



Legal Alert

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Update on Laws Relating to Cannabis and Hemp

Historically, cannabis and hemp are considered as narcotics, however, the announcement from Ministry of Health effective from 9 June 2022, rendered cannabis and hemp out of narcotics, leave only extracts of cannabis/hemp to be considered as narcotics.

To what extent of 'free cannabis' in Thailand?

Since neither cannabis nor hemp are no longer narcotics in Thailand, possessing, distributing, or dealing with cannabis and hemp will not be illegal, and only import of such is prohibited under food laws. Without any specific regulations at the moment, even use for recreation is not illegal under any narcotics laws, only considered as causing annoyance under public health regulations. The Ministry of Public Health issued its announcement effective from 15 June 2022 stating that any actions causing smell or smoke out of cannabis or hemp rendering harms to health of nearby residents are considered as causing annoyance and can be subject to penalties if not stopped under instruction of the responsible officer.

In addition, planting cannabis and hemp for personal consumption can be done in Thailand, and extracts with THC not exceeding 0.2% from those planted in Thailand are also not considered as narcotics.

In response to social outcry, cannabis and hemp are now considered as 'controlled herbs' as announced by the Ministry of public health effective from 17 June 2022, allowing only a person aged over 20 years old can possess, use, and sell cannabis, but not allowing to use in public, nor distribute to anyone under 20 years old nor to pregnant/breastfeeding women. Distribution in violation of such restrictions can be subject to one-year imprisonment, or fine not more than THB 20,000, or both. Also, there is an announcement from the Bangkok Governor, with effect from 15 June 2022, to prohibit sales or advertisements of foods, snacks, and drinks containing the cannabis or hemp in schools under Bangkok supervision.

It seems that during this gap period up until the specific laws governing cannabis/hemp coming out, there are hardly any tangible laws to restrict nor control the use of cannabis or hemp in Thailand. Some entrepreneurs grab this opportunity and implement their own sense of self-responsibility in terms of sales and distribution.

What's next?

Currently, the government is working on the draft of Cannabis and Hemp Act (the "Draft Cannabis Law") and has been accepted in principle by house of representatives on 8 June 2022. It has a long way to go before coming out as a promulgated Act as it needs to go through the complete process of House of Representatives, Senates and (if required) the Constitutional court. The Draft Cannabis Laws should come out to control the manufacture, import, export, distribute and advertisements of cannabis and hemp, including consumption protection. Under the Draft Cannabis Law publicly available, planting, importing, exporting, or selling cannabis or hemp for commercial purposes requires the permits from the Thai FDA. The tenor of permit is three years. Planting cannabis/hemp requires a registration (currently, there is the "Plookgan (ปลูกกัญชา)" application and the website of the Thai Food and Drug Administration (FDA) facilitating such registration) and can be used for one year.

Details of the control of cannabis and hemp are to wait and see.

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