

Thai Law on Medical Use of Cannabis

The Narcotics Act (No. 7) B.E. 2562 (A.D. 2019) was passed by the National Legislative Assembly on 25th December 2018 to amend the Narcotics Act B.E. 2522 (A.D. 1979) (“**NA**”). It was published in the Government Gazette on 18th February 2019 and has become effective on and from 19th February 2019. The amended NA now allows use of cannabis for medicine and research and development (“**R&D**”). Some major provisions of the amended NA as applicable to cannabis are as follows.

1. Cannabis, hemp, mitragyna speciosa (korth), papaver, psilocybe cubensis (earle), etc. (“**Type 5 Narcotics**”) can now be planted, processed, imported, exported, distributed or possessed for treatment of patients or for medical or R&D purposes subject to a relevant license issued by the Food and Drug Administration (“**FDA**”).
2. Some government offices, medical professionals, universities, social enterprises of farmers, legal entities and organizations can apply for licenses if they meet the requirements under the NA and the relevant ministerial regulations. For example, an individual applicant must be a Thai national and reside in Thailand. A legal entity applicant must be registered in Thailand and at least two thirds of its directors, partners or shareholders must be Thai nationals.
3. Each license has a fixed term but it can be renewed before the end of the term.
4. Each licensee must prepare a list of his Type 5 Narcotics and submit it to the FDA monthly and annually. Copies of the lists must be kept at the business premises of the licensee for five years after the last record of each list. Each licensee must also comply with the obligations specifically applicable to him under the NA and the ministerial regulations to be issued under the NA.
5. Planting, processing, importing, exporting, distributing and/or possessing Type 5 Narcotics for medical or R&D purposes without licenses is subject to imprisonment from 1 to 5 years or a fine from THB20,000 to THB1,500,000.
6. A patient can take Type 5 Narcotics as medicine only pursuant to a medical prescription.
7. The Narcotics Control Board can designate geographical areas for planting, processing, testing, using or possessing Type 5 Narcotics by issuing a royal decree within 2 years from 19th February 2019.
8. Use of cannabis or any other kind of Type 5 Narcotics for any purpose other than for the medical or R&D purpose remains prohibited under the NA. However, the NA may be further amended after a period of 5 years from 19th February 2019 to allow use of Type 5

Narcotics for non-medical and non-R&D purposes.



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