

## **Narcotics Addict Rehabilitation Act, B.E. 2545 (2002)**

**Translation**

BHUMIBHOL ADULYADEJ, REX.

Given on the 27 day of September B.E. 2545 (2002);

Being the 57th year of the Present Reign.

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

Whereas it is expedient to adjust a law on narcotic addict rehabilitation;

This Act contains provisions relating to the restriction of rights and liberties of the people which Section 29 together with Section 31 Section 35 Section 237 and 238 of the Constitution of the Kingdom of Thailand allow to be done by virtue of provisions of law;

### **Section 1**

This Act is called the "Narcotics Addict Rehabilitation Act, B.E. 2545 (2002)"

### **Section 2**

This Act shall come into force as from the day following the date of its publication in the Government Gazette, except that when and in what locality the provisions of Chapter 3 shall come into force shall be notified by the Minister in the Government Gazette, but all this is due to come into force within the period not exceeding one year as from the date that this Act come into forced.

### **Section 3**

The Narcotic Addiction Rehabilitation Act, B.E. 2534 shall be repealed.

### **Section 4**

In this Act,

"narcotics" means the narcotics under the law on narcotics and narcotics under the law on narcotics control;

"narcotic addict" means habitually consuming narcotics and being in the state of narcotic dependence whereby such state is capable of being identified on a technical basis;

"rehabilitation" means any act for the treatment of narcotic addiction and for the rehabilitation of the physical and mental conditions of a narcotic addict including to cure of the physical and mental conditions of a narcotic addict to return to the normal state;

"Committee" means the Narcotic Addict Rehabilitation Committee;

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

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

### **Section 5**

The Minister of Justice shall have charge and control of the execution of this Act and shall have the power to appoint competent official and issue Ministerial Regulations and Notifications for the execution of this Act.

Such Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette.

**CHAPTER 1**  
**Narcotic Addict Rehabilitation Committee**

**Section 6**

There shall be a Narcotic Addict Rehabilitation Committee, consisting of the Permanent-Secretary of the Ministry of Justice as Chairman, Permanent-Secretary of the Ministry of Education, Permanent-Secretary of the Ministry of Public Health, Military Supreme Commander, Royal Thai Police Commissioner, Attorney-General, Secretary-General of Office of Justice, Director-General of the Department of Employment Provision, Director-General of the Department of Local Administration, Director-General of the Department of Community Development, Director-General of the Department of Medical Services, Director-General of the Department of Communicable Disease Control, Director-General of the Department of Public Welfare, Director-General of the Department of Skill Development, Director-General of the Department of Corrections, Director-General of the Department of Medical Science Services, Director-General of the Department of Mental Health, Secretary-General of Narcotics Control Board, Secretary-General of Food and Drug Administration Board as members and not more than four other ex-officio members appointed by the Minister, whereby not less than two of this number of members shall be the representative of Private Individual Organization who perform on prevention or rehabilitation and have direct experience in working with narcotic addict and Director General of the Department of Probation as member and secretary.

The Committee may appoint a government official of the Department of Probation not exceeding two persons to be assistance secretary.

**Section 7**

The Committee shall have the following powers and duties:

- (1) to submit recommendations to the Minister to the Minister in respect of the issuance of Ministerial Regulations for the execution of this Act;
- (2) to submit recommendations to the Minister in Notifications related to rehabilitation center under Section 14 and Section 16;
- (3) to appoint and dismiss the sub-committee of Narcotic Addict Rehabilitation;
- (4) to issue rules prescribing the rules and procedure in the consideration of the sub-committee of Narcotic Addict Rehabilitation under Section 13;
- (5) to submit commendations to the Minister in the requirement of locality for identification, rehabilitation or detention;
- (6) to issue rules prescribing the rules and procedure on the identification of consumption or narcotic addiction, rehabilitation and the transference of the persons committed for rehabilitation to the inquiry official or prosecutor;
- (7) to prescribe the rules relating to the detention and the transference of the alleged offenders during the identification or rehabilitation;
- (8) to issue the rules prescribing the rules, procedure and conditions in the consideration of the grant provision release;
- (9) to issue the rules prescribing the rules and conditions in the examination and follow-up the result of rehabilitation of the persons granted for provision release;
- (10) to consider and decision the appeal of the decision or order of sub-committee of Narcotic Addict Rehabilitation under Section 38;
- (11) to prescribe the rules relating to the visit and communication with persons committed for identification or rehabilitation during the identification or rehabilitation;

- (12) to issue rules prescribing the rules in the reduction and extension of the duration of the rehabilitation;
- (13) to issue rules prescribing the rules and procedure on reporting the result of the rehabilitation to the Committee and the procedure on reporting the result of the identification including the result of the rehabilitation to the inquiry official or prosecutor;
- (14) to issue rules prescribing the rules in the consideration of the infliction of the punishment for the persons violated or failed to comply under the rule, conditions and regulations under Section 32;
- (15) to prescribe the other rules for the execution of this Act;
- (16) to consider the other matters as the Minister entrusted and to perform other acts according to the powers and duties of the Committee that prescribed by law.

### **Section 8**

A member appointed by the Minister shall hold office for a term of two years. An outgoing member may be re-appointed.

### **Section 9**

A member appointed by Ministry vacates office before the expiration of the term upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Minister
- (4) being a person of unsound mind or mental infirmity;
- (5) being a person of bankruptcy;
- (6) being imprisoned by a final judgment.

In the case where member vacates office before the expiration of this term, the Ministry may appoint other person to replace him.

In the case where there is an appointment of member during the term of the member already appointed, whether it is an appointment of an additional member or appointment of the person to replace the outgoing member, the appointee shall hold office for the remaining term of the members already appointed.

### **Section 10**

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. The Chairman of the Committee shall preside over the meeting. In case where the Chairman is not present at the meeting or is unable to perform his duty, the members present shall elect one member to preside over it.

The decision of the meeting shall be majority of votes. Each member shall have one vote. In case of an equally of votes, the person presiding over the meeting shall have an additional vote as the casting vote.

### **Section 11**

The Committee may appoint a sub-committee to carry out any act as entrusted, and Section 9 and Section 10 shall apply mutatis mutandis.

### **Section 12**

The Committee shall consider to appoint a sub-committee of Narcotic Addict Rehabilitation in the localities where appropriate, consisting of the representative of Ministry of Justice as the Chairman of the sub-committee of Narcotic Addict Rehabilitation, one medical doctor,

one psychologist, one social worker and not exceeding two members appointed from the persons who have the qualification according to prescribed in Ministerial Regulation as member and one representative of the Department of Probation as member and secretary.

The medical doctor according to the paragraph one shall be considered to appoint from the psychiatry doctor, if may not appointed the psychiatry doctor it shall appoint from other medical doctor who is appropriate.

The number of sub-committee of Narcotic Addict Rehabilitation would be had how many, the Committee shall consider to appoint in regarding to the amount of cases relating to narcotics which occurred in accordance with that area.

The Section 9 and Section 10 shall apply to the sub-committee of Narcotic Addict Rehabilitation mutatis mutandis.

### **Section 13**

The sub-committee of Narcotic Addict Rehabilitation shall have the following powers and duties:

- (1) to consider to decide whether the persons committed for identification is a consumer or an addiction or not;
- (2) to follow-up and supervise the detention of alleged offender during the identification or rehabilitation for the execution accordance with rules prescribed by the Committee.
- (3) to consider the transfer of persons committed for narcotics dependence treatment or committed for rehabilitation from a rehabilitation center to another rehabilitation center, including to consider to reduce or extend the duration of rehabilitation;
- (4) to consider to grant provision release of the person committed for identification or the person committed for rehabilitation;
- (5) to inform the result of identification or the result of rehabilitation to the Committee, inquiry official or prosecutor, in case depend upon.
- (6) to consider the rehabilitation plan for the alleged offender who was charged to committed the offences that required under Section 19;
- (7) to follow-up and supervise the rehabilitation of the persons committed for rehabilitation within its territorial jurisdiction which in accordance with rehabilitation plan.
- (8) to consider the result of rehabilitation under Section 33;
- (9) to submit the recommendations to the Committee in respect of the identification procedure and rehabilitation procedure;
- (10) to perform other acts under the laws required for the powers and duties of the sub-committee of Narcotic Addict Rehabilitation;
- (11) to consider other matters as entrusted by the Committee.

Rules and procedures in the consideration under Section (1) (3) (6) and (8) shall be in accordance with the regulation prescribed by the Committee.

## **CHAPTER 2**

### **Localities for Identification and Rehabilitation**

#### **Section 14**

For the purpose of rehabilitation, the Minister shall have the power to establish and dissolve rehabilitation centers by notifying in the Government Gazette.

A rehabilitation center shall be an institution for treatment under the Penal Code.

A rehabilitation center shall be a unit of the Department of Probation of Ministry of Justice.

### **Section 15**

The Notification establishing a rehabilitation center shall have the following particulars:

- (1) prescribing the exact territorial jurisdiction of the rehabilitation center with the map specifying such territory attached to the Notification;
- (2) prescribing the localities falling within the territorial jurisdiction of the rehabilitation center under (1).

### **Section 16**

In the case where there is the reasonable ground, the Minister may notify in the Government Gazette modifying the territorial jurisdiction of the rehabilitation center under Section 15 (1) or modifying the localities falling within the territorial of the rehabilitation center under Section 15 (2).

The modification of the territorial jurisdiction of the rehabilitation center under the paragraph one, it shall have a map clearly specifying the original territory and the modified one is required to be attached to the Notification.

### **Section 17**

Each rehabilitation center shall have one Director of the Rehabilitation Center as the superior official responsible for the performance of official duties thereof and having the following powers and duties:

- (1) to identify the consumption or the narcotic addiction of the persons committed for rehabilitation where admitted under Section 19;
- (2) to detain the persons committed for identification or the persons committed for rehabilitation during the identification or the rehabilitation and supervise such persons to comply with various rules, conditions and regulations;
- (3) to carry out the rehabilitation of the persons committed therefore in accordance with the rules prescribed;
- (4) to follow up the result of rehabilitation of the persons granted provisional release;
- (5) to prepare a report on the result of the consumption or the narcotic addiction identification, including the result of the rehabilitation to be submitted to the sub-committee of Narcotic Addict Rehabilitation;
- (6) to issue regulations of the rehabilitation center for the execution of this Act;
- (7) to perform other duties as entrusted by the Committee or sub-committee of Narcotic Addict Rehabilitation.

### **Section 18**

In the case where it is appropriate, the Minister shall have the power to notify in the Government Gazette requiring the institution for treatment, the institution for child and youth obligation and protection, the institution of government or other institutions to be the locality for identification, rehabilitation or detention where out of the rehabilitation center. In this case, the sub-committee of Narcotic Addict Rehabilitation shall have the power to require the supervisors of such localities have any powers and duties likewise the Director of Rehabilitation Center under Section 17 which suitability for such localities.

## **CHAPTER 3 Rehabilitation**

## **Section 19**

Any person who is alleged to consume the narcotics, consume and have in possession the narcotics, consume and have in possession for the propose of disposal or consume and dispose the narcotics which character, type, category and quantity prescribed in the Ministerial Regulation, if he does not appear to be the alleged offender or to be prosecuted for other offences which punishable with imprisonment or to be imprisoned by judgment of court. The inquiry official shall transfer the alleged offender to the court within forty eight hours from the time when such alleged offender came to the office of the inquiry official for the court to consider and issue the court order to transfer such alleged offender for the identification of narcotics consumption or narcotic addiction, except there is a crisis cause or other necessary cause risen from such alleged offender or from the changing of circumstance which can not transfer the alleged offender to the court within the time as above mentioned.

If the alleged offender has not yet completed eighteen years old of age, in the proceeding under paragraph one. The inquiry official shall transfer the alleged offender to the court for the court to issue the court order to identify within twenty four hours from the time when such alleged offender came to the office of the inquiry official.

The transference for identify of consumption or narcotic addiction, the court shall consider to transfer the alleged offender to detained for identify at the rehabilitation center, the locality of identification, rehabilitation or the detention that prescribed in the Ministerial Notification. The court, when taken into consideration together with the age, gender and the individual specific character, shall inform the sub-committee of Narcotic Addict Rehabilitation to acknowledge.

The inquiry official, during the identification and the rehabilitation, shall continue the inquiry proceeding and when has inquired, the inquiry official shall consign such inquired record to the prosecutor without the transfer alleged offender together and inform to his acknowledge that the alleged offender was detained at the rehabilitation center, the locality for identification, rehabilitation or detention at anywhere.

The inquiry official or prosecutor, during the alleged offender was detained under this Act, shall not carry out the committal or posting the prosecution under the law.

## **Section 20**

The person who appear to be alleged offender, if appear to any alleged offender who consume narcotics, before, at the time or after arrested for the purpose of himself shall receive the transfer for rehabilitation and not to be prosecuted on the account of consume and have in possession, consume and have in possession for the purpose of disposal or consume and dispose the narcotics, shall not have the right to receive the rehabilitation under this Act. The sub-committee of Narcotic Addict Rehabilitation shall inform the inquiry official or prosecutor, in case of depend upon, to receive such alleged offender to continue the proceeding accordance with the law.

The localities where accepted the alleged offender for identify or rehabilitate, during of waiting the inquiry official or prosecutor, in case of depend upon, to receive the alleged offender to continue the proceeding, shall have the power, in necessary, to detain such alleged offender, all this is due to the inquiry official or prosecutor, in case depend upon, shall come to receive the alleged offender immediately where able to be done.

## **Section 21**

The sub-committee of Narcotic Addict Rehabilitation, in the identification of the alleged offender under Section 19, shall conduct to comply to the competent official to prepare the record on biography, behavior on committed the offences through out all circumstances of the alleged offender who committed for the identification, and identify of consumption or narcotics addiction.

The identification shall conducted within fifteen days from the date accepted such alleged offender into the locality for identify, except there is a necessary cause, the sub-committee

of Narcotic Addict Rehabilitation may issue order to extent that time not exceeding thirty days.

Rules and procedures of identification shall be in accordance with the rules as prescribed by Committee.

## **Section 22**

In the case where the sub-committee of Narcotic Addict Rehabilitation have decision to the alleged offender who committed for identification as to be a consumer or narcotic addict, its shall have the rehabilitation plan and shall inform the result of the identification to the prosecutor to acknowledge. In this case, the prosecutor shall issue the order to suspend the prosecution until he receipt the information of result of rehabilitation from the sub-committee of Narcotic Addict Rehabilitation under Section 33.

In the case where the prosecutor approve that the alleged offender whom he receipt the information of result of the identification under paragraph one have no right to admitted the rehabilitation under this Act. The prosecutor shall continue the proceeding and inform the result to the sub-committee of Narcotic Addict Rehabilitation to acknowledge.

If the result of identification disappear that the alleged offender to be a consumer or narcotic addict, the sub-committee of Narcotic Addict Rehabilitation shall report the result of identification to the inquiry official or the prosecutor to consider continuing the proceeding under the law.

In the case where the transfer of the alleged offender back to the inquiry official or prosecutor to continue the proceeding, the provision of Section 20 paragraph two shall apply mutatis mutandis.

## **Section 23**

In the conducting of rehabilitation plan under Section 22, its shall required locality and procedure for rehabilitation that suitable with the state of the person committed for rehabilitation, when taking into consideration together with the age, gender, biography, behavior on committed the offence related to narcotics through out all circumstances of such alleged offender.

The requirement of locality for rehabilitation under paragraph one may require to be a rehabilitation center or the locality of rehabilitation which prescribed in the Ministerial Notification where from the institution of treatment, the institution of child and youth obligation and protection, the locality of government or other localities where is appropriate.

The requirement of the procedure of rehabilitation shall require in respect of the following procedure:

- (1) in the case where necessary to detain in restriction of the person committed for rehabilitation, shall transfer such person to admitted for rehabilitation in rehabilitation center or the locality of rehabilitation where have the detention system to prevent the escape;
- (2) in the case where unnecessary to detain in restriction of the person committed for rehabilitation, shall transfer such person to admitted for rehabilitation in the locality of rehabilitation that is suitable and shall require the conditions to the person who committed for rehabilitation to stay within the area that required during the rehabilitation;
- (3) in the case where unnecessary to detain the person committed for rehabilitation, may require to the person committed for rehabilitation to conduct with any other procedure under the supervise of probation official;
- (4) during the rehabilitation, may require to the person committed for rehabilitation trained in occupation, working on social service or to conduct any acts that is suitable for the security in the life which left away from the narcotics.

## **Section 24**

In the case where the fact appear in after the court issue the court order under Section 19 that the person who committed for the identification or the person committed for rehabilitation was alleged or prosecuted on other offences which such offences shall be liable for the imprisonment or to be imprisoned by judgment of court. The court shall consider to issue the court order to transfer such person to the inquiry official for continue the proceeding.

## **Section 25**

A person committed for rehabilitation shall undergo the rehabilitation under the rehabilitation plan for a period not exceeding six months as from the date of the commission therefore.

In the case where it appears that the result of the rehabilitation is unsatisfactory, the sub-committee of Narcotic Addict Rehabilitation shall consider to extend the duration of rehabilitation.

During the rehabilitation, the sub-committee of Narcotic Addict Rehabilitation shall consider to reduce the duration of rehabilitation which appropriate.

The extension and reduction of duration of rehabilitation may be made in many times, but each extension shall not be longer than six months and the total duration shall not exceeding three years as from the date of transferring the person to commit for rehabilitation.

## **Section 26**

In the case where there is a reasonable ground, the sub-committee of Narcotic Addict Rehabilitation may consider the provision release to the person committed for identification or person committed for rehabilitation in accordance with the rules, procedures and conditions prescribed by Committee.

## **Section 27**

In the case where the alleged offender have the domicile which not facilitate to admit for rehabilitation in the rehabilitation center, the locality of rehabilitation or the detention of such alleged offender. The sub-committee of Narcotic Addict Rehabilitation itself approval or receipt the request from the alleged offender, may issue an order to transfer such alleged offender to admit for the rehabilitation or the detention at other locality, but there shall be appeared that such transference will make more useful for the rehabilitation for such alleged offender.

## **Section 28**

Whereby the person committed for identification or person committed for rehabilitation that was detained likewise the custody, it shall be deemed the person committed therefore, in case depend upon, to be the person in custody under the Penal Code.

In the case where there is an escape from the detention of the rehabilitation center, the locality of the identification, the rehabilitation or the detention of such person. The duration which he has been committed under the identification or the rehabilitation to the escaped date shall not included in the period of custody.

## **Section 29**

During the identification or the rehabilitation, if any person committed for identification or rehabilitation escaped from the detention or escaped to outside the area of the rehabilitation center, the locality of the identification, the rehabilitation or the detention of such person, its shall be deemed such person escape the custody under the Penal Code and the competent official shall inform the inquiry official to acknowledge immediately. In this case the competent official shall have the power to pursue and arrest such person.

The provision of the paragraph one which in the respect of the offence and punishment under the Section 190 of the Penal Code shall not apply to force with the person not yet



completed eighteen years old of age, all this is due to the Section 32 paragraph two shall apply *mutatis mutandis*.

In the commission under the paragraph one, the sub-committee of Narcotic Addict Rehabilitation shall have the power to settle accordance with rules, procedures and conditions prescribed by the Committee.

### **Section 30**

A person committed for identification or a person committed for rehabilitation shall conduct in restriction according to the rules and other conditions prescribed by the Committee and the sub-committee of Narcotic Addict Rehabilitation, including the regulations of the rehabilitation center, the locality of the identification, rehabilitation or the detention of such person.

### **Section 31**

In the case where the person committed for identification or the person committed for rehabilitation which have provision released does not conducted or violated the rules, conditions or regulations that prescribed. The competent official, without warrant, shall arrest such person back to the rehabilitation center, the locality of the identification, rehabilitation or the detention.

### **Section 32**

Any person committed for identification or a person committed for rehabilitation violate the Section 30, the Director of Rehabilitation Center or the supervisor of the locality where accept such person shall have the power to inflict upon him any one or more of punishments as the following:

- (1) probation;
- (2) suspension of permission of being visited or communicated for not longer than three months;
- (3) solitary confinement not exceeding fifteen days for each confinement. In the case where necessary to inflict the punishment to person under paragraph one, who has not yet completed eighteen years old of age, shall apply the measures of punishment under the law on the establishment of the youth and family court and procedure *mutatis mutandis*.

### **Section 33**

When the sub-committee of Narcotic Addict Rehabilitation decided that any person committed for rehabilitation has finished all due to the rehabilitation that in specific require of the rehabilitation plan and the result of the rehabilitation is satisfactory. It shall be deemed such person relieved from the alleged offence under Section 19 and the sub-committee of Narcotic Addict Rehabilitation shall issue the order to release such person at liberty, then inform the result to the inquiry official or the prosecutor who still the proceeding to acknowledge, in case depend upon.

In the case where any person committed for rehabilitation, in spite of finished all duration under Section 25, but the result of the rehabilitation is not satisfactory. The sub-committee of Narcotic Addict Rehabilitation shall report together with the opinion to the inquiry official or the prosecutor, in case depend upon, to supplement the consideration for continue the proceeding of such person and the Section 22 paragraph four shall apply *mutatis mutandis*.

### **Section 34**

In the trial and judgment to the alleged offender who has committed for rehabilitation under Section 33 paragraph two, the court may inflict less punishment to any extent than that provided by the law for such offence or may not inflict, all this is due in respect of the duration that such person has been committed under the rehabilitation.

### **Section 35**

In the execution for this Act, the Committee, the sub-committee and the competent official under this Act shall be the administrative official or police officer under the Criminal Procedure Code and shall be an official under the Penal Code.

## **CHAPTER 4**

### **Competent Officials**

### **Section 36**

In the performance of duties, a competent official has the following powers:

- (1) to enter any dwelling place, premises or conveyance in order to search and arrest the person committed for rehabilitation who violated Section 29 or Section 31, where there is a reasonable ground to suspect that such person is hidden and together with a reasonable ground to believe that the delayed longer time than to take search warrant, such person would escape;
- (2) to issue a letter of inquiry to or summon any person who related to the person committed for identification or the person committed for rehabilitation to give statements, to submit a letter explanation or to submit documents or any evidence for examination to constitute the consideration in the performance under Section 17;
- (3) to testify the person committed for identification, the person committed for rehabilitation or any other person where capability to give the fact relating to the case that prescribed under Section 17;
- (4) to issue an order or provide to the person committed for identification or the person committed for rehabilitation to has examined or tested whether has the narcotic internal body or not;

A competent official of any position and at any level who is to have all or part of such powers as referred to in paragraph one or would have approved by any person before performance shall prescribed by Committee that appear in the identification card of competent official who is such entrusted.

In the performance of duties of competent official under paragraph one, the person who concerned shall facilitate as appropriate.

### **Section 37**

In the performance of duties, the competent official shall produce the identification card of authorization to the person concerned each time.

Identification card of competent official shall be in form prescribed by the Committee which notify in Government Gazette.

## **CHAPTER 5**

### **Appeal**

### **Section 38**

In the case where the sub-committee of Narcotic Addict Rehabilitation have decision under Section 22 that the person committed for identification is consumed or addicted or issue the order not granted the provision release to the person committed for identification or the person committed for rehabilitation under Section 26 or issue the order to extension the duration of rehabilitation under Section 25, such person shall have the right to appeal

such decision to the Committee within fourteen days from the date that acknowledge the decision or order, in case depend upon.

The appeal under the paragraph one shall not be the cause to delay the performance under the decision of the sub-committee of Narcotic Addict Rehabilitation.

The decision of the Committee is final.

### **Section 39**

Rules and procedures to submit appeal and appeal proceeding shall be prescribed by Ministerial Regulation.

### **Section 40**

In the trial of appeal, the Committee shall have the following powers:

- (1) to inform the appellant to give the summon or to submit material, document or any evidence concerned to supplementing the consideration;
- (2) to issue a letter of summon person concerned to give testify or submit the material, document or evidence to supplement the consideration.

In the case where the appellant not come to give testify or submit the material, document or evidence according to the Committee order under (1) whereby does not informed the necessary cause in the written letter to the Committee within three days from the day accept the Committee order, shall be deemed that appellant not willing to come to give more testify or submit material, document or evidence and the Committee shall continue to consider the appeal as it is appropriate.

The letter of summon to give testify or submit the material, document or evidence under (2) shall specific as that to come to give testify or submit the material or evidence in any matters.

## **CHAPTER 6**

### **Penalties**

### **Section 41**

Any person who brought any fact or document of evidence which is a personal information derived in the execution for this Act, disclosure to other person shall be liable to imprisonment for a term not exceeding five years or to a fine of not exceeding one hundred thousand Baht or both, except the disclosure in the performance of duties, inquiry or court trial or permitted by the Committee or the sub-committee of Narcotic Addict Rehabilitation.

Any people who derived or acknowledged any fact from a person under paragraph one then disclosure such fact shall be liable likewise, except in case where it may disclosure under paragraph one.

### **Section 42**

Any person who refuses to conduct accordance with letter of competent official under Section 36 (2) or refuses to facilitate to competent official under Section 36 paragraph three or refuses to conduct accordance with letter of summon of the Committee under Section 40 shall be liable to imprisonment for the term not exceeding six months or to a fine of not exceeding ten thousand Baht or both.

### **Section 43**

Offences under Section 42, the Committee shall have the power to settle and in this case the Committee shall have the power to entrust the sub-committee of Narcotic Addict

Rehabilitation or competent official to conduct with the settlement according to the rule or condition prescribed by the Committee.

When the offender paid the fine under of settlement, it shall be deemed quittance under the Criminal Procedure Code.

If the offender refuses to consent according to the settlement or when consented then after refuses to pay the fine within the required period, it shall continue the proceeding.

Countersigned by

Pol. Col. Taksin Shinnawattana

Prime Minister

Published in the Government Gazette Vol. 119, Part 96 Kor,  
Dated 30th September B.E. 2545 (2002).

#### **Disclaimer**

This translation is intended to help Thais or foreigners to understand Thailand laws and regulations only, not to use as references, because it is only the original Thai version of legislation that carries legal effect. [www.ThaiLaws.com](http://www.ThaiLaws.com), therefore, shall not be held responsible in any way for any damage or otherwise the user may incur as a result of or in connection with any use of this publication for any purposes. It's the responsibility of the user to obtain the correct meaning or interpretation of this publication or any part thereof from Thai version or by making a formal request to the appropriate or related authorities.