

THAI GOVERNMENT TAKES FURTHER STEPS TO LIBERALIZE THE USE OF CANNABIS / HEMP

Cannabis and hemp have long been recognized by Thai society as medicinal plants with medical and other health benefits, but they have been prescribed by the Narcotics Act B.E. 1979 (2522) (“**Narcotics Act**”) as category 5 narcotics. The activities relating to cannabis and hemp in Thailand have been highly regulated until a gradual relaxation of the applicable laws over the last few years.

The pathway to liberalizing the use of cannabis and hemp started when a new Narcotics Act No. 7 B.E. 2562 (2019) permitted the use of cannabis and hemp for medical and research purposes with certain conditions. Despite this move, both plants were still listed as category 5 narcotics.

A further substantive relaxation of cannabis and hemp came in December 2020, when the Ministry of Public Health issued the Notification of the Ministry of Public Health Re: Specification of Type 5 Narcotics B.E. 2563 (2020) under the Narcotics Act, that exempted certain plant parts and Cannabidiol (“**CBD**”) extracts derived from cannabis and hemp that contain no more than 0.2% of tetrahydrocannabinol (“**THC**”) by dry weight from being considered as Type 5 narcotics.

On 8th February 2022, the Ministry of Public Health issued a new law, the Notification Re: Specification of Type 5 Narcotics B.E. 2565 (2022) (“**2022 Notification**”), to further revise the lists of Type 5 narcotics. The 2022 Notification was published in the Government Gazette on 9th February 2022 and will come into effect on 9th June 2022.

The 2022 Notification, once effective, will widen the scope of for the lawful use of cannabis and hemp in Thailand. The 2022 Notification only lists cannabis and hemp “extracts” as Type 5 narcotics. This means that, from 9th June 2022 onwards, most parts of the cannabis and hemp plants that are not their “extracts” will no longer be considered as Type 5 narcotics.

The extracts that remain listed as narcotics by the 2022 Notification are those with a high THC level. The 2022 Notification carves out extracts that contain a low THC level from being considered as narcotics as follows:

1. extracts which contain of no more than 0.2% of THC by weight derived from cannabis or hemp plants planted in Thailand; and
2. extracts derived from cannabis or hemp seeds planted in Thailand.

It is important to note that although the plant parts and certain extracts will soon be removed from the narcotics list, many activities relating to cannabis and hemp remain regulated. The cultivation, processing, sale and use of cannabis and hemp plants, parts and extracts will soon be controlled by the Cannabis-Hemp Act (“**Act**”), which is expected to be enacted in the coming months, possibly before the effective date of the 2022 Notification.

Under the draft Act, any person wishing to produce (including cultivate), import, export and sell cannabis and hemp will require licenses to do so and the household planting of cannabis and hemp will only be permissible after a notification has been provided to the relevant authority.

While many will welcome a further move towards a greater liberalization of Thai laws governing cannabis and hemp, it is currently an evolving situation and potential new measures and specifics will need to be monitored. Nonetheless, with this cumulative relaxation of the laws, it seems that the government is keen to capitalize on the potential domestic medical benefits and economic opportunities that can arise from these crops.



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