Cannabis Law Implementation Rules

The 2019 amendment of the Narcotics Act B.E. 2522 (1979) ("**NA**") entered into force on and from 19th February 2019 ("**Effective Date**") allowing uses of cannabis for medicine and research and development ("**R&D**") purposes. Subsequently, the relevant authorities have issued several rules to implement the amended NA.

1. Possession of Cannabis before the Effective Date

On 25th February 2019, the Ministry of Public Health ("**MPH**") issued 3 notifications to require persons and institutions who possessed cannabis for medical and R&D purposes before the Effective Date to report their possessions of cannabis with the Food and Drug Administration ("**FDA**") within 21st May 2019 to be exempt from the penalties imposed under the amended NA. The report could be made in person at the FDA Office in Bangkok or the Provincial Public Health Offices or online through the website of the FDA (www.cbd-oss.org). It was reported that as of 21st May 2019 around 21,000 persons filed reports with the FDA.

2. Guidelines for Cannabis Plantation Licenses

The Narcotics Control Committee ("**NCC**") at its Meeting No. 399-3/2562 on 22nd February 2019 approved the FDA guidelines for approving new cannabis plantation licenses, renewal of existing licenses and increase of cannabis plantation quantity and plantation area. Under the guidelines, the plantation site, plantation quantity, criminal records related to narcotics of the applicant, security measures to prevent leakage of cannabis and the plantation objectives will be taken into account when the FDA considers an application for cannabis plantation licenses.

As of 6th August 2019, the cannabis growers, manufacturers and possessors licensed by the FDA are the Government Pharmaceutical Organization, the Department of Thai Traditional and Alternative Medicine of the MPH, the Office of the Permanent Secretary Ministry of Public Health, the Department of Medical Sciences, Chulalongkorn University, Rangsit University, Kasetsart University, Naresuan University and Rajamangala University of Technology Isan while the applications of the National Cancer Institute, Institute of Dermatology, Prince of Songkla University, etc. are still pending approval of the FDA.

3. Monthly and Annual Reports

Section 34/4 of the NA requires each licensee to prepare and file with the FDA a report on Type 5 Narcotics monthly and/or annually depending on the license type. On 14th May 2019, the NCC issued a notification (published in the government gazette on 4th July 2019) to set out requirements and procedures for preparing and filing reports on manufacturing, importing, exporting, distributing and possessing cannabis with the FDA Office. The reports can be filed electronically. Copies of the reports and lists of the reported cannabis must be kept at the

business premises of the licensee for 5 years.

4. Inheritance of Licenses

On 14th May 2019, the NCC issued a notification (published in the Government Gazette on 4th July 2019 and effective from 5th July 2019) to set forth the requirements and procedures for the statutory heirs of deceased licensees to inherit the rights granted to the licensees under the NA provided that they file a request in person with the FDA or the Provincial Public Health Offices or online through the website of the FDA.

5. Drug Labeling and Documentation

On 14th May 2019, the NCC issued a notification on labeling, packaging and usage warning for modern medicine containing cannabis (published in the government gazette on 4th July 2019 and effective on and from 5th July 2019). Under this notification, licensees who are authorized to plant cannabis, import or export modern medicine containing cannabis must prepare clear and readable labels and documentation for packaging of cannabis containing medicine as required by this notification or as required by the law of the importing / exporting countries showing the product name, trade name, quantity, drug name and quantity, product number, batch or lot number or control number, name and address of manufacturer or exporter, manufacturing date, expiry date and several other requirements.

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