

Public Health Act, B.E. 2535 (1992)

Translation

BHUMIBOL ADULYADEJ REX;

Given on the 29th day of March B.E. 2535

Being the 47th year of the Present Reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that,

Whereas it is expedient to revise the law on public health and the law on control of use of fecal matter as Fertilizer;

Be it, therefore, enacted by His Majesty the King, by and with advice and consent of the National Legislative Assembly in the capacity as the Parliament, as follows

Section 1

This Act shall be cited "Public Health Act, B.E. 2535 (1992)"

Section 2

This Act shall come into force on the date immediately following that of its promulgation in the Royal Government Gazette.

Section 3

The following shall be repealed

- (1) Public Health Act, B.E. 2484;
- (2) Public Health Act (No.2), B.E. 2495;
- (3) Public Health Act (No.3), B.E. 2497;
- (4) Public Health Act (No.4), B.E. 2505;
- (5) Public Health Act (No.5), B.E. 2527;
- (6) Control of Use Fecal Matter as Fertilizer Act, B.E. 2480;
- (7) Control of Use of Fecal Matter as Fertilizer Act (No.2), B.E. 2484;
- (8) Control of Use of Fecal Matter as Fertilizer Act (No.3), B.E. 2497.

Section 4

In this Act,

"Sewage" means excrement or urine and including any other thing that is filthy or gives foul odor;

"Solid waste" means waste paper, waste cloth, waste food, waste commodity, plastic bag, food container, soot, animal dung or carcass, including other thing swept away from roads, market places, animal farms, or other places;

"public place or way" means a place or way which is not privately owned and the people can use or pass;

"building" means a house, shelter, shop, raft, warehouse, office, or other erection that persons may enter to stay or use;

"market place" means a place ordinarily arranged for merchants to assemble to offer for sale goods consisting of animal, meat, vegetable, fruit, fresh or already prepared or cooked food, or perishable foodstuff, with or without other kinds of goods for sale, and includes an area arranged for merchants to assemble to offer said goods for sale regularly or from time to time or on appointed dates;

"place where meals are sole" means any building, place, or area which is not public place or way, arranged for the preparation or cooking of meals to be served to buyers for consumption at the place or taken away;

"place where foodstuff is stored" means any building, place, or area which is not a public place or way, arranged for the storage of food in fresh, dry, or any other state for sale to buyers for consumption after processing;

"local government" means a municipality, sanitary district, provincial administrative organization, Bangkok Metropolis, Pattaya City, or other local government designated a local government by the law;

"local provisions" means the provisions, ordinance, or by-law issued by the local government;

"local official" means

- (1) the mayor, for the area in the. Municipal limits;
- (2) the sanitary committee chairman, for the area in the sanitary district;
- (3) the governor, for the area in the provincial administrative organization;
- (4) Governor of Bangkok Metropolis, for the area in Bangkok Metropolis;
- (5) City Clerk of Pattaya City, for the area in Pattaya City;
- (6) the local chief-administrate of other local administrative organization designated a local government by the law, for the area in such local government;

"public health official" means an official appointed to execute this Act;

"Committee" means the Public Health Committee;

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

Section 5

Minister of Public Health shall be in charge and control of the execution of this Act and shall have powers to appoint public health officials and issue ministerial regulations fixing rate of fees or granting exemption from Fees and prescribing other requirements for the execution of this Act.

The ministerial regulations shall become effective upon their promulgation in the Royal Government Gazette.

CHAPTER 1

General Provisions

Section 6

For the purpose of execution of this Act, the Minister shall with advice of the Committee, have powers to issue ministerial regulations

- (1) Prescribing rules, procedures, and measures for controlling or overseeing activities or operations on matters under this Act ;
- (2) Prescribing living standards suitable to the livelihood of the population and procedures for controlling or overseeing or remedying things affecting the living standard suitable to the livelihood of the population.

Ministerial regulations pursuant to paragraph one may be issued for enforcement in every locality or in any particular locality.

Section 7

When there is a ministerial regulation issued under Section 6 enforced in any locality, the local government or local official which has activity or operation under said ministerial

regulation in the jurisdiction of such locality shall operate in accordance with provisions of the ministerial regulation. In this connection, if necessary, the local government may issue local provisions or amend the local provisions already in force before the ministerial regulation was issued under Section 6, prescribing details of operation in such locality to be in accordance with said ministerial regulation.

If the local provisions of any locality are inconsistent with or contrary to a ministerial regulation issued under Section 6, such ministerial regulation shall prevail. However, when it is necessary of there is a special reason of the specific locality, the local government may issue local provisions on any matter in inconsistency with, or contrary to the provisions contained in a ministerial regulation issued under Section 6, upon approval by the Committee and permission by the Minister.

Section 8

In the event there occurs or there is cause to believe that serious damage will be caused to the living condition suitable to the livelihood of the population and urgent remedy or prevention is required, the Director-General of Health Department shall have powers to order the owner of materials or persons involved in the causing or possibly said damage to cease action or take any action to remedy or prevent such damage as deemed appropriate.

If the person, who received an order pursuant to paragraph one failed to comply with the order within a reasonable period of time, the Director-General of Health Department may order the public health official to take any action to remedy or prevent said damage instead. In such case, the public health official shall take care necessary under the circumstance and the person who received said order must pay expenses incurred therein.

In a province other than Bangkok Metropolis, the Director-General of Health Department shall instruct the provincial governor to order the provincial public health officer to comply with the provisions in paragraph two for the area in such province.

CHAPTER 2

Public Health Committee

Section 9

There shall be one committee called "Public Health Committee" made up of Permanent Secretary of Public Health Ministry as the Chairman and Director-General of Medical Services Department, Director-General of Medical Sciences Department, Director General of Communicable Disease Control Department, Secretary-General of the Food and Drug Administration office, Director-General of Local Administration Department, Director General of The Royal Thai Police Department, Director-General of Welfare and Labor Protection Department, Director-General of Industrial Work Department, Director-General of Agriculture Department, Secretary-General of the National Environment Board, Permanent Secretary for the Bangkok Metropolitan Administration, and not exceeding five qualified persons appointed by the Minister from persons knowledgeable or experienced in public health as members, and Director-General of Health Department as member and secretary.

Section 10

The Committee shall have powers and duties as follows

- (1) to offer opinion to the Minister on prescription of policy, work plan, and measure on public health and on any matter with which the Minister entrusts;
- (2) to make study and analysis and give opinion to the Minister on improvement of laws, rules, regulations, and orders on public health ;
- (3) to provide to the Minister in the issuance of ministerial regulations and to local government on issuance of local provisions;

- (4) to provide advice to local officials on execution of this Act ;
- (5) to determine projects and coordinate work between government agencies and local governments concerned for the execution of this Act ;
- (6) to control and oversee the duty performance of government agencies vested with powers and duties to execute laws on public health and report to the Minister;
- (7) to perform any other task prescribed by the law as authority and duty of the Committee.

Section 11

In the event it appears to the Committee that the government agency or local official in the jurisdiction of any locality failed to execute his powers and duties under this Act without a plausible reason, the Committee shall notify the person vested with powers and duties to control and oversee the duty performance of local governments or local officials under the law thereon to order the local government or local official to perform the duty or correct the performance of duty within a period deemed appropriate.

Section 12

Members who are qualified persons shall have a term of office of two years.

Members who vacated office may be re-elected.

Section 13

In addition to vacating office upon expiration of term of office pursuant to Section 12, members who are qualified persons shall vacate office upon

- (1) death;
- (2) resignation;
- (3) dismissal by the Minister;
- (4) becoming bankrupt;
- (5) becoming incompetent or quasi-incompetent;
- (6) being sentenced to imprisonment by a final judgment, except a penalty for an offense committed in negligence of misdemeanor.

Section 14

In the event of an appointment of a qualified member during the term of office of the qualified members already appointed, be an appointment of an additional member or a replacement member, the newly appointed member shall hold office for a period equal to the remainder of term of office of the qualified members already appointed or of the qualified member he replaced, as the case may be.

Section 15

In a meeting of the Committee, there shall be members present in a number not less than on half of the total number of members to form a quorum. If the Chairman is absent, the members present shall elect a member among themselves to preside over the meeting.

A decision of the meeting shall be by a majority of votes. One member shall have one vote. When votes are tied, the meeting Chairman shall give the casting vote.

Section 16

The Committee shall have powers to appoint subcommittees to consider matter or carry out task with which it is entrusted by the Committee, and Section 15, shall apply to the meeting of the subcommittee *mutatis mutandis*,

Section 17

In performing duty under this Act, the Committee shall have powers to issue a notice summoning any person to testify to submit related documents or evidence or any material

for consideration. In the event it deems appropriate, the Committee may empower any of the subcommittees pursuant to Section 16 to issue said order on its behalf for consideration of matters under the powers and duties of the subcommittee.

CHAPTER 3

Disposal of Sewage and Solid Waste

Section 18

Disposal of sewage and solid' waste in the area of any local government shall be the power and duty of such local government.

With reasonable cause, the local government may entrust any person with the task pursuant to paragraph one on its behalf under the control and supervision of the local government or may permit any person to operate the disposal of sewage or solid waste under Section 19.

Section 19

Any person is forbidden to operate the business of collecting, transporting, or disposing of sewage or solid waste as a business or for payment of service charges, unless he has obtained a license from the local official.

Section 20

For the purpose of maintenance of cleanliness and establishment of orderliness in collecting, transporting, and disposing of sewage or solid waste the local government shall have powers to issue local provisions as follows:

- (1) Forbidding the discharging, emptying, leaving, or causing to exist in a public place or way of sewage or solid waste, except In the place provided by the local government for such purpose;
- (2) Prescribing that there be receptacles for sewage or solid waste available along public places or ways and private places;
- (3) Prescribing means of collecting, transporting disposing of sewage or solid waste or that owner or occupant of any building or place be required to practice correctly according to the hygiene and to the condition and nature of use of such building or place;
- (4) Prescribing rate of fees for services provide by the local government on collection and transportation of sewage of solid waste not exceeding that prescribed in the ministerial regulation;
- (5) Prescribing rule, procedure, and conditions on collecting, transporting, and disposing of sewage or solid waste, for observance by persons obtaining a license pursuant to Section 19, and prescribing a rate of maximum charges collectable by the persons obtaining a license pursuant to Section according to the nature of services provided.
- (6) Prescribing any other requirements necessary for hygienic practice.

CHAPTER 4

Sanitary Building

Section 21

When it appears to the local official that any building or part thereof or any addition thereto is dilapidated or left in a mess to and extent that may endanger health of the inhibitors, or does not conform to sanitary conditions rendering it fit for human habitation,

the local official shall have powers to issue a written order to the owner or occupant thereof requiring him to repair, alter, or demolish the building or the addition thereto in whole or in part, or to take other action necessary to prevent it from endangering health or to conditions within a reasonable period of time as prescribed.

Section 22

When it appears to the local official that any building is excessively stored with merchandise, furniture, or supplies or those articles are so excessively piled up as to provide holes for vermin or likely to endanger health of the inhabitants, or not in conformity to sanitary conditions rendering it fit human habitation, the local official shall have powers to Issue a written order to the owner or occupant of the building requiring him to remove the merchandise, furniture, or supplies out of such Building, or to rearrange them so that they may not endanger health or to be in conformity with sanitary conditions, or to eliminate the animals that are carriers of disease, a reasonable period of time as prescribed.

Section 23

In the event the local official has issued an order to the owner or occupant of a building under Section 21 or Section 22 and such person failed to comply with the order within the prescribed period, the local official may enter to carry out the task at the expense of the owner or occupant.

Section 24

For the purpose of controlling any building from being so over-inhabited as to likely to endanger the health of the occupants thereof, the Minister shall, by and with advice of the Committee, have the power to make an announcement in the Royal Government Gazette prescribing a number of persons per number of area of a building to be deemed overcrowded, however, taking into consideration the development level, population, and commodities of each locality.

Upon announcement by the Minister under paragraph one, the owner or occupant of the building hereunder is forbidden to permit or have his building inhabited by a number of persons exceeding that prescribed by the Minister.

CHAPTER 5

Sources of Nuisance

Section 25

In the event of an occurrence that may cause annoyance to residents in the neighboring area or expose persons to the following, it shall be a source of nuisance:

- (1) a water resource, gutter, shower room, latrine, or dung or ash pit, or any other place, which is situated at an unsuitable spot, dirty, or accumulated or piled up with any waste which causes foul odor or toxic particle or becomes or is likely to become a breeding place for carriers of disease or causes impairment or may be harmful to health;
- (2) a raising of animals in a place or by any method or in too great a number that causes impairment or may be harmful to health ;
- (3) any building which is a dwelling of men or animals, factory, or business establishment without air ventilation, water drainage, disposal of sewage, or control of toxic substance, or with such but without adequate control to prevent foul odor or toxic substance, and thereby causing impairment or likely being harmful to health ;
- (4) any action which causes odor, light, ray noise, heat, toxic matter, vibration, dust; powder, soot, ash, or any other. to the extent that causes impairment or may be harmful to health

- (5) any other source prescribed by the Minister and promulgated in the Royal Government Gazette.

Section 26

The local official shall have powers to forbid any person to cause a nuisance in a public place or way or private place and also to abate nuisance, and to look after, improve, and maintain roads, land routes, watercourses, gutters, trenches, canals, and other places to be free from sources of nuisance. In this connection, the local official shall have powers to issue written order to abate, eliminate, and control sources of nuisance.

Section 27

In the event a nuisance occurs or may occur in a public place or way, the local official shall have powers to issue a written order to the person who is the cause or is involved in the occurrence or possible occurrence of such nuisance requiring him to abate or prevent the nuisance within a reasonable period of time as specified in the order and if he deems it expedient to prescribe the method of the abatement or prevention of such nuisance or to prescribe the method of the prevention of future nuisances, he shall specify such method in the order.

In the event it appears to the local official that an order of the local official pursuant to paragraph one was not complied with and the nuisance that occurred may cause serious harm to health, the local official shall abate such nuisance and may take measures necessary to prevent recurrence of such nuisance at the expense of the person who was the cause or involved in the occurrence or possible occurrence of the nuisance.

Section 28

In the event a nuisance occurs in a private place the local official shall have powers to issue a written order to the owner or occupant of such place requiring him to abate the nuisance within a reasonable period of time as specified in the order and if he deems it expedient to prescribe the method of abatement of such nuisance or the method of prevention of future nuisances, to specify such method in the order.

In the event of noncompliance with an order of the local official pursuant to paragraph one, the local official shall have powers to enter to abate such nuisance and may take measures necessary to prevent future nuisances; and if the nuisance was caused by the action or omission to act or consent of the owner or occupant of such place, said owner or occupant of the place must bear the expenses incurred therein.

In the event it appears to the local official that the nuisance occurring in a private place may cause a serious harm to health or an impact on the living conditions suitable to the livelihood of the population, the local official may issue a written order forbidding the owner or occupant to use or permit any person to use such place in whole or in part until the local official is satisfied that the nuisance has been abated.

CHAPTER 6

Control of Animal Raising or Grazing

Section 29

For the purpose of maintaining the living conditions suitable to the livelihood of the population in the locality or to prevent danger from animal diseases, the local government shall have powers to issue local provisions determining an area covering the whole or any part of the locality under the jurisdiction of such local government, an area of control of animal raising or grazing.

In issuing the local provisions of local government pursuant to paragraph one, the local government may determine an area forbidding raising or grazing animals of certain kind or type or in a number exceeding that prescribed; or an area permitting raising or grazing animals of certain kind or type under certain measure.

Section 30

In the event the local official finds animals left in a public place or way in violation of Section 29 and of an unknown ownership, the local official shall have powers to detain said animals for at least thirty days. Upon expiration of the period, if, no person came forward to claim the animals; such animals shall become property of the local government. But if the detention of the animals may cause harm to such animals or other animals or cost is too high, the local official may arrange the sale or auction of such animals as deemed appropriate for the case before said period expires. The proceeds from the sale or auction, after deduction of expenses incurred in the sale and auction of or in feeding the animals shall be retained in lieu of the animals.

In the event the sale or auction of the animals pursuant to paragraph one has not taken place and the owner of the animals came to claim the animals within the period prescribed under paragraph one, the owner of the animals must reimburse the local government for expenses actually incurred in feeding the animals.

In the event the animals found by the local official under paragraph one are carrying a contagious disease which may be dangerous to the population, the local official shall have powers to destroy or treat them in any way deemed appropriate.

CHAPTER 7

Business Detrimental to Health

Section 31

The Minister shall, with advice of the Committee, have powers to promulgate in the Royal Government Gazette prescribing any business being detrimental to health.

Section 32

For the purpose of overseeing the operation of businesses promulgated under Section 31, the local government shall have powers to issue local provisions of local government as follows

- (1) Prescribing category of certain or every business under Section 31 being a business requiring control within such locality;
- (2) Prescribing general rules and conditions for observance by operate of businesses pursuant to (1) in respect of care of condition or sanitary quality of the place used for business operation and preventive measures against harm to health.

Section 33

Upon the lapse of a sixty days period from the date on which the local provisions, pursuant to Section 32 (1) became effective, any person is forbidden to operate business of categories specified by the local provisions of the local government to be those requiring control pursuant to Section 32 (1) in a commercial nature, unless a license is obtained from the local official under Section 56.

In issuing a license under paragraph one. the local official may prescribe conditions, especially requiring the license to prevent harm to the health of the public, in addition to the general conditions in the local provisions of the locality pursuant to Section 32 (2)

The license pursuant to paragraph one shall be valid for business of a single category and for a single place.

CHAPTER 8

Marketplace, Place Where Meals Are Sold, and Place Where Foodstuff is Stored

Section 34

Any person is forbidden to establish a marketplace, unless a license is obtained from the local official under Section 56.

Alteration, expansion, or reduction of the place or area used as the marketplace after the local official has issued the license to establish a marketplace may be made only with a written permission of the local official under Section 56.

Provisions in this Section shall not apply to the ministry, bureau, department, local government, or state organization that has established a marketplace according to its authority and duty, but in operation of the marketplace activities it must, like the license, comply with other provisions of this Act, and the local official shall have powers to prescribe conditions in writing for observance by any particular licensee pursuant to paragraph one.

Section 35

For the purpose of supervision of the marketplace the local government shall have powers to issue local provisions as follows

- (1) to prescribe location, area, layout, and rule on construction and sanitation;
- (2) to prescribe rule on arrangements of the place and merchandise and other matters pertaining to marketplace operation;
- (3) to prescribe opening and closing times;
- (4) to prescribe rule and procedure for observance by the licensee In respect of maintenance of clean Illness and orderliness within the marketplace in conformity with proper hygienic conditions, availability of area for gathering or disposing of sewage or solid waste, discharge of water waste, air ventilation, prevention of nuisances, and prevention of the spreading of contagious diseases.

Section 36

Any person who sells merchandise or assists in selling merchandise in the marketplace must comply with the rules prescribed in the local provisions pursuant to Section 37.

Section 37

For the purpose of supervision of merchandise selling in the marketplace, the local government shall have powers to issue local provisions prescribing rule and procedure for observance by persons sealing merchandise and persons assisting in selling merchandise in the marketplace in respect of maintenance of cleanliness at the place of sale, personal hygiene, and hygienic conditions in the process of distribution; preparation, or storing of food or other goods, including maintenance of cleanliness of receptacles, water, and utensils.

Section 38

Any person who wishes to set up place where meals are sold or a place where foodstuff is stored in any building or space with an area exceeding two hundred square-meters and which is not the sale of merchandise in marketplace must obtain a license from the local official under Section 56, If said place has an area not exceeding two hundred square-meters, he must notify the local official for a certificate of notification pursuant to Section 48 before setting up thereof.

Section 39

Persons who set up a place where meals are sold or a place where foodstuff is stored, who have obtained a license pursuant to Section 56 or a certificate of notification pursuant to Section 48, and persons who distribute, prepare, or stored food in a place where meals are sold or a place where foodstuff is stored pursuant to Section 38 must comply with the rule prescribed in the local provisions pursuant to Section 40 or the conditions prescribed in the license or certificate of notification.

Section 40

For the purpose of control or supervision of places where meals are sold and places where foodstuff is stored, with a license or certificate of notification, the local government shall have powers to issue local provisions as follows

- (1) Prescribing category of places where meals are sold or places where foodstuff is stored, according to type of food or characteristic of the business establishment, or method of distribution;
- (2) Prescribing rule on establishment, use, and care of the place and hygienic conditions of the area where food is sold, served, prepared, or stored;
- (3) Prescribing rule on prevention of nuisances and prevention of contagious disease;
- (4) Prescribing food distribution time;
- (5) Prescribing criteria on personal hygienic conditions of persons preparing and serving food;
- (6) Prescribing criteria on hygienic conditions of food and process of food distribution, preparation, and storage;
- (7) Prescribing criteria on hygienic conditions receptacles, equipment, water, and other utensils.

CHAPTER 9

Distribution of Merchandise in Public Places or Ways

Section 41

The local official has the duty to control and maintain public places or ways for common use by the general public.

Any person is forbidden to distribute merchandise in public places or ways, whether by placing merchandise at a spot by peddling, unless a license is obtained from the local official under Section 56.

In issuing a license pursuant to paragraph two, the local official shall specify kinds or types of merchandise, method of merchandise distribution, and, place for merchandise offering in the case the merchandise is displayed at a regular spot, and may also prescribe any condition as deemed appropriate in the license.

A change of the kind or type of merchandise, method of merchandise distribution, or place of merchandise offering from that specified in the license may be made only when the licensee has duly notified the local official thereof and the local official has recorded said change in the license.

Section 42

The local official shall, with approval of the traffic official, have powers to make announcements as follows

- (1) designating an area of the public place or way or any part thereof the area forbidding merchandise distribution or purchase ;
- (2) designating an area of the public place or way or any part thereof the area forbidding distribution of merchandise of certain kind or type or the area forbidding distribution of merchandise during the prescribed time or the area forbidding distribution of merchandise by any method, or prescribing rule, procedure, and conditions an merchandise distribution in such area.

In making an announcement pursuant to (1) or (2), the local official shall post it up in a conspicuous place at the office of the local government and at the area to be designated the area under (1) or (2), as the case may be, and must fix the date on which the announcement will come into force, not to be later than fifteen days from the date of the announcement.

Section 43

For the benefit of the public and for the purpose of control of merchandise distribution in public places or ways; the local government shall have powers to issue local provisions as follows.

- (1) prescribing criteria on person hygienic conditions of the contributors of merchandise or assistants in distributing merchandises;
- (2) prescribing criteria on hygienic conditions in the use of processes to distribute, prepare, or store food or other goods; including maintenance of cleanliness of receptacles, water, and utensils;
- (3) prescribing rules on arrangement and peddling of merchandise in public places or ways;
- (4) prescribing time for merchandise distribution;
- (5) prescribing other measures necessary for maintaining cleanliness and preventing harm to health, including prevention of nuisances and contagious diseases.

CHAPTER 10

Powers and Duties of Local Official and Public Health Official

Section 44

To execute this Act, the local official and public health official shall have powers as follows:

- (1) to summon any person to testify or give factor or submit any document for examination or consideration;
- (2) to enter any building or place between dawn and dusk or during work hours to inspect or control for compliance with local provisions or this Act and, in this connection, to make inquiry or request production of the certificate of notification or related evidence by the owner or occupant of such building or place;
- (3) to require persons obtaining a license or certificate of notification to comply with the conditions in the license or certificate of notification or with the local provisions or with this Act;
- (4) to confiscate or attach any thing that may cause harm to the health of the population as evidence in legal action or for destruction if necessary;
- (5) to collect or take merchandise or any thing suspected to be in hygienic or to cause a nuisance from any building or place in a reasonable quantity as samples for examination as necessary at no cost.

The local official shall have powers to appoint a government servant or local official to perform any or every of the duties pursuant to paragraph one in the jurisdiction of such local government.

In performing duty, the local official or public health official or the appointed person must produce his identity card in the form prescribed in the ministerial regulation to the person concerned while performing duty and the person concerned shall provide reasonable convenience.

Section 45

In the event it appears that an operator of any business as specified in this Act acted incorrectly in accordance with this Act; the ministerial regulation, local provisions, or notification issued under this Act or the order of the local official given on such business, the local official shall have powers to order the operator of such business to make improvement or correction. If the operator of the business failed to make correction 'or the business operation will cause or there is reason to believe that there will occurs serious harm to the health of the population, the local official may order such person to temporarily suspend the operation of such business promptly until the local official is satisfied that no harm exists.

The order of the local official pursuant to paragraph one shall prescribe a reasonable period for compliance but not to be less than seven days, unless the order requires a prompt suspension and a written notice is duly served to the business operator. In the event the business operator could not be found or he refused to accept said order, the order shall be sent by registered mail, acknowledgement return, or posed up conspicuously at the domicile or office of the business operator and it shall be deemed to have been received by such person on the date of its arrival or posting up, as the case may be.

Section 46

In the event the public health official detects improper occurrence or any act having been committed in violation of this Act or the local provisions, he shall notify the local official thereof for action according to his powers and duties without delay.

In the event the public health official is of the opinion that the occurrence pursuant to paragraph one will have an impact on the living condition suitable for livelihood of the population or will be seriously harmful to the health of the people as a whole and that the concurrent must be urgently remedied, he shall have powers to order the person to effect correction or cessation, or he may take any action to remedy or cease the occurrence as necessary and then notify the local official thereof for information.

Section 47

In performing duty under this Act, the local official, public health official, and person appointed by the local official under Section 44 shall be competent officials under the Criminal Code and for the purpose of arresting or suppressing persons committing offenses under this Act, the local official and person appointed by the local official shall be administration or police officials under the Criminal Procedure Code.

CHAPTER 11

Certificate of Notification

Section 48

A notification to the local official for action pursuant to Section 38 and a certificate of notification shall in the form prescribed in the local provisions.

When the local official is notified, he shall issue a receipt therefore to the notified temporary use as evidence in operating the business as notified while a certificate of notification has not been issued by the local official.

The local official shall examine a notification for correctness according to the form prescribed in the local provisions pursuant to paragraph one. Finding the notification in order, the local official shall issue a certificate of notification to the notifier within seven workdays from the date of receipt of the notification.

In the receipt for notification or certificate of notification, the local official may prescribe conditions to the notifier or obtain .of certificate of notification, case by case.

In case of an incorrect or incomplete notification, the local official shall notify the notifier accordingly within seven workdays from the date of receipt of the notification. If the notifier failed to make correction within seven workdays from the date of receipt of notification by the local official, the local official shall have power to order the notification of the notifier invalid. But if the notifier made correction within the prescribed period, the local official shall issue a certificate of notification to the notifier within seven workdays from the date of the notification, which has correct details according to the form prescribed in the local provisions pursuant to paragraph one.

Section 49

The obtainer of a certificate of notification must display the certificate of notification openly and conspicuously at the business establishment throughout the time of business operation.

Section 50

In the event a certificate of notification is lost destroyed or damaged in essence, the obtainer thereof shall apply for a substitute therefore within fifteen days from the date of knowledge of loss, destruction, or damage.

Application for and issuance of a substitute for certificate of notification shall be in accordance with the rule and procedure in the local provisions.

Section 51

A notifier pursuant to Section 48, who wishes to windup the business or assign the business to other person, shall also notify the local official for information.

Section 52

In case any person operates a business specified in this Act without notifying the local official under Section 48 and used to be punished once with a penalty under this Act for operating business without notifying the local official but still continues to operate the business without notifying the local official, the local official shall have powers to order such person to suspend the business operation until he will have notified the local official under Section 48. If he still violates the provision, the local official shall have powers to order a suspension of the business operation for the prescribed period that must not exceed two years.

Section 53

A notification of the local official pursuant to Section 48 and an order of the local official pursuant to Section 52 shall be in writing for information of the notifier or business operator. In the event such person could not be found or refused to accept the notice, it shall be sent by a registered mail, acknowledgement return, or posted up openly and conspicuously at the domicile or office such person and it shall be deemed to have been received at the time arrived or was posted up, as the case may be.

CHAPTER 12

License

Section 54

In case this Act provides that the operation of any business or performance of any act requires a license from the local official, the local government shall have powers to issue local provisions prescribing rule, procedure, and conditions for application for and issuance of a license or such matter.

Section 55

All licenses issued under this Act are valid for on year from the date of issuance and shall be used only in the jurisdiction of the issuing local government.

An application for renewal of a license must be submitted before the license expires. Upon submission of the application and payment of fee, business operation may continue until the local official issues an order not to renew the license.

Rule, procedure, and conditions for application for renewal of license and permission to renew license shall be as prescribed in the local provisions.

Section 56

Upon receipt of an application for a license or an application for license renewal, the local official shall examine the application for correctness and completeness. If the said application is not correct or complete according to the rule, procedure, or conditions prescribed in the local provisions, the local official shall compile all incorrectness and incompleteness and notify the applicant to make correction thereof at the same time and, In case it is necessary to return the application to the applicant, shall return the application together with the compilation of incorrectness and incompleteness within fifteen days from the date of receipt of the application.

The local official must issue a license or a notice of order of non-permission together with reasons for non-permission to the applicant within thirty days from the date of receipt of the application that is correct and complete as prescribed in the local provisions.

In the event the local official cannot possibly issue a license or a notice of order of non-permission within the period pursuant to paragraph two, the period may be extended not more than twice, each time for not more than fifteen days, but a notice must be Issued to Inform the applicant of time extension and reason every time before expiration of the period pursuant to paragraph two or the extended period, as the case may be.

Section 57

Obtainers of a license under this Act must display the license openly and conspicuously at the business establishment throughout the time of business operation

Section 58

In the event a license is lost, destroyed, or damaged in essence, the obtainer of the license shall submit an application for a substitute therefore within fifteen days from the date of knowledge of loss, destruction, or damage.

Application for and Issuance of a substitute for license shall be in accordance with the rule, procedure, and conditions prescribed in the local provisions.

Section 59

In the event it appears that the obtainer of a license to operate any business failed to comply or Incorrectly complied with provisions of this Act or the ministerial regulation or with the local provisions issued under this Act or with conditions specified in the license in respect of operation of the business under the license, the local official shall have powers to order suspension of the license for a reasonable period but not exceeding fifteen days.

Section 60

The local official has powers to order revocation of the license when it appears that the obtainer of the license

- (1) has been given order of license suspension twice and more and there is cause for another license suspension ;
- (2) is sentenced by a final judgment for an offense under this Act;
- (3) failed to comply or incorrectly complied with provisions of this Act or the ministerial regulation or with the local provisions issued under this Act or with condition specified in the license in respect of operation of the business under the license and such noncompliance or incorrect compliance caused serious harm to the health of the population or had an impact on the living conditions suitable for livelihood of the population.

Section 61

An order of license suspension or license revocation shall be made in writing for the information of the license obtainer. In the event the license obtainer could not be found or refused to accept the order, it shall be sent by a registered mail, acknowledgement return, or posted up conspicuously at the domicile of office of the license obtainer and it shall be deemed to have been received on the date it arrived or was posted up, as the case may be.

Section 62

A person whose license is revoked may not apply for a license to operate the business for which the license was revoked until the expiration of one year's period from the date of the license revocation.

CHAPTER 13

Fee and Fine

Section 63

The local government shall have powers to issue focal provisions prescribing fees in accordance with the criteria, procedure, and conditions and not exceeding the rate prescribed in the ministerial regulation.

Section 64

All fees and fines under this Act shall be revenue of the local government.

Section 65

In case the local provisions prescribe fees for the operation of businesses which must be notified to the local official before operation or which require a license under this Act, the notifier or license obtainer shall have the duty to pay the fees at the rate and interval prescribed in the local provisions throughout the operation of such business. If the fees were not paid within the prescribed period, a fine shall be paid at a rate of twenty percent of the outstanding amount of fees, unless the notifier or license obtainer has notified the winding up of the business before the date due for the next payment of fees, as prescribed in the local provision.

In the event the person who has the duty to pay fees under paragraph one has been in arrears in paying fees for more than two periods, the local official shall have powers to order such person to suspend his business operation until the fees and fines will have been paid in full.

CHAPTER 14

Appeal

Section 66

In the event the local official issued an order under Section 21, Section 22, Section 27 paragraph one, Section 28 paragraph one or paragraph three, Section 45, Section 48 paragraph five, Section 52, or Section 65 paragraph two, or Issued an order not to issue a license or not permit renewal of the license or to revoke the license under this Act, or in the event the public health official issued an order under Section 46 paragraph two. If the order receiver was not satisfied with said order, such person has rights to appeal to the Minister within thirty days from the date of knowledge of such order.

An appeal pursuant to paragraph one shall not be a cause for suspension of the order enforcement, unless the Minister deems it appropriate to have the order enforcement temporarily suspended.

Section 67

Consideration of an appeal pursuant to Section 66 shall be made by the Minister without delay.

Decision of the Minister shall be final.

CHAPTER 15

Penalties

Section 68

Any person who violated the ministerial regulation issued under Section 6 is liable to a fine not exceeding ten thousand Baht.

Section 69

Any person who failed to comply with an order of the Director-General of Health issued under Section 8 paragraph one without plausible reason or excuse, or obstructed the duty performance of the public health official under Section 8 paragraph two or of the provincial public health officer under Section 8 paragraph three, is liable to an imprisonment not exceeding two months or a fine not exceeding five thousand or both.

Section 70

Any person who failed to comply with an order of the Committee or subcommittee issued under Section 17 without plausible reason or excuse is liable to an imprisonment not exceeding one month or a fine not exceeding two thousand Baht or both.

Section 71

Any person who violated Section 19, Section 33 paragraph one, or Section 34 is liable to an imprisonment not exceeding six months or a fine not-exceeding ten thousand Baht or both.

Section 72

Any person who set up a place where meals are sold or a place where foodstuff is stored with an area exceeding two hundred square meters without a license is liable to an imprisonment not exceeding six months or a fine not exceeding ten thousand Baht.

Any person who set up a place where meals are sold or a place where foodstuff is stored with an area not exceeding two hundred square meters without a certificate of notification is liable to an imprisonment not exceeding three months or a fine not exceeding five thousand Baht.

Section 73

Any person who violated the local provisions issued under Section 20 (5), Section 32 (2), Section 35 (1) or (4), or Section 40 (2) or (3) is liable to an imprisonment not exceeding six months or a fine not exceeding ten thousand Baht or both.

Any person who violated the local provisions issued under provisions of this Act except those in paragraph one and in Section 37 or Section 43 is liable to a fine not exceeding five thousand Baht.

Section 74

Any person who failed to comply with an order of the local official issued under Section 21, Section 22, Section 27 paragraph one, or Section 28 paragraph one or paragraph three

without plausible reason or excuse, or obstructed the duty performance of the local official under Section 23, Section 27 paragraph two, or Section 28 paragraph two, is liable to an imprisonment not exceeding one month or a fine not exceeding two thousand Baht or both.

Section 75

Any owner or occupant of a building violated Section 24 paragraph two is liable to a fine not exceeding one thousand Baht and a daily fine not exceeding five hundred Baht throughout the period of violation.

Section 76

Any license obtainer who failed to comply with the conditions prescribed by the local official in the license under Section 33 paragraph two or Section 41 paragraph three is liable to a fine not exceeding two thousand Baht.

Section 77

Any person who violated Section 41 paragraph two or the announcement of the local official pursuant to Section 42 (1) is liable to a fine not exceeding two thousand Baht.

Section 78

Any person who failed to comply with Section 36 or violated the announcement of the local official pursuant to Section 42 (2) or the local provisions issued under Section 43 is liable to a fine not exceeding one thousand Baht.

Section 79

Any person who failed to comply with a summons, or refused to give facts or submit documents or evidence, or obstruct or provided no convenience to the duty performance of the local official or public health official or person appointed by the local official under Section 44, is liable to an imprisonment not exceeding one month or a fine not exceeding two thousand Baht or both.

Section 80

Any business operator who operated the business while under suspension by an order of the local official issued under Section 45, Section 52, or Section 65 paragraph two without plausible reason or excuse is liable to an imprisonment not exceeding six months or a fine not exceeding ten thousand Baht or both and a daily fine not exceeding five thousand Baht throughout the period of noncompliance.

Section 81

Any person who failed to comply with an order of the public health official issued under Section 46 paragraph two without reasonable reason or excuse or obstructed the duty performance of the public health official is liable to an imprisonment not exceeding five thousand Baht or both.

Section 82

Any person who failed to comply with Section 49 or Section 50 is liable to a fine not exceeding five hundred Baht.

Section 83

Any license obtainer who violated Section 57 or Section 58 is liable to a fine not exceeding five hundred Baht.

Section 84

Any license obtainer who operated the business during the period of the license suspension is liable to an imprisonment not exceeding six months or a fine not exceeding ten thousand Baht or both and a daily fine not exceeding five thousand Baht throughout the period of violation.

Section 85

There shall be a fine determination committee

- (1) in Bangkok Metropolitan area, comprising a representative of Bangkok Metropolitan Administration, Office of the Chief Public Prosecutor, and the Royal Thai Police Department;
- (2) in other provincial area, comprising the provincial governor, provincial public prosecutor, and Chief of the provincial police headquarter.

For all offenses under this Act, if it is deemed that the accused should not be subjected to a sentence to imprisonment or should not be tried, the committee shall determine a fine. For an offense for which the penalty is a fine alone or an imprisonment not exceeding one month or a fine not exceeding two thousand Baht or both, the local official or person appointed by the local official shall have powers to determine the fine.

Upon payment of the fine as determined within thirty days from the date of determination, the case shall be deemed settled under the Criminal Procedure Code.

If the accused refused to pay the fine as determined or agreed there but failed to pay the fine within said period, legal action shall be taken.

CHAPTER 16 **Transitory Provisions**

Section 86

An obtainer of a license to operate any business under the law on public health, whose license was revoked before the date on which this Act comes into force and such business has the same nature as that which requires a license or a certificate of notification under this Act, such person may continue to operate such business as if he were an obtainer of a license or certificate of notification under this Act, but upon expiry of said license and such person wishes to operate the business on, he must apply for a license or submit a notification under this Act before operation.

Section 87

A person who operates any business, which requires no certificate of notification under the law on public health repealed by this Act but is a business requiring a certificate of notification under this Act, and is not a person already obtaining a license pursuant to Section 86, may continue to operate the business but must notify the local official within ninety days from the date this Act came into force.

Section 88

Any person who operates any business, which requires a license under the law on public health repealed by this Act but requires a license under this Act, may continue to operate the business but must apply for a license under this Act within ninety days from the date this Act came into force. Upon submission of the application, he may operate the business on until an order is issued not to issue a license to operate the business under this Act.

Section 89

Subject to Section 31 or Section 32, all business designated undesirable or possibly harmful to health under Section 7 of the Public Health Act, B.E. 2484 and hairdressing under Section 31 of the public Health Act, B.E. 2484 shall be deemed businesses harmful to health.

Section 90

All ministerial regulations, notifications, ordinances, by-laws, or orders of the local official or public health official issued by virtue of the law on public health repealed by this Act

shall continue to be in force insofar as they are not inconsistent with or contrary to the provisions of this Act, however, until there exist ministerial regulations, notifications, local provisions, or orders of the local official or public health official issued under this Act.

Countersigned by

Mr. Anan Panyarachun

Prime Minister

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