

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

Translation

BHUMIBOL ADUL YADEJ, 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 prevention of abuse using of volatile substances:

Be it, therefore, by virtue of Section 157 of the Constitution of the Kingdom of Thailand, enacted by the King as follows:

Section 1

This Emergency Decree is called "the Emergency Decree on Prevention against Abuse Using of Volatile Substances, B.E. 2533 (1990)"

Section 2

This Emergency Decree shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3

In this Emergency Decree:

"Volatile Substance" means chemicals or products prescribed by the Minister as volatile substance;

"Volatile Addict" means a person who regularly uses a Volatile Substance to satisfy his physical or mental desire, and such Substance can be technically identified:

"Manufacture" means make, mix, compound or process, as well as transform, repackage separately or collectively:

"Treatment" means the treatment of volatile addict including rehabilitation and follow-up activities after treatment;

"Distribute" means sell, dispense, dispose of, or exchange for commercial purpose, including having for sale;

"Import" means bring or order into the kingdom;

"Place of Treatment" means any therapeutic establishment prescribed by the announcement of the Minister under Section 4;

"Committee" means the Committee on Prevention against Abuse Using of volatile Substances prescribed by this Emergency Decree;

"Competent Official" means a person appointed by the Minister for the execution under this Emergency Decree;

"Minister" means the Minister having in charge and control of the execution of the Emergency Decree.

Section 4

The Minister shall have the power to notify in the Government Gazette as follows:

- (1) To specify the names, types, categories or package sizes of the volatile chemicals or products deemed by the Minister as they have been used or shall be used to satisfy the physical or mental desire;

- (2) To revoke or alter the names, types, categories or package sizes of volatile chemicals or products;
- (3) To prescribe the place of treatment that provides treatment for the Volatile Addicts;
- (4) To prescribe other undertakings for the execution of this Emergency Decree.

Section 5

There shall be a committee called "the Committee on Prevention against Abuse Using of Volatile Substances" consisting of the Permanent Secretary for Public Health as Chairman, the representatives of the Ministries of Industry, the Ministry of Commerce, and the Ministry of Education, the Secretary-General of the Office of the Narcotics Control Board or his representative, the Director General of the Police Department or his representative, the Director General of the Medical Sciences Department or his representative, the Director General of the Medical Services or his representative, the Secretary-General of the Food and Drug Administration or his representative as members, and at least five qualified members but no more than seven appointed by the Minister.

A Deputy Secretary-General of the Food and Drug Administration assigned by the Secretary-General of the Food and Drug Administration shall be member and secretary of the Committee, and the Director of the Narcotics Control Division, the Food and Drug Administration shall be member and assistant secretary.

Section 6

The qualified members shall hold office for a term of two years. The member who terminates vacates his office may be reappointed.

Section 7

A qualified member shall vacate his office prior the expiration of his term upon:

- (1) Death,
- (2) Resignation,
- (3) Being dismissed by the Minister,
- (4) Being adjudged bankrupt,
- (5) Being adjudged incompetent or quasi-incompetent,
- (6) Being imprisoned by a final judgment to imprisonment, except for an offense committed by negligence or a petty offence,
- (7) Suspension or revocation of the person's medical or professional license.

In the case where a new member is appointed, either as an addition or a replacement, during the term of office, such member shall hold office for the remaining period of the term of office of the original appointed member.

Section 8

The meeting of the Committee shall require an attendance not less than one-half of the total members to constitute a quorum. In the absence of the chairman or he is unable to perform his duty, the members presented shall elect a member to preside over the meeting.

The Resolution of the meeting shall be determined by a majority of votes.

Each member shall have one vote. In case of a tie, the chairman of the meeting shall have a casting vote.

Section 9

The Committee shall have the powers and duties to offer suggestions or opinions to the Minister on the following:

- (1) The issuance of notifications under Section 4;

- (2) The prescription of the policies or measures on the prevention of the abuse using of volatile substance or on treatment;
- (3) The prescription of regulations on treatment and control of Volatile Addict in the
 - (1) Place of Treatment;
 - (4) The issuance of Ministerial Regulations under this Emergency Decree;
 - (5) Other duties assigned by the Minister;

Section 10

The Committee is empowered to appoint subcommittees to decide or to perform any duties assigned by the Committee. The provisions of Section 8 shall apply *mutatis mutandis* to the meeting of the Subcommittees.

Section 11

After having prescribed the Place of Treatment for the Volatile Addicts under Section 4 (3), the Minister shall issue regulations on treatment and control of the Volatile Addicts in the place of treatment.

The regulations under the first paragraph shall come into force after its publication in the Government Gazette.

Section 12

The volatile manufacturers shall furnish images, signs or statements displayed on the packages or containers of the volatile substances for warning the care of using such substances in accordance with the rules, procedure and conditions prescribed by the Ministerial Regulation.

Section 13

The volatile importers, prior to distribution, shall display images, signs or statements on the volatile substances for warning the care of using such substances in accordance with the rules, procedures and conditions prescribed by the Ministerial Regulation.

Section 14

The volatile distributors shall completely bear in images, signs or statements provided by the manufacturers or the importers in accordance with Section 12 or Section 13 on the packages or the containers of Volatile Substances.

Section 15

No person shall distribute Volatile Substance to any person who is aged not exceeded seventeen unless the distribution for educational purpose provided by an educational institute.

Section 16

No person shall distribute, provide or give volatile substance to any person, whom he knows or should know as a Validly Addict.

Section 17

No person shall use Volatile Substance to satisfy his physical or mental desire either by inhaling, smelling or any other means.

Section 18

No person shall induce, persuade, instigate or deceive other persons to use a Volatile Substance to satisfy their physical or mental desire either by inhaling, smelling or any other means.

Section 19

In the performance of duties, a competent officer has the power to enter a place of production, a place of importation, a place of distributions or storage of Volatile Substances during office hours for inspection of the execution in accordance with this Emergency Decree. In case where there is reasonable ground to suspect that an offence under this

Emergency Decree has been committed, he may seize Volatile Substances, packages, containers thereof or relevant documents for the purpose of instituting prosecution.

In the performance of his duties under paragraph one, the manufacturer, the importer or the distributor of Volatile Substances as well as person who is involved with the manufacture, the importation, the distribution within the premise of manufacture, importation, distribution or storage of Volatile Substances shall provide him with appropriate facilities.

Section 20

In the performance of duties, a competent official must produce his identity card at the request of the persons concerned.

An identity card of a competent official shall be in accordance with the form prescribed in a Ministerial Regulation.

Section 21

In the performance of duties, a competent official shall be officials under the Penal Code.

Section 22

Any manufacturer, importer or distributor 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 2 years or a fine not exceeding twenty thousand baht or both.

Section 23

Any person who violates Section 15 shall be liable to imprisonment not exceeding one year or a fine not exceeding ten thousand baht or both.

Section 24

Any person who violates Section 16, Section 17 or Section 18 shall be liable to imprisonment not exceeding 2 years or a fine not exceeding twenty thousand baht, or both.

Section 25

Any person who obstructs or fails to provide appropriate facilities to a competent official under the provision of Section 19 paragraph two shall be liable to imprisonment not exceeding one month or to a fine not exceeding one thousand baht or both.

Section 26

If the offender under Section 17 is not aged over seventeen, he shall not be punishment as prescribed by Section 24, but the Court shall have the power as follows:

1. To admonish the offender and then discharge him, and the Court may, if it fit, summon the parents, guardian of the child or the person with whom the offender is residing to be given an admonition too;
2. If the Court is of opinion that the offender is Volatile Addict, the court may give order to send him to a place of treatment for a complete course of treatment.

Section 27

The offender according to Section 17, aged not over seventeen, is undergoing treatment in the place of treatment according to Section 26 (2); if he escaped from the place of treatment, when he has been brought back by the competent official, he shall be proceeded in accordance with the regulation on treatment and control of Volatile Addicts in the place of treatment prescribes by Section 11.

Section 28

In the case where the Court pass a sentence to imprisonment or be guilty but the determination of the punishment is to be suspended or be suspension of punishment to the offenders under Section 17 who aged over seventeen or in case where the court condemn

only a fine, if the court is of opinion that the offender is a Volatile Addict, it may give order to send him to a place of treatment for a complete course of treatment. In case the court passes a sentence to imprisonment or order him to be confined in lieu of fine, the day begun of treatment in the place of treatment shall be included.

Section 29

Where as the offender according to Section 17, aged over seventeen, is undergoing treatment in the place of treatment according to Section 28, if he escape from the place of treatment, shall be liable to imprisonment not exceeding one year or to a fine not exceeding ten thousand baht or to both. In case where the court is of opinion that he is volatile Addict it may order in accordance with Section 28.

Section 30

If the offender according to Section 17, aged over seventeen, commits subsequent offence according to Section 17 during one year as from the date of passing a complete course of treatment, the punishment to be inflicted upon him shall be increased by half of the punishment imposed by the court for the subsequent offence.

Section 31

The Minister of Public Health and the Minister of Industry shall have large and control of the execution of this Emergency Decree and shall have the power to appoint competent officials, issue Ministerial Regulations and Notifications for the execution of this Emergency Decree.

Such Ministerial Regulations and Notifications shall come in to force upon their publication in the government gazette.

Countersigned by

General Chatichai Choonhawan as Prime Minister

Note: The reason for the proclamation of this Emergency Decree is that there have recently been abuse using of volatile substances, volatile compound or product manufactured for industrial purpose or otherwise by means of volatile smelt or other means into the body which cause great harm to volatile or smelt people, especially to those who are adults. Also, there still hasn't any specifically law applicable to volatile substances. It is, therefore, expedient to take measures to prevent the abuse using of volatile substances. As an Emergency and priority for protection of public safety, it is essential to prescribe this Emergency Decree.

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