duty is to supervise the exporting of psychotropic substances in Schedule II shall:

(1) supervise compliance of the psychotropic substances exportation with this Act;

(2) supervise the psychotropic substances label and accompanying leaflet practices under section 37 (1);

(3) supervise separate storing psychotropic substances from other drugs or materials;

(4) supervise the keeping of the psychotropic substances exportation records in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

(5) be present to supervise the operation throughout the operating hours;

Section 55 Pharmacists whose duty is to supervise the exporting of psychotropic substances in Schedule III and Schedule IV shall:

(1) supervise compliance of the psychotropic substances exportation with this Act;

(๒) supervise the psychotropic substances label and accompanying leaflet practices under section 38;

(3) supervise separate storing of psychotropic substances from other drugs or materials;

(4) supervise the keeping of the psychotropic substances exportation records in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette;

(5) be present to supervise the operation throughout the operating hours;

Section 56 In the case where a pharmacist whose duty is to supervise the operations does not wish to perform such duties, the said pharmacist shall inform the licensor in writing within seven days from the date that he or she is relieved of the said duties.

CHAPTER 5

Prohibited Psychotropic Substances for Manufacturing, Sale, Importing or Exporting

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Section 57 No person shall manufacture, sell, import or export the following psychotropic substances:

(1) counterfeit psychotropic substances;

(2) non-standard psychotropic substances;

(3) deteriorated psychotropic substances;

(4) psychotropic substances whose preparation must be registered but has not been registered;

(5) psychotropic substances whose preparation registration has been revoked by the order of the Minister;

Section 58 The following psychotropic substances or articles shall be considered a counterfeit psychotropic substance:

(1) an article which is an imitation of a psychotropic substance in whole or in part;

(2) a psychotropic substance showing the name of another psychotropic substance or showing the expiration month/year of the psychotropic substance which are false;

(3) a psychotropic substance showing the name or marks of a manufacturer or the place of manufacturing which are false;

(4) a psychotropic substance or an article presenting itself as a psychotropic substance specified in the notification of the Minister pursuant to section 6 (1) or contained in a registered preparation which are false;

(5) a psychotropic substance which is manufactured in nonconformity to the standard to such an extent that the amount of its active ingredients is more or less by ten percent than the prescribed minimum or maximum limits in a notification of the Minister under section 7 (2) or in the formula of its registered preparation.

Section 59 The following psychotropic substances shall be regarded as non-standard psychotropic substances:

(1) a psychotropic substance which is manufactured in nonconformity to the standard to such an extent that the amount of its active ingredients is more or less than the prescribed minimum or maximum limits in a notification of the Minister under section 7 (2) or in the formula of its registered preparation but not exceeding the quantity specified in section 58 (5);

(2) a psychotropic substance which has been manufactured with its purity or any other essential attribute to its quality nonconforming to the criteria prescribed in a notification of the Minister under section 7 (2) or as prescribed in the formula of the registered preparation.

Section 60 The following psychotropic substances shall be regarded as deteriorated psychotropic substances:

(1) a psychotropic substance whose expiration date which is indicated in the registered preparation's label has been passed;

(2) a psychotropic substance which has been modified until its attributes become the same as the counterfeit psychotropic substances in section 58 (5) or to the non-standard psychotropic substances in section 59.

Section 61 No person shall sell two or more types of psychotropic substance together or a combination of psychotropic substance and various drugs that have been prepared in advance for commercial benefits.

CHAPTER 6
Registration of Preparation

Section 62 Licensees with a license to manufacture or import psychotropic substances in Schedule III or Schedule IV who wish to manufacture or import any preparation containing such psychotropic substance must apply for the registration of such preparation to the licensor first. And after a certificate of registration has been granted shall the preparation be manufactured or imported.

The application for and issuance of a certificate of preparation registration shall be in accordance with the criteria, methods and conditions prescribed in the Ministerial Regulations.

The provisions of paragraph one shall not apply to licensees with a license to manufacture or import psychotropic substances in Schedule III or Schedule IV who have been granted a license to manufacture or import samples of the preparation to be applied for registration. The application for or granting of a license to manufacture or import samples of a preparation shall be in accordance with the criteria, methods and conditions prescribed in the Ministerial Regulations.

For the deliberation of the granting of a certificate in paragraph one, preparation registration applicants shall be responsible for the expenses of academic document analysis or assessment in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette.

Section 63 In applying for a preparation registration under section 62, the following particulars must be given:

(1) preparation name;

(2) name and quantity of the preparation's ingredients;

(3) content

(4) analytical method of the preparation's ingredients standards;

(5) label

(6) accompanying leaflet of the psychotropic substance

(7) name of the manufacturer and the country where the place of manufacturing is located;

(8) other particulars prescribed and notified by the Minister.

Details of the psychotropic substance's labels or accompanying leaflets shall be in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette.

Section 64 An amendment of any particular indicated in a registered preparation must have a written permission from the licensor.

The application for and granting of permission of an amendment of any particular given in a registered preparation shall be in accordance with the criteria, methods and conditions prescribed in the Ministerial Regulations.

Section 65 The licensor, with the approval of the Board, shall have power to deny registration of a preparation in the following cases:

(1) the application for a preparation registration that does not comply with section 63 or with the Ministerial Regulations issued under section 62;

(2) the preparation applying for a registration has unreliable properties or may be unsafe to users;

(3) the preparation applying for a registration uses the name that is boastful, impolite or misleading;

(4) the preparation applying for a registration is a counterfeit psychotropic substance under section 58 or is a preparation which has been revoked by an order of the Minister under section 68.

An order of refusal to accept the preparation for registration issued by the licensor shall be final.

Section 66 The provisions of section 65 shall apply *mutatis mutandis* to the amendment of an article in the registered preparation.

Section 67 A certificate of preparation registration shall be valid for a period of five years from the date of issue. If a holder of such certificate wishes to renew it, he or she must file an application before the certificate expires. After submitting the renewal application, the certificate holder may continue the operation until there is an order of refusal of the certificate renewal.

The application for and renewal of a certificate of preparation registration shall be in accordance with the criteria, methods and conditions prescribed in the Ministerial Regulations.

In the case where the certificate renewal applicant is refused a renewal, the provisions of section 25 shall apply *mutatis mutandis*.

Section 68 If the Board deems any registered preparation does not have the properties specified in the registration or may be unsafe to users or is a counterfeit psychotropic substance or uses a name that differs from the one given in the registration, the Board shall present the case to the Minister, and the Minister shall have power to revoke the registration of such preparation and notified it in the Government Gazette.

The order of the Minister shall be final.

Section 69 In case of a loss or material damage to a certificate of preparation registration, the certificate holder shall apply to the licensor for a replacement certificate within fifteen days from the date that such loss or damage is known.

The application for and issuance of a replacement certificate of preparation registration shall be in accordance with the criteria, methods and conditions prescribed in the Ministerial Regulations.

CHAPTER 7

Advertisement

Section 70 No person shall advertise psychotropic substances unless:

(1) it is a label or accompanying leaflet for a psychotropic substance that appears on its container or package; or

(2) it is an advertisement which is made directly to medical practitioners, dentists, pharmacists or first-class veterinary practitioners.

For the advertisement in (2), in cases of documents, photographs, motion pictures, electronics media, sound or photo recordings a permit must be obtained from the licensor before they can be used in an advertisement.

The application for and issuance of the license in paragraph two shall be in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette.

Section 71 In the case where the licensor deems an advertisement to be a violation of the provision of section 70 paragraph two or if the advertisement statement is not consistent with the statement permitted by the licensor, the licensor shall have power to issue any one of the following directives:

(1) prohibition of such advertisement or method of advertisement;

(2) prohibition of certain statements that appear in the advertisement;

(3) correction of such statement or method of advertisement;

(4) put out an advertisement to correct possible misunderstanding.

In issuing the directives in (4), the licensor shall determine the criteria and methods of advertisement with consideration to the benefits of the people and the honesty of the advertisers' actions.

Section 72 In the case where a person who has been issued the directives under section 71 disagree, he or she shall have the right to appeal to the Board.

Section 73 In making an appeal under section 72, the appeal must be submitted to the Board within fourteen days from the date that the licensor's directive is known to the appellant.

The criteria and procedures of an appeal shall be as prescribed and notified by the Minister.

An appeal against the licensor's directives in paragraph one shall not be considered a stay of such directive unless the Board makes a temporary order otherwise before passing a final judgement on the appeal.

The decision of the Board shall be final.

CHAPTER 8

Competent Officials

Section 74 In the execution of this Act, the competent officials shall have the following powers and duties:

(1) to enter a licensee's place of manufacture, place of sale, place of importation, or place of storage of psychotropic substances or any place that requires a permission under this Act, during the place's operating hours, to inspect its compliance with this Act;

(2) to enter any residence or place to conduct a search when there is a reasonable cause to believe that it holds any property that constitutes an offence or has been obtained as a result of having committed an offence or has been used or will be used to commit an offence under this Act or that may be used as an evidence, together with a reasonable cause to believe that any delay caused by the obtaining of a prior search warrant will allow such property to be moved, concealed, destroyed or altered from its original state;

(3) to conduct a body search or a search of any vehicle when there is a reasonable cause to suspect that a psychotropic substance is unlawfully concealed there;

(4) to seize or confiscate the psychotropic substances whose possession is unlawful or any other property that has been used or will be used to commit an offence under this Act;

(5) to subpoena a person to give statement or to submit any document or material for consideration;

In executing the duties under paragraph one (2), a competent official conducting the search shall observe the regulations prescribed by the Board and show his or her pure intention before conducting the search, report the reasons for and results of the search to his or her superior and to the licensor pursuant to paragraph three and record the reasonable cause for the search. The competent official shall present documents indicating his or her identity and power to conduct the search as well as give a written document indicating a reasonable cause for the search to the owner of the residence or place to be searched unless the owner is absent from the scene. In such case, the competent official conducting the search shall immediately present a copy of such documents to the owner of the residence or place when it is possible to do so. In the case where the search is conducted at night, leader of the competent officials conducting the search must be a civil servant at the professional level or higher or a police officer who is a police inspector or equivalent with the rank of Police Lieutenant Colonel or higher.

The rank or level of competent officials who shall have the powers and duties prescribed in paragraph one, in whole or in part, or the person with the authority to authorize the search for them shall be as prescribed, with the advice of the Board, by the Minister. The authorized competent officials must have the relevant authorization documents with them.

Section 75 In executing the duties under section 74 (1) and (2), competent officials shall have power to take a reasonable quantity of psychotropic substance from the place of search as samples for further test or analysis. If it is found that any psychotropic substance is unsafe or may be harmful to users, the results of the test or

analysis of the quality of the psychotropic substance taken from the place of search must be announced to the public through any suitable method with the approval of the Secretary-General.

For the safety benefits of psychotropic substance users, in the case where it has become apparent to the competent officials that such psychotropic substance is unsafe or may be harmful to users, the competent officials shall keep the said psychotropic substance or order the licensee to stop manufacturing, selling, importing or exporting them and have such psychotropic substances returned within the time period prescribed by the competent officials who may order their destruction in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette.

Section 76 In the execution of duties under this Act, competent officials must present their identity card to licensees or relevant persons.

Competent officials' identity card shall be in the format prescribed and notified by the Minister.

Section 77 In the execution of duties under section 74, section 75 and section 79, paragraph three, licensees and relevant persons shall facilitate and extend reasonable assistance to the competent officials.

Section 78 In the execution of duties under this Act, competent officials shall be the officers under the Criminal Code.

CHAPTER 9

Suspension and Revocation of Licenses

Section 79 In the case where any licensee violates or fails to comply with this Act or with the ministerial regulations or notifications issued under this Act the licensor, with the approval of the Board, shall have power to suspend the license of such licensee for no more than one hundred and eighty days at a time. However, in the case where there is a legal proceeding against the licensee in a court that he or she has committed an offence under this Act, the licensor shall suspend the license until the court has passed a final judgment.

In the case where a license to manufacture, sell or import psychotropic substances in Schedule III or Schedule IV, as the case maybe, is suspended under the law on drugs, the licensor shall also suspend other license issued to the licensee under this Act, as the case maybe.

The competent officials shall seize the remaining psychotropic substances of the suspended licensee present at the licensee's place of operation.

The person whose license has been suspended may not apply for any license during the suspension thereof.

Section 80 Any licensee who lacks the qualifications specified in section 19 (4) or section 22 (1) or who fails to have a pharmacist stationed to supervise his or her operation during the operating hours under section 30 paragraph one, the licensor, with the approval of the Board, shall have power to revoke the license.

A person whose license had been revoked may not apply for any other license until two years have lapsed from the date of license revocation.

Section 81 The license suspension and revocation order shall be issued and notified to the licensee in writing. In the case where the licensee cannot be found or refuses to accept such order, the order shall be posted in an open and easily visible location at the place indicated in the license. And it shall be deemed that the licensee has acknowledged the said order from the date that the order is accepted or posted, as the case maybe.

The license suspension and revocation order in paragraph one may be advertised in a newspaper or by any other means.

Section 82 The licensor, with the approval of the Board, has power to cancel the license suspension order before the specified period, when he or she is satisfied that the licensee whose license has been suspended has complied with this Act or ministerial regulations or notifications issued under this Act.

Section 83 The licensee whose license has been suspended or revoked has the right to appeal to the Minister within thirty days from the date that the order is known. The Minister shall have power to dismiss the appeal, cancel the license suspension or revocation order or amend the licensor's order in a way that is favorable to the appellant.

The decision of the Minister shall be final.

The appeal under paragraph one shall not be considered a stay of the execution of the license suspension or revocation order.

Section 84 A person whose license has been revoked must destroy or sell the remaining psychotropic substance that exceeds the quantity permitted for possession by law. In the case of a sale, the said substances must be sold to another licensee or to a person deemed suitable by the licensor within sixty days from the date that the license revocation order or the decision of the Minister is known unless an extension is granted by the licensor but such suspension must not be longer than sixty days.

In a case where the person whose license has been revoked fails to comply with the provision of paragraph one, the remaining amount of psychotropic substances shall become 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 the said substances under the regulations prescribed by the Ministry of Public Health.

CHAPTER 10

Special Control Measures

Section 85 A preparation containing a psychotropic substance in any Schedule shall be deemed the psychotropic substance in such Schedule.

Section 86 In the case where a preparation contains psychotropic substances which are specified in more than one Schedule, such preparation shall be deemed the psychotropic substance in the Schedule with the strictest control measure of all psychotropic substances contained in the preparation.

Section 87 The Minister may prescribe and notify any preparation with the following characteristics as an exempt preparation in accordance with the criteria, methods and conditions prescribed in the Ministerial Regulations: = มาตรา 61

(1) contains one or more psychotropic substances in Schedule II, Schedule III or Schedule IV;

(2) has no potential for abuse;

(3) contains a psychotropic substance that cannot be extracted for reuse in the quantity that has a potential for abuse; and

(4) does not cause any danger to health and the public.

The exempt preparation in paragraph one may be revoked by a notification issued by the Minister when it appears that such preparation does not meet the prescribed characteristics.

Section 88 No person shall possess or utilize psychotropic substances in all Schedules unless he or she is granted a license by the licensor.

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

To have in possession a psychotropic substance in any name or any Schedule, whose calculated purity exceeds the quantity prescribed in the Ministerial Regulations, shall be presumed to be for sale.

Section 89 The provision of section 88 paragraph one shall not apply to:

(1) the possession or utilization of psychotropic substances in all Schedules for the operation of licensees with a license to manufacture, sell, import, export or transit of such psychotropic substances;

(2) the possession of a reasonable quantity of any psychotropic substance in Schedule II, or Schedule III, or Schedule IV for personal consumption, partaking into the body or for use in any other ways. However, such possession must comply with the instruction a medical practitioner, dentist or first-class veterinary practitioner relating to the analysis, treatment, relief, cure or prevention of a disease or sickness in humans or animals;

(3) the possession or utilization of psychotropic substances in Schedule III, or Schedule IV in the performance of duties of the ministries, government bureaus, government departments and the Thai Red Cross Society or the government agencies as prescribed and notified by the Minister;

(4) the possession of a reasonable quantity of psychotropic substances in Schedule II, Schedule III or Schedule IV that is necessary for regular first aid use or for an emergency occurring on the vehicles used in international public transportation which is not registered in the Kingdom.

Section 90 In the case where the Minister deems appropriate, he or she may issue a notification prescribing the psychotropic substances in Schedule III or Schedule IV that medical practitioners, dentists or first-class veterinary practitioners are permitted to have in possession at the quantity prescribed by the Minister with the advice of the Board and without having to seek permission.

Section 91 No person shall consume psychotropic substances in Schedule I.

Section 92 No person shall consume psychotropic substances in Schedule II unless it is ordered by a medical practitioner or dentist for the therapy benefits of that person.

Section 93 No person shall persuade, induce, instigate, deceive, threaten, immorally dominate or coerce by any means to have another person consume a psychotropic substance.

A medical practitioner or dentist may advise or instruct another person to consume a psychotropic substance for the therapy benefits of that person.

Section 94 In case of necessity and where there is a reasonable cause to believe that any person or group of persons have consumed psychotropic substances in Schedule I or Schedule II, which constitute an offence under this Act, in any residence, place or vehicle, the administrative officers or police officers or competent officers under this Act shall have power to inspect or test or to order an inspection or a test to ascertain whether that person or group of persons have a psychotropic substance in their body or not;

The administrative officers or police officers or competent officials under this Act, regardless of their position or rank, who have the powers and duties as prescribed in paragraph one, in whole or in part, or who have to be authorized by another person before executing such powers and duties, shall be as prescribed and notified by the Minister with the advice of the Board. The authorized administrative officers or police officer sor competent officials shall do so while having the authorization document with them.

The methods of inspection or test specified in paragraph one shall be in accordance with the criteria, methods and conditions prescribed by the Board and notified in the Government Gazette. Such notification must at least contain the measures to demonstrate the pure intention of the administrative officers or police officers or competent officials in the execution of their duties as well as the measures prohibiting disclosure of the inspection or test results to

non-relevant person when the initial results reveal a suspicion of the presence of a psychotropic substance in the person's body until such results have been confirmed.

Section 95 Licensees with a license to manufacture, sell, import, export, transit or have in possession or utilize psychotropic substances must provide a reasonable measure to prevent the loss or abuse of psychotropic substances.

Section 96 A person who is not the pharmacist supervising the operation at the place of manufacturing, place of sale, or place of psychotropic substance importation is prohibited from selling such substances to another person at such places unless the sale is made under close supervision of the regular pharmacist who is stationed at such places.

Section 97 Subject to the provision of section 98, a pharmacist may sell psychotropic substances in Schedule III or Schedule IV only to the ministries, government bureaus, government departments and the Thai Red Cross Society or the government agencies prescribed and notified by the Minister, medical practitioners, dentists or first-class veterinary practitioners, persons with the medical prescription issued by practitioners of the said professions or licensees with a license to specifically manufacture, sell or have in possession the psychotropic substances in Schedule III or Schedule IV. The pharmacists must arrange to have records of each sale together with its details kept in the format prescribed by the Board and notified in the Government Gazette.

The medical prescription in paragraph one shall be a single-time prescription unless the issuers specifically state that it is a multiple-time prescription. However, such medical prescription can be filled no more than three times and the quantity prescribed for each filling must not exceed the necessary quantity for personal use over the time period not exceeding thirty days.

Each prescription shall be valid for no more than 90 days from the date of issue.

Section 98 In the case where there is no medical facility under the law on medical facility, public hospitals and animal sanitoriums under the law on animal sanitoriums with resident medical practitioners, dentists or first-class veterinary practitioners to treat patients or animals, located within a radius of five kilometers from a place with a license to sell psychotropic substances. Pharmacists who supervise the operation of such places may sell psychotropic substances in Schedule III or Schedule IV for patients or sick animals without a medical prescription issued by practitioners of the said professions. However, the pharmacists can sell psychotropic substances for personal use by each patient or animal no more than three days a month and must arrange to have records of details of each sale kept in the format prescribed by the Board and notified in the Government Gazette.

Section 99 In delivering the psychotropic substances in section 97 or section 98, the pharmacists must also provide buyers with a warning or caution in accordance with the notification of the Minister under section 7 (6).

CHAPTER 11
International trade

Section 100 In importing or exporting licensees' psychotropic substances under section 14, section 15 and section 20, beside obtaining a license under the said sections, a licensee must obtain a specific license for each importation or exportation of their psychotropic substances. In the case where a licensee cannot export at the quantity specified in the specific license, he or she must notify the Secretary-General to have the actual exported quantity in the specific license corrected.

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

Section 101 In importing the psychotropic substances in Schedule I, Schedule II or Schedule III, the licensee shall arrange to have a copy of the export license or a copy of the letter of permission to export the said psychotropic substances issued by the authority of the exporting country and attached to the exported psychotropic substances. The licensee shall also arrange to have the authority of the exporting country send a copy of the export license or a copy of the letter of permission to export to the Food and Drug Administration.

When the competent official of the exporting country sent a copy of the export license or a copy of the letter of permission to export in paragraph one to the Food and Drug Administration, the competent official assigned by the Secretary-General shall endorse the said copy of the export license or the said letter of permission to export, indicating the date, month, year and the actual quantity of the imported psychotropic substances before returning them to the authority of the issuing country of the export license or the letter of permission to export. A copy of both documents shall be made and kept at the Food and Drug Administration.

Section 102 In exporting the psychotropic substances in Schedule I or Schedule II, the licensee shall submit the import license issued by the authority of that country to the Food and Drug Administration before the granting of a specific export license can be deliberated. In exporting the psychotropic substances, the licensee shall attach a copy of the specific license to the exported psychotropic substances.

The Food and Drug Administration shall send a copy of the said specific license to export psychotropic substances to the authority of the receiving country so that the said authority will send it back. The Secretary-General shall then arrange to have the returned copy of the specific license examined.

Section 103 In transiting the psychotropic substances in Schedule I or Schedule II, the licensee shall have an export license issued by the authority of the exporting country and attached to the psychotropic substances. The licensee shall also inform the person in charge of the carriage vehicle of the psychotropic substances before entering the Kingdom and the person in charge of the vehicle shall arrange to have a reasonable to prevent the loss or abuse of the psychotropic substance in the vehicle.

In the case where the psychotropic substances are transferred from the carriage vehicle to another vehicle, the person in charge of the carriage vehicle shall inform the custom officials in advance and the custom officials shall have the duty of supervising the psychotropic substances during the transfer. Upon completion of the transfer, the person in charge of the transferred vehicle shall have the same duty as the person in charge of the carriage vehicle under paragraph one.

Section 104 Licensees with a license to import, export or transit psychotropic substances in all Schedules must present the psychotropic substances that they imported, exported or transited, as the case maybe, to the custom officials at the psychotropic substances inspection station, as prescribed in the notification of the Minister under section 7 (12), for inspection in accordance with the criteria, methods and conditions prescribed and notified by the Minister.

Section 105 In transiting the psychotropic substances in all Schedules, no person shall change the destination of delivery of the psychotropic substances to another destination that is not specified in the export license attached to the psychotropic substances, except when a permission has been granted in writing by the authority of the country issuing the said license with the approval of the Secretary-General.

In the case where the psychotropic substances cannot be sent to the destination prescribed in paragraph one, the licensee shall return the psychotropic substances to the exporting country within thirty days from the date that the said psychotropic substances entered the Kingdom. If the licensee has not completed the operation within the prescribed period, the said psychotropic substances shall become the property of 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 in accordance with the regulations prescribed by the Ministry of Public Health.

Section 106 In the case where there is a change in the destination of the psychotropic substance delivery under section 105, it shall be deemed that such psychotropic substance has been exported from the country issuing the license and are imported into the Kingdom. The competent official assigned by the Secretary-General shall endorse the said copy of the license issued by the authority of the exporting country, indicating the date, month, year and the actual quantity of the transited psychotropic substances and returning them to the authority of the issuing country of the license. A copy of both documents shall be made and kept at the Food and Drug Administration.

In exporting the psychotropic substance to a new destination under paragraph one, the licensee shall submit the import license issued by the authority of the new country of destination to the Food and Drug Administration before the granting of a specific license to export can be deliberated. The licensee shall also attach a copy of the said specific license to the psychotropic substances to be exported to the new destination.

The Food and Drug Administration shall send a copy of the specific license to export the psychotropic substance to the new country of destination so that the authority of the receiving country can send it back. The Secretary-General shall arrange to have the returned copy of the specific license examined.

Section 107 During the transit of the psychotropic substances in Schedule I or Schedule II or while the psychotropic substances are under the control of the customs officials under section 103 paragraph two, no person shall alter or process them into another substance or change their packaging except when a permission has been granted in writing by the Secretary-General.

Section 108 In case of an emergency or necessity, the Secretary-General shall have power to relax the enforcement of the control measures under section 103, and section 104, section 106 and section 107 with respect to the transit of psychotropic substances as the Secretary-General deems appropriate.

Section 109 In importing the psychotropic substances in all Schedules, no person shall send such psychotropic substances to any person or any place other than the person or the place specified in the specific license to import except in the case of an emergency or necessity where a permission has been granted in writing by the Secretary-General.

Section 110 In each exportation of psychotropic substances in Schedule III or Schedule IV, the licensee shall attach a copy of the specific license to export with the exported psychotropic substances.

The Food and Drug Administration shall also send one copy of the specific license to export the psychotropic substances to the authority in the receiving country so that the said authority can send it back. The Secretary-General shall arrange to have the returned copy of the specific license examined.

Section 111 When the Ministry of Public Health has been informed about the prohibition of importation of psychotropic substances in any Schedule by a foreign country through the Secretary-General of the United Nations, the Minister shall issue a notification of prohibition of importation of that country.

Section 112 No person shall export psychotropic substances to the country where import prohibition has been imposed under section 111 except when a specific license has been given by that country and a specific license to export has been given by the Secretary-General.

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

Section 113 The possession of a reasonable quantity of psychotropic substances in Schedule II, Schedule III or Schedule IV that is necessary for regular first aid use or for an emergency occurring on the vehicles used in international public transportation which is not registered in the Kingdom shall be exempted from the importation, exportation or transit control measures of psychotropic substances under this Act.

Section 114 The person in charge of the vehicle under section 113 shall arrange to have a reasonable measure to prevent the loss or abuse of such psychotropic substances.

CHAPTER 12
Penalty

Section 115 Any person who manufactures, imports or exports the psychotropic substances in Schedule I, which is a violation of section 14 paragraph one, shall be liable to imprisonment for a term of five to twenty years and to a fine of five hundred thousand to two million Baht.

If the offence in paragraph one is committed with the intention to sell, the offender shall be liable to imprisonment for a term of seven to twenty years and to a fine of seven hundred thousand Baht to two million Baht.

If the offence in paragraph one is the manufacturing by repacking or bulk packing of psychotropic substances whose calculated purity is lower than the quantity prescribed in section 14 paragraph three, the offender shall be liable to imprisonment for a term of four to seven years and to a fine of eighty thousand Baht to one hundred and forty thousand Baht or to both.

If the offence in paragraph three is committed with the intention to sell, the offender shall be liable to imprisonment for a term of four to twenty years and to a fine of four hundred thousand Baht to two million Baht.

Section 116 Any person who sells psychotropic substances in Schedule I, which is a violation of section 14 paragraph one, shall be liable to imprisonment for a term of four to twenty years and to a fine of four hundred thousand Baht to two million Baht.

Section 117 Any person who manufactures, imports or exports the psychotropic substances in Schedule II, which is a violation of section 15 paragraph one, shall be liable to imprisonment for a term of five to twenty years and to a fine of five hundred thousand Baht to two million Baht.

If the offence in paragraph one is committed with the intention to sell, the offender shall be liable to imprisonment for a term of seven to twenty years and to a fine of seven hundred thousand Baht to two million Baht.

If the offence in paragraph one is the manufacturing by repacking or bulk packing of psychotropic substances whose calculated purity is lower than the quantity prescribed in section 15 paragraph three, the offender shall be liable to imprisonment for a term of four to seven years and to a fine of eighty thousand Baht to one hundred and forty thousand Baht or to both.

If the offence in paragraph three is committed with the intention to sell, the offender shall be liable to imprisonment for a term of four to twenty years and to a fine of four hundred thousand Baht to two million Baht.

Section 118 Any person who sells psychotropic substances in Schedule II, which is a violation of section 16 paragraph one, shall be liable to imprisonment for a term of four to twenty years and to a fine of four hundred thousand Baht to two million Baht.

Section 119 Any person who manufactures, imports or exports psychotropic substances in Schedule III or Schedule IV or transits psychotropic substances in all Schedules, which is a violation of section 20 paragraph one, shall be liable to imprisonment for a term of two to ten years and to a fine of two hundred thousand Baht to one million Baht.

If the offence in paragraph one is committed with the intention to sell, the offender shall be liable to imprisonment for a term of three to fifteen years and to a fine of three hundred thousand Baht to one million and five hundred thousand Baht.

Section 120 Any person who sells psychotropic substances in Schedule III or Schedule IV, which is a violation of section 20 paragraph one, shall be liable to imprisonment for a term of two to ten years and to a fine of two hundred thousand Baht to one million Baht.

Section 121 Any licensee under section 16, section 20, section 28 (1) or section 88 who continues to operate after the expiration of the license without applying for a renewal license shall be liable to a fine of five hundred Baht per day from the expiration date of the license to the date that a request for an extension of the license renewal under section 24 paragraph two is filed.

Section 122 Any licensee who violates section 27 or section 42 paragraph one shall be liable to a fine of twenty thousand Baht to fifty thousand Baht.

Section 123 Any licensee with a license to sell psychotropic substances in Schedule II who violates section 29 shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand Baht to one hundred thousand Baht or to both.

Section 124 Any licensee who fails to comply with section 30 paragraph one or violates section 30 paragraph two shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

Any licensee who fails to comply with section 30 paragraph three or paragraph four shall be liable to a fine not exceeding five thousand Baht.

Section 125 Any licensee who fails to comply with section 31, section 32, section 33, section 34, section 35, section 36, section 37 or section 38 shall be liable to a fine of twenty thousand Baht to one hundred thousand Baht.

Section 126 Any licensee who fails to comply with section 40, section 41 or section 69 paragraph one shall be liable to a fine not exceeding ten thousand Baht.

Section 127 Any licensee who fails to comply with section 43 paragraph one shall be liable to a fine not exceeding one thousand Baht.

Section 128 Any licensee who fails to comply with section 47 paragraph one shall be liable to a fine of ten thousand Baht to twenty thousand Baht.

Section 129 Any pharmacist in charge of an operation who abandons his or her duties or fails to perform his or her supervising duties for a licensee's operation under section 48, section 49, section 50, section 51, section 52, section 53, section 54 or section 55, without reasonable cause, shall be liable to a fine of ten thousand Baht to fifty thousand Baht.

Section 130 Any pharmacist in charge of an operation who fails to comply with section 56 shall be liable to a fine not exceeding three thousand Baht.

Section 131 Any person who manufactures, imports or exports counterfeit psychotropic substances, which is a violation of section 5 (1), shall be liable to imprisonment for a term of five to fifteen years and to a fine of five hundred thousand Baht to one million Baht.

Any person who sells counterfeit psychotropic substances, which is a violation of section 57 (1), shall be liable to imprisonment for a term of one to ten years and to a fine of one hundred thousand Baht to one million Baht.

Section 132 Any person who manufactures, imports or exports non-standard psychotropic substances, which is a violation of section 57 (2), shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand Baht or to both.

Any person who sells non-standard psychotropic substances, which is a violation of section 57 (2), shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both.

Section 133 Any person who sells, imports or exports any deteriorated psychotropic substances, which is a violation of section 57 (3), shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both.

Section 134 Any person who manufactures, sells, imports or exports the psychotropic substances that require a preparation registration and whose preparation has not yet been registered, which is a violation of section 57 (4), shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand Baht or to both.

Section 135 Any person who manufactures, imports or exports the psychotropic substances whose preparation registration has been revoked by an order of the Minister, which is a violation to section 57 (5), shall be liable to imprisonment for a term of one to ten years or to a fine of one hundred thousand Baht to one million Baht.

Any person who sells the psychotropic substances whose preparation registration has been revoked by an order of the Minister, which is a violation to section 57 (5), shall be liable to imprisonment for a term of six months to five years or to a fine of fifty thousand Baht to five hundred thousand Baht.

Section 136 Any person who sells psychotropic substances, which is a violation of section 61, shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand Baht to one hundred thousand Baht or to both.

Section 137 Any person who amends the particulars of a registered preparation, which is a violation of section 64 paragraph one, shall be liable to a fine not exceeding twenty thousand Baht.

Section 138 Any person who advertises psychotropic substances, which is a violation of section 70 paragraph one or paragraph two, or fails to comply with the order of the licensor under section 71 shall be liable to imprisonment for a term not exceeding two years or to a fine of twenty thousand Baht to two hundred thousand Baht or to both.

If the act in paragraph one is committed by an advertising media owner or by an advertising business operator, the offender shall be liable to the same penalty as the advertiser.

A person who commits an offence which is liable to a penalty under paragraph one or paragraph two shall also be liable to a fine not exceeding ten thousand Baht per day throughout the period that he or she continues to commit such violation or until he or she complies with the correct practices.

Section 139 Any licensee or related person who resists or obstructs the performance of duties of a competent official under section 74, section 75 or section 79 paragraph three shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

Any licensee or related person who fails to provide reasonable facilities to a competent official, which is a violation of section 77, shall be liable to a fine not exceeding two thousand Baht.

Section 140 Any person who possesses or utilizes psychotropic substances in Schedule I or Schedule II, which is a violation of section 88 paragraph one, shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand Baht to one hundred thousand Baht or to both.

Any person who possesses or utilizes psychotropic substances in Schedule III or Schedule IV, which is a violation of section 88 paragraph one, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand Baht or to both.

Section 141 Any person who consumes psychotropic substances in Schedule I, which is a violation of section 91, or any person who consumes psychotropic substances in Schedule II, which is a violation of section 92, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand Baht or to both.

Section 142 Any person who has another person consume psychotropic substances, which is a violation of section 93, shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand Baht to one hundred thousand Baht or to both.

If the violation in paragraph one is committed by using force to harm another person or by using a weapon, the offender shall be liable to imprisonment for a term of one to ten years or to a fine of one hundred thousand Baht to one million Baht.

If the violation in paragraph one or paragraph two is committed against a woman or a person under the legal age or with the intention to induce another person to commit a criminal offence for the benefits of himself or herself or of others, the offender shall be liable to imprisonment for a term of three years to life imprisonment or to a fine of three hundred thousand Baht to five million Baht.

Section 143 Any person who obstructs or fails to comply with the instruction of an administrative officer or a police officer or a competent official under section 94 paragraph one shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht.

Section 144 Any licensee who does not arrange to have a reasonable measure to prevent the loss or abuse of psychotropic substances, which is a violation of section 95, shall be liable to a fine of ten thousand Baht to fifty thousand Baht.

Section 145 Any person who violates section 96 shall be liable to a fine of ten thousand Baht to fifty thousand Baht.

Section 146 Any pharmacist who sells psychotropic substances, which is a violation of section 97 paragraph one or section 98, shall be liable to a fine of ten thousand Baht to fifty thousand Baht.

Section 147 Any pharmacist who does not arrange to have sale records kept under section 97 paragraph one or section 98 or who fails to comply with section 99 shall be liable to a fine not exceeding one thousand Baht.

Section 148 Any licensee with a license to import or export psychotropic substances under section 14, section 15 or section 20 who imports or exports psychotropic substances in violation of section 100 paragraph one shall be liable to a fine not exceeding five thousand Baht for each offence.

Section 149 Any licensee who fails to comply with Section 101 paragraph one, section 102 paragraph one, section 103 paragraph one, section 106 paragraph two or section 110 paragraph one shall be liable to a fine not exceeding one thousand Baht.

Section 150 Any person in charge of a vehicle who fails to perform the duties prescribed in section 103 shall be liable to a fine not exceeding fifty thousand Baht.

Section 151 Any licensee with a license to import, export or transit psychotropic substances who fails to comply with section 104 shall be liable to a fine of ten thousand Baht to fifty thousand Baht.

Section 152 Any person who violates section 105, section 106 or section 110 paragraph one shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand Baht or to both.

Section 153 Any person who violates section 109 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both.

Section 154 Any person in charge of a vehicle under section 113 who fails to comply with section 114 shall be liable to a fine not exceeding fifty thousand Baht.

Section 155 Any person who consumes, consumes and has in possession, consumes and has in possession for sale or consumes and sells psychotropic substances of the attributes, types, schedules and quantities prescribed in the Ministerial Regulations and voluntarily applies to undergo treatment at a medical facility before his or her offence becomes known to an administrative officer or a police officer or a competent official, and who has fully complied with the rules and regulations on the supervision of the treatment and the disciplinary regulations of the medical facilities under section 7 (15) until he or she receives a written certificate of treatment from the Director-General or head of such medical facility. Such person shall be exonerated of the crime related to his or her action as stipulated by the laws. However, such exoneration shall not include any offence committed by that person after his or her voluntary enrolment for treatment.

The admission of a person for treatment at a medical facility under paragraph one shall be in accordance with the criteria and methods prescribed by the Board and notified in the Government Gazette.

Section 156 Any person who provides normal treatment to psychotropic substance addicts by any method outside the medical facilities prescribed in this Act, whether that person receives any benefit or compensation for such effort or not, shall be liable to imprisonment for a term of six months to three years and a fine of fifty thousand Baht to three hundred thousand Baht.

Section 157 All psychotropic substances, instruments, equipment, vehicles or any other assets that a person has used in committing a criminal act or has obtained through the committing of an offence relating to the psychotropic substances under this Act shall be forfeited.

Section 158 The psychotropic substances, their containers or packaging and the relevant documents that have been forfeited under section 74 or under other laws, including cases of the importing, exporting or transiting of psychotropic substances in violation of this Act, as the case maybe, which have not been brought to trial in a court because there is no apparent offender and the public prosecutor has ordered the investigation terminated or because the public prosecutor has issued a final order of no forfeiture or because a fine has already been imposed under section 160 or because the case was prosecuted and the court had passed a final judgement of no forfeiture. If no person has come forward to claim ownership of the said psychotropic substances within ninety days from the date that the public prosecutor orders a termination of the investigation or a public prosecutor has issued a final order of no forfeiture or because a fine has already been imposed under section 160 or because the case was prosecuted and the court had passed a final judgement of no forfeiture. The said psychotropic substances, their containers or packaging and related documents shall become the property of the Ministry of Public Health. The Ministry of Public Health or a person assigned by the Ministry shall destroy or utilize them in accordance with the rules prescribed by the Ministry of Public Health.

If a person has come forward to claim ownership under paragraph one and is able to demonstrate to the Board that he or she is the true owner of the said articles and was not a party to the offence, and if the forfeited properties are still in the custody of the competent officials, the Board shall order their return to the true owner of the properties.

Section 159 In the case where the offence relating to psychotropic substances was brought to court and there is no contest over the type, quantity or weight of the said psychotropic substances, if the Court of First Instance rules or orders a forfeiture of the said psychotropic substances under section 157 or under any other laws, and no proposal has been submitted to the Court that the true owner was not a party to the offence within thirty days from the date that the Court has ruled or ordered the forfeiture. In such case, the Ministry of Public Health or a person assigned by the Ministry shall destroy or utilize the substances in accordance with the rules prescribed by Ministry of Public Health.

Section 160 For all offences under this Act which are punishable by a fine only penalty, the Secretary-General or a person assigned by the Secretary-General shall have power to impose a fine in accordance with the criteria or conditions prescribed by the Board.

Section 161 Any member or competent official under this Act, any government official under the law on government official identity cards or any holder of a political office who manufactures, sells, imports or exports psychotropic substances or endorses such acts, which constitute an offence under this Act, shall be liable to three times the penalty for such offence.

Section 162 For offences punishable by an imprisonment and a fine penalty under this Act, a verdict of both imprisonment and fine shall be passed by the court, with consideration to a punishment against the offender's properties for the purpose of crime relating to psychotropic substance suppression.

Section 163 In the case where the Court deems the offence committed by any person, with consideration to the severity of the offence and the relevant circumstances, if there is a reasonable cause to deliberate individual offender, the Court may rule an imprisonment term that is lower than the minimum penalty for such offence. In the case where there is a minimum amount of fine, if after the Court has deliberated the severity of the crime, the offender's standing and the relevant circumstances, there is a reasonable ground to rule individually the Court may impose a fine at the rate lower than the minimum fine prescribed for such offence.

Section 164 If the Court deems any offender to have provided vital information during the arrest or investigation steps which has disclosed the crime relating to psychotropic substances committed by other offenders in the criminal network, and the information is crucial to the suppression or prosecution of such offenders, the Court may rule a lower level of penalty than the prescribed minimum penalty for such offence for the offender providing such information.

Transitory Provisions

Section 165 Any request filed under the Psychotropic Substances Act, B.E. 2518 (1975) and is pending deliberation shall be regarded as a request under this Act. In the case where the previous requests differ from the requests under this Act, the licensor shall have power to order the person who filed a request to amend it as he or she deems necessary for compliance with this Act.

Section 166 Licensees with a license to manufacture, sell, import, export or have in possession the psychotropic substances under the Psychotropic Substances Act, B.E. 2518 (1975) prior to the date that this Act comes into force may continue to operate until the license expires, and if they wish to continue operating thereafter, the licensees shall file an application for a license under this Act before the current license expires. However, if the licensor issues a written order refusing to grant a new license, the said licensees shall not be entitled to continue the operation from the date that the order is known.

Section 167 The incumbent Psychotropic Substances Board appointed under the Psychotropic Substances Act, B.E. 2518 (1975) prior to the date that this Act comes into force may continue to perform their duties under this Act until a new Psychotropic Substances Board under this Act shall be appointed, which shall not be longer than one hundred and eighty days from the date that this Act has come into force.

Section 168 All ministerial regulations, rules or notifications issued under the Psychotropic Substances Act, B.E. 2518 (1975) that have been in force on the date prior to the date that this Act comes into force shall remain in force provided that they are not opposing or conflicting with the provisions of this Act until the time when the ministerial regulations, rules or notifications under this Act come into force.

The issuing of the ministerial regulations, rules or notifications under paragraph one shall be completed within two years from the date that this Act comes into force. If this cannot be accomplished, the Minister shall report the reasons for the inability to do so to the Cabinet for acknowledgement.

Countersigned by

General Prayuth Chan-ocha

Prime Minister

Fee rates

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(1) Psychotropic substances in Schedule II, Schedule III or Schedule IV manufacture license	10,000 Baht
(2) Psychotropic substances in Schedule II manufacture for export license	5,000 Baht
(3) Psychotropic substances in Schedule II, Schedule III or Schedule IV import license	10,000 Baht
(4) Psychotropic substances in Schedule II, Schedule III or Schedule IV export license	1,000 Baht
(5) Psychotropic substances in Schedule II, Schedule III or Schedule IV sale license	1,000 Baht
(6) Psychotropic substance transit license	500 Baht
(7) Psychotropic substance possession or usage license	500 Baht
(8) Psychotropic substance specific import or export license	500 Baht
(9) Psychotropic substance advertising license under section 70	3,000 Baht
(10) Certificate of preparation registration	2,000 Baht
(11) Permission to amend preparation particulars under section 64	1,000 Baht
(12) Replacement license or replacement certificate of preparation registration	500 Baht
(13) Renewal of license or certificate of preparation registration	not higher than the issuance fee of each license or certificate

Note :- The rationale behind the promulgation of this act is whereas the Psychotropic Substances Act, B.E. 2518 (1975) has long been enacted, certain provisions in this Act have become unsuitable to the current situations whereby the problems relating to the psychotropic substances have become increasingly serious. It is, therefore, deemed appropriate to amend the provisions relating to the Psychotropic Substances Board composition, the application for and issuance of licenses relating to psychotropic substances, duties of the licensees, duties of the pharmacists, advertisement and the powers and duties of the competent officials. Added to this act are the provisions relating to psychotropic substances inspection posts and to the opportunity for individuals who use psychotropic substances, individuals who use and have them in possession, individuals who use and have them in possession for sale or those who use and sell them to voluntarily undergo treatment at a medical facility. This Act also amends the penalties and rate of fees for more suitability. It is, therefore, necessary to enact this act.