

**Emergency Decree on Prevention against Abuse of Volatile Substances
B.E. 2533 (1990)**

BHUMIBOL ADULYADEJ, REX;

Given on the 17th Day of January B.E. 2533;

Being the 45th Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on Volatile Substances control;
By virtue of section 157 of the Constitution of the Kingdom of Thailand, the King hereby issues an Emergency Decree as follows:

Section 1. This Emergency Decree is called “Emergency Decree on Prevention against Abuse of Volatile Substances B.E. 2533 (1990)”.

¹**Section 2.** This Emergency Decree shall come into force as from the day following the date of its application in the Government Gazette.

Section 3. In this Emergency Decree:

“Volatile substances” means chemicals or products issued by the Minister;

“Volatile substances addict” means a person who habitually consumes volatile substances and being in the state of volatile substances dependence whereby such state is capable of being identified on a technical basis;

“Produce” means manufacture, mix, prepare, and it shall include transforming, repackaging or combine-packaging;

“Treatment” means the treatment of a volatile substances addict which also includes a rehabilitation and follow-up thereafter;

“Dispose” means sell, distribute, give away indiscriminately, exchange for commercial purpose or in possession for dispose;

“Import” means bring or order into the Kingdom;

“Medical establishment” means medical establishment specified by the Minister under section 4;

“Committee” means the Volatile Substances Control Committee under this Emergency Decree;

¹ Published in Government Gazette, Volume 107, Part 13 (Special Edition) dated 19th January B.E. 2533 (1990).

“Competent official” means a person appointed by the Minister for the execution of this Emergency Decree;

“Minister” means Minister who has charge and control of the execution of this Emergency Decree;

Section 4. The Minister shall have the power to notify the followings in the Government Gazette;

(1) to specify names, types, categories or package size of the volatile substances which the Minister considers that it may be used or used for satisfying physical or mental desire;

(2) to withdraw or to change names, types, categories or package size of the volatile substances;

(3) to specify medical establishments for treatment of volatile substances addict;

(4) to specify other activities for the benefit of the enforcement of this Emergency Decree.

²**Section 5.** There shall be a Committee called “Prevention Against Abuse of Volatile Substances Committee” consisting of the Permanent Secretary of the Ministry of Public Health as Chairman, Permanent Secretary of the Ministry of Defense, Permanent Secretary of the Ministry of Commerce, Permanent Secretary of the Ministry of Interior, Permanent Secretary of the Ministry of Education, Permanent Secretary of the Ministry of Industry, Secretary-General of the Council of state, Attorney-General, Commissioner - General of the Royal Thai Police, Director-General of the Department of Medical Services, Director-General of the Department of Probation, Director-General of the Department of Social Development and Welfare, Director-General of the Department of Juvenile Observation and Protection, Director-General of the Department of Medical Sciences, Director-General of the Department of Mental Health, Secretary-General of the Narcotics Control Board, Secretary-General of the Food and Drug Administration, Permanent Secretary of the Bangkok Metropolitan Administration and between five and seven qualified members appointed by the Minister, as members.

Qualified members under paragraph one shall consist of no less than two people from the private sector.

Deputy Secretary-General of the Food and Drug Administration assigned by the Secretary-General of the Food and Drug Administration shall be

² Section 5 was amended by the Act to amend the Emergency Decree on Prevention against Abuse of Volatile Substances B.E. 2533 (1990) (No. 3) B.E. 2550 (2007).

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

Section 6. Qualified members shall hold office for a term of two years.

An out-going member may be re-appointed.

Section 7. A qualified member vacates his office before term upon :

- (1) death;
- (2) resignation;
- (3) being removed by the Minister;
- (4) being a bankrupt;
- (5) being an incompetent or quasi-incompetent person ;
- (6) being imprisoned by a final judgment to a term of imprisonment, except for an offence committed through negligence or petty offence; or
- (7) having his license to practice the art of healing or license to engage in the medical profession suspended or revoked.

In the case where a member is appointed during the term of members already appointed notwithstanding it is a new appointment or replacement, the appointee shall hold office for the remaining term of the members already appointed.

Section 8. At a meeting of the Committee, the presence of not less than one-half of the total number of members is required to constitute a quorum. If the Chairman is not present at the meeting or is unable to perform his duties, the members present shall elect one among themselves to preside over the meeting.

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

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

Section 9. The Committee shall have the power and duty to advise or provide opinion to the Minister on the following matters:

- (1) to issue of the Notification under section 4;
- (2) to specify policies or measures on prevention against abuse of volatile substances or treatment;

³(3) to specify Rules on the acceptance of treatment, treatment and caring of volatile substances addicts in medical establishment;

(4) to issue Ministerial Regulations in accordance with this Emergency Decree;

(5) other duties as assigned by the Minister.

Section 10. The Committee may appoint a sub-committee to carry out any consideration or any particular matter within the powers of the Committee as assigned by the Committee, and section 8 shall be applied to the meeting of the sub-committee *mutatis mutandis*.

⁴**Section 11.** After the notification on medical establishment for the treatment of volatile substances addicts in accordance with section 4(3), the Minister shall issue rules on the acceptance to treatment, treatment and caring of volatile substances addicts in such medical establishment.

Rules under paragraph one shall come into force as from the date of its application in the Government Gazette.

Section 12. Producers of volatile substances shall display pictures, signs, or statements on the container or package containing such substances in order to warn the use of such volatile substances in accordance with the rules, means and conditions stated in the Ministerial Regulations.

Section 13. Importers of volatile substances shall display pictures, signs, or statements on the container or package containing such substances in order to warn the use of such volatile substances in accordance with the rules, means and conditions stated in the Ministerial Regulations.

Section 14. Volatile substances which are to be sold must contain complete pictures, signs or statements which producers or importers put it on the container or package under section 12 or section 13.

³ Section 9 (3) was amended by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 3) B.E. 2550 (2007).

⁴ Section 11 was amended by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 3) B.E. 2550 (2007).

⁵**Section 15.** No person shall dispose of volatile substances to a person of less than eighteen years of age unless an educational institute dispenses such substances for learning and teaching purposes.

Section 16. No person shall dispose of, provide, or give volatile substances to a person whom is known to be a volatile substance addict or should be known to be a volatile substance addict.

Section 17. No person shall use any volatile substances to satisfy physical or mental desire by inhaling or sniffing or any other means.

Section 18. No person shall encourage, convince, persuade or induce other persons to use volatile substances to satisfy physical or mental desire by inhaling or sniffing or any other means.

Section 19. The competent officials shall have power to go into the producing, importing, selling, or storing places during the working hours in order to inspect the enforcement of this Emergency Decree and in the case where it is believed that there is a breach of this Emergency Decree, such officials may seize the volatile substances, containers, packaging containing volatile substances or any relevant documents for the use of prosecution.

During the operation of competent official under paragraph one, producer, importer or seller and other persons involving in the production, importation and sale in the producing, importing, selling, or storing places shall facilitate the official as appropriate.

⁶**Section 20.** During the operation of competent officials, he or she must present his or her Identification card when being requested by the involved persons.

The competent Identification card shall be in accordance with the Notification stipulated by the Minister.

Section 21. During the operation, competent officials shall be officials under the Criminal Code.

⁵ Section 15 was amended by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 3) B.E. 2550 (2007).

⁶ Section 20 paragraph two was amended by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 3) B.E. 2550 (2007).

Section 22. Producer, importer or seller of volatile substances who fail to comply with section 12, section 13 or section 14 shall be liable to imprisonment for a term not exceeding two years or to a fine of twenty thousand baht or to both.

⁷**Section 23.** Any person who violates section 15 shall be liable to imprisonment for a term not exceeding two years or to a fine of forty thousand baht or to both.

⁸**Section 23/1.** Any person who violates section 16 shall be liable to imprisonment for a term not exceeding three years or to a fine of sixty thousand baht or to both.

⁹**Section 24.** Any person who violates section 17 shall be liable to imprisonment for a term not exceeding two years or to a fine of forty thousand baht or to both.

¹⁰**Section 24/1.** Any person who violates section 18 shall be liable to imprisonment for a term not exceeding two years or to a fine of forty thousand baht or to both.

If the violation under paragraph one was done to any persons who are under the age of eighteen, that person shall be liable to imprisonment for a term not exceeding three years or to a fine of sixty thousand baht or to both.

¹¹**Section 24/2.** Any person who uses volatile substances to satisfy physical or mental desire and volunteers to receive treatment in the medical establishment prior to the violation appeared to the competent officials,

⁷ Section 23 was amended by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 3) B.E. 2550 (2007).

⁸ Section 23/1 was amended by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 3) B.E. 2550 (2007).

⁹ Section 24 was amended by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 3) B.E. 2550 (2007).

¹⁰ Section 24/1 was amended by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 3) B.E. 2550 (2007).

¹¹ Section 24/2 was amended by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 3) B.E. 2550 (2007).

administrative officials, or policemen and has followed the Rule on the acceptance to treatment, treatment and caring of volatile substances addicts in such medical establishment and has received a certified letter from the competent official assigned by the Minister, in such case, that person shall be exculpated. This shall not include any violation committed after the voluntary treatment.

Section 25. Any person who obstructs or does not provide facilities for the competent officials under section 19 paragraph two shall be liable to imprisonment for a term not exceeding one month or to a fine of a thousand baht or to both.

¹²**Section 25 bis.** In the case where volatile substances are seized under section 19 paragraph one or under any other laws and there is no case prosecution because it does not appear that any person is the wrongdoer and the attorney orders no further inspection or because the attorney orders not to prosecute the case and if no person claims that he or she is the owner of such volatile substances within ninety days from the date of seizure, such volatile substances shall belong to the Ministry of Public Health and the Ministry of Public Health or any person assigned by the Ministry shall destroy or utilize the substances in accordance with the rules stipulated by Ministry of Public Health.

If a person claiming that he or she is the owner under paragraph one illustrates to the Committee that he or she is the true owner and does not connive at the wrongdoing, the Committee shall return such volatile substances to the owner if such substances are still in the custody of the competent officials.

¹³**Section 25 tri.** In the case where there is a prosecution on the wrongdoing involving volatile substances and there is no argument over the types, categories or package size of the volatile substances, if the Court of First Instance rules or orders for seizure under the Criminal Code or other laws and there is no proposal stating that the true owner does not connive at the wrongdoing within thirty days from the date that the Court has ruled or ordered for seizure, the Ministry of Public Health or any person assigned by the Ministry shall destroy or utilize the substances in accordance with the rules stipulated by Ministry of Public Health.

¹² Section 25 bis was amended by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 2) B.E. 2543 (2000).

¹³ Section 25 tri was amended by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 2) B.E. 2543 (2000).

¹⁴Section 26.

¹⁵Section 27.

¹⁶Section 28.

¹⁷Section 29.

¹⁸Section 30.

Section 31. The Minister of Public Health and the Minister of Industry shall have charge and control of the execution of this Emergency Decree and shall appoint competent officials, issue Ministerial Regulations and Notification for the execution under this Emergency Decree.

Ministerial Regulation and Notification shall come into force as from the date of its application in the Government Gazette.

Countersigned by:
General Chardchai Chunhawan
Prime Minister

¹⁴ Section 26 was repealed by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 3) B.E. 2550 (2007).

¹⁵ Section 27 was repealed by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 3) B.E. 2550 (2007).

¹⁶ Section 28 was repealed by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 3) B.E. 2550 (2007).

¹⁷ Section 29 was repealed by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 3) B.E. 2550 (2007).

¹⁸ Section 30 was repealed by the Act to amend the Emergency Decree on Prevention Against Abuse of Volatile Substances B.E. 2533 (1990) (No. 3) B.E. 2550 (2007).

