

Alcohol Control Act B.E. 2551 (2008)

BHUMIBOL ADULYADEJ, REX.
Given on the 6th Day of February B.E. 2551;
Being the 63rd 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 control of alcoholic beverage

This Act contains certain provisions in relation to the restriction of the right and liberty of person, in respect of which 29 in conjunction with 41, 43 and 45 of the Constitution of the Kingdom of Thailand, so permit by virtue of the law.

Be it, therefore, enacted by the King, with the advice and consent of the National Assembly as follows;

Section 1. This Act is called the “Alcohol Control Act B.E. 2551”

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.¹

Section 3. In this Act;

“Alcohol” means liquor in accordance with Law on Liquor and Spirit. In this regards, it shall not include drugs, psychotropic substances, and narcotics provided by the applicable laws;

“Alcoholic” means a person who drinks alcoholic beverage, causes physiological or mental effect in a significant manner such as requiring the continual increase of quantity, and causing symptoms of alcoholism when deprived of alcohol drinking;

“Sell” includes distribute, trade, exchange or give for commercial purpose;

“Advertise” means an act undertaken by any means to allow the public to see, hear or know the statement for commercial purpose. It shall also include marketing communication;

¹ Published in the Government Gazette Vol.125,Part 33a,dated 13th February B.E. 2551 (2008)

“Marketing Communication” means activities in various forms with the main objective to sell goods, services or images. It also covers public relations, dissemination of information, sales promotion, product expositions, organization or support of special events, and direct marketing;

“Message” shall include projection of letters, images, films, lights, sounds, symbols or any acts to allow people in general to understand their meanings;

“Label” means a picture, mark, paper or any object displaying text regarding the product shown on the product, container or package, or inserted in or combined with the product, container, or package. It also includes a document or manual provided with the product, sign installed or shown on the product, container or package of such product;

“Committee” means the National Alcohol Beverage Policy Committee;

“Control Committee” means the Alcohol Beverage Control Committee;

“Office” means Office the Alcohol Control Committee;

“Competent Official” means a person appointed by the Minister to undertake actions in compliance with this Act;

“Director” means the Director of Office of the Alcohol Control Committee ;

“Director-General” means the Director-General of Disease Control Department;

“Minister” means the Minister having charge and control of the execution of this Act;

Section 4. The Prime Minister shall have charge and control of the execution of this Act, and power to appoint officials, to issue Ministerial Regulations, Rules and Notifications for the purpose of carrying out of this Act.

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

1

National Alcohol Beverage Policy Committee

Section 5. There shall be a called the “National Alcohol Beverage Policy Committee” consisting of the Prime Minister or Vice Prime-Minister appointed by the Prime-Minister as , Minister of Public Health as the first Vice Chairperson, Minister of Finance as the second Vice Chairperson, Minister of Tourism and Sports, Minister of Social Development and Human Security, Minister of Interior, Minister of Justice, Minister of Education, Minister of Industry, and Permanent Secretary to Office of the Prime Minister as members.

Ministry of Public Health shall be secretary and the Director-General and Director of Fiscal Policy Office, shall be assistant secretary.

Section 6. There shall be advisor to give the Committee advice about the operation in accordance with powers and duties of the Committee as follows;

(1) Representative of Tourism Council of Thailand, Representative of the Federal of Thai Industries, and Representative of the Thai Chamber of Commerce;

(2) Representative of juristic organizations whose objective is to reduce the consumption of alcoholic beverage, Representative of juristic organizations whose objective is child development, and Representative of juristic organizations whose objective is consumer protection

(3) Specialists appointed by the Committee from those who are experienced and expert in the fields of social science, law, and information science. There shall be one selected specialist for each field.

The selection and appointment of the advisors under (2) and (3) shall be in accordance with regulations as prescribed by the Committee.

The Provisions in section 11, 12, 13 and section 14 shall apply to the vacating office at the end of the term of advisor under (2) and (3) *mutatis mutandis*, except the power of the Minister under 13 (3) shall be the Committee's power.

Section 7. At meetings of the National Alcohol Beverage Policy Committee, not less than one- half of the total number of members must present in order to constitute a quorum.

In the case where Chairperson is unable to attend a meeting, or is unable to perform his or her duty, the First Vice-Chairperson who has been entrusted by the Chairperson shall preside over at the meeting. If the First Vice-Chairperson is unable to attend a meeting, or unable to perform his or her duty, the Second Vice-Chairperson shall preside over at the meeting. If the second Vice-Chairperson is unable to attend a meeting, or unable to perform his duty, the member shall select one among themselves to preside over at the meeting.

The decision shall be made by majority of votes. In casting votes, each member shall have one vote. In case of an equality of votes, the person who presides over at a meeting shall cast an additional vote as a casting vote.

Section 8. The Committee shall have powers and duties as follows:

(1) to prepare policy and work plan for controlling of alcoholic beverage by using taxation measures and other measures for controlling alcoholic beverage as well as treatment and rehabilitation of alcoholics for submitting to the Cabinet;

(2) to follow up and evaluating the execution under (1);

(3) to perform any other duties as prescribed in this Act or other laws or as entrusted by the council of Ministers.

Section 9. The Committee shall have the powers to appoint a sub-committee or a working group to perform any acts as laid down by the Committee.

The provisions of section 7 shall apply to the meetings of the sub-committee or the working group *mutatis mutandis*.

Alcoholic Beverage Control Committee

Section 10. There shall be a Committee called “Alcohol Beverage Control Committee” consisting of the following:

- (1) Minister of Public Health as Chairperson;
- (2) Permanent Secretary of Public Health as the first Vice-Chairperson, Permanent Secretary of Finance as the second Vice-Chairperson, and Permanent Secretary of Interior as the third Vice-Chairperson;
- (3) Permanent Secretary of the Office of Prime Minister, Permanent Secretary for Tourism and Sports, Permanent Secretary for Social Development and Human Security, Permanent Secretary for Commerce, Permanent Secretary for Justice, Permanent Secretary of Culture, Permanent Secretary for Education, Permanent Secretary for Industry, Commissioner General of Royal Thai Police, Permanent Secretary of Bangkok Metropolitan, and Manager of Thai Health Promotion Foundation, as members;
- (4) Three Representatives of non-governmental organizations appointed by the Minister from persons nominated by the non-governmental organizations that aim to reduce alcohol consumption, to protect children and youths or women, and to protect consumers; not more than one from each field .Whereas, in accordance with the regulations as prescribed by the Ministry;
- (5) Three qualified persons who are appointed by the Minister from the specialists in medicine, psychology or public health, social work, social sciences, economics or mass communications, education, religions or cultures; not more than one from each field, as members;

The Director-General shall be member and secretary. The Director-General of the Excise Department shall be member and assistant secretary whereas the Director shall be an assistant secretary.

Section 11. The member under section 10 (4) and (5) shall have the qualifications and shall not have any of the prohibitions as follows:

- (1) being of Thai nationality;
- (2) being an incompetent or quasi incompetent;
- (3) having been sentenced by a final judgment to imprisonment, except having been released at least two years or the offence committed through negligence or a petty offence;
- (4) having been sentenced to commit an offence relating to alcohol beverage, except having been released at least five years;
- (5) being or having been a person holding political official, member of local assembly or local administrator, or holding any position in a political party, or an advisor or an officer of such political party;
- (6) not performing alcohol business or being involved in the business concerning alcoholic beverage;
- (7) not being an alcoholic.

Section 12. The members under section 10 (4) and (5) holds office for a term of three years and may be reappointed or reelected, but shall not be in office for more than two consecutive terms.

In the case where member vacates office under paragraph one, an appointment for the fulfillment of the vacancy shall be held within ninety days. During the period of the vacancy is not fulfilled, the members who vacate office shall remain in office to continue their duties until the newly members take office.

Section 13. In addition to vacating office at the end of the term, the member under section 10 (4) and (5), vacates office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Council of Ministers;
- (4) being disqualified or being under any of the prohibitions under section 11;

In the case where a member under section 10 (4) and (5) vacates office before term, a substitute member shall be reappointed, except the remaining term of such member is less than ninety days. During the period of the vacancy is not fulfilled, the remaining members shall continue their duties as the Committee.

Section 14. In the case where there is an appointment of member under section 10 (4) and (5) while the appointed members under section 10 (4) and (5) still have the tenure, the substitute members or the additional members shall retain their office during such time only as the appointed members are entitled to retain the office.

Section 15. The provisions of section 7 shall apply to the meeting of the Control Committee *mutatis mutandis*.

Section 16. The Control Committee shall have the powers and duties as follows:

(1) to propose policy and framework and to control alcoholic beverage consumptions by taxation measures and other measures together with treatment and rehabilitation of alcoholics to the Committee;

(2) to lay down criteria, procedures, and conditions relating to packaging materials, labels and warning messages for manufactured or imported alcoholic beverage;

(3) to propose opinions to the Minister about the time of alcoholic beverage selling, prohibited places for alcoholic beverage selling, procedures or characteristics of prohibited alcoholic beverage selling, prohibited places or areas for alcoholic beverage consumption, and otherwise used for advertising of alcoholic beverage;

(4) to lay down rules, procedures and conditions relating to treatment and rehabilitation of alcoholics;

(5) to propose opinions to the Committee or the Minister for issuing notifications or regulations for the purpose of carrying out of this Act, as the case may be;

(6) to give advice and recommendation to and coordinate with state and private agencies relating to the control of alcoholic beverage, together with to propose measures on prevention of effects from alcoholic beverage consumption as well as treatment and rehabilitation of the alcoholics;

(7) to provide or promote and support the academic dissemination to youths and people generally about dangers of alcoholic beverage;

(8) to invite civil servants, officers or employees of government agencies, state agencies, state enterprises, local governments, or any individuals to give facts or opinions or send any documents or information for the purpose of carrying out of this Act;

(9) to perform any duties as prescribed by this Act or in accordance with the Committee's resolutions.

Section 17. The Control Committee shall have the powers to appoint a sub-committee or a working group to perform any acts as laid down by the Committee.

The provisions of section 7 shall apply to the meetings of the sub-committee or the working group *mutatis mutandis*.

Section 18. There shall be Bangkok Alcohol Beverage Control Committee consisting of the Governor of Bangkok as the Chairperson, Permanent Secretary to Bangkok Metropolitan as Vice-Chairperson, Representative of Metropolitan Police Bureau, Representative of the Public Relations Department, Representative of the Excise Department, Chief of Bangkok Disaster Mitigation Office, Director of Social Development Office, Director of Educational Area in Bangkok appointed by the Governor of Bangkok, Director of Department of Education Bangkok Metropolitan Administration, Director of Medical Service Department, and the Director, as members. Together with four qualified members who are appointed by the Governor of Bangkok., from the specialists in social works, medicine, psychology, and law; not more than one from each field, as members.

Director of Health Department shall be member and secretary. Bangkok Alcohol Beverage Control Committee may be appointing no more than two officers of the Health Department to be assistant secretaries.

Section 19. There shall be Provincial Alcohol Beverage Control Committee consisting of the Provincial Governor as the Chairperson, Vice-Provincial Governor who is appointed by the Provincial Governor as Vice Chairperson, Provincial Police Commander, Chief of Area, Excise Officer who is appointed by the Provincial Governor, Chief of Provincial Disaster Mitigation Office, Director of Educational Service Area Office appointed by the Provincial Governor, Chief of Provincial Public Relations Office, Chief of Provincial Social Development and Human Security Office, Director of Disease Control Office who responds for such area, not over four administrators of local administration organizations appointed by the Provincial Governor, as members. Together with four qualified members who are appointed by the Provincial Governor, from the specialists in social works, medicine, psychology, and law; not more than one from each field, as members.

The Provincial Public Health Surgeon shall be Committee member and secretary. Provincial Alcohol Beverage Control Committee may appoint no more than two officers of the Provincial Public Health Office to be assistant secretaries.

Section 20. The Provisions of section 11, 12, 13 and section 14 shall apply to term and the end of the term, appointing of substitute members, and vacating office of qualified members under section 18 and section 19 *mutatis mutandis*, except the power of the Minister under section 13 (3) shall be the power of Governor of Bangkok or other Provincial Governor, as the case may be.

Section 21. The Provisions of section 7 and section 9 shall apply to the meetings and appointing of a sub-committee or working group of Bangkok Alcohol Beverage Control Committee and Provincial Alcohol Beverage Control Committee *mutatis mutandis*.

Section 22. Bangkok Alcohol Beverage Control Committee and Provincial Alcohol Beverage Control Committee shall have the powers and duties in the area of Bangkok or other provinces, as the case may be as follows:

(1) to propose opinions concerning control over alcoholic beverage consumptions, treatments and rehabilitations of alcoholics to the Control Committee;

(2) to give advice and recommendation to and coordinate with state and private agencies relating to manufacturing, import, sale, advertising, and consumption of alcoholic beverage, together with to propose measures on prevention of effects from alcoholic beverage consumptions, treatments and rehabilitations of the alcoholics;

(3) to determine guidelines for being aware of and protecting children and youths from getting involved with alcoholic beverage;

(4) to determine guidelines in accordance with policy of the Committee on reducing and giving up alcoholic beverage consumptions;

(5) to follow up, evaluate, and inspect the undertakings relating to law enforcement for reducing and giving up of alcoholic beverage consumptions and submit a report to the Control Committee;

(6) to perform any acts as entrusted by the Committee or the Control Committee.

Section 23. In the execution of duties under this Act, the Committee members and the sub-committee members shall be the officials under Penal Code.

3

Office of Alcohol Control Committee

Section 24. There shall establish “the Office of Alcohol Control Committee” in the Department of Disease Control, Ministry of Public Health.

There shall be Director with the duties to generally supervise the performance of the official affairs of the Office.

Section 25. The Office shall have the powers and duties as follows:

(1) to be responsible for secretariat work of the Committee and the Control Committee;

(2) to conduct or support the study, analysis, and research on various problems relating to alcoholic beverage and follow up and evaluate the execution in accordance with policy as well as frameworks and measures on control over alcoholic beverage consumptions and treatments or rehabilitations of the alcoholics by relevant state and private agencies and submit report to the Control Committee for acknowledging and considering to submit the report to the Committee;

(3) to coordinate or cooperate with Bangkok Alcohol Beverage Control Committee, Provincial Alcohol Beverage Control Committee, state sector, relevant state and private agencies on the control over alcoholic beverage consumptions and treatments or rehabilitations of the alcoholics;

(4) to be an information center concerning alcohol beverage;

(5) to perform any acts as entrusted by the Committee or the Control Committee.

4

Control of Alcoholic Beverage

Section 26. Alcoholic beverage manufacturers or importers shall conduct as follows:

(1) to provide packaging materials, labels and warning messages for the manufactured or imported alcoholic beverage. Whereas, to meet with rules, procedures, and conditions as prescribed by the Control Committee with approval of the Committee as published in the Government Gazette;

(2) to perform any act as prescribed by the Control Committee with approval of the Committee as published in the Government Gazette.

Section 27. No person shall sell alcoholic beverage in places or areas as follows:

- (1) Temples or places for performing religious ceremonies;
- (2) Public health service places, medical services places under the Law on Medical Services and drugstores under the Law on Drug;
- (3) Official places, except the areas where set up as shops or clubs;
- (4) Dormitories in accordance with the Law on Dormitory;
- (5) Educational institutes in accordance with the Law on National Education;
- (6) Petrol service stations in accordance with the Law on Fuel Oil Control or shops in the area of the petrol service stations;
- (7) Official parks where provided for relaxation of people in general;
- (8) Other places as prescribed by the Minister with approval of the Committee.

Section 28. No person shall sell alcoholic beverage on the day or time as notified by the Minister with approval of the Committee. In this regard, such notification may indicate any conditions and restrictions as necessary.

The provision in paragraph one shall not apply to the sale of alcoholic beverage by manufacturers, importers or agents to the sellers authorized by the Law on Liquor and Spirit.

Section 29. No person shall sell alcoholic beverage to a person as follows:

- (1) A person not yet over twenty years of age;
- (2) A person who is unconsciously drunk.

Section 30. No person shall sell alcoholic beverage by procedures or characteristics as follows:

- (1) to use automatic distribution machine;
- (2) to wander about;
- (3) to discount for sale promotion purpose;
- (4) to provide or propose to provide the right to attend a competition or performance or to win some rewards, or any other privileges in favor of alcoholic beverage buyers or those bringing the packages, labels or any other materials related to the alcohol beverage to exchange or trade with anything;
- (5) to distribute, gratuitously give or exchange with alcoholic beverage or with other products or provide other services, as the case may be, or distribute alcoholic beverage as sample of alcoholic beverage or induce people to consume alcoholic beverage, including to make sale conditions in the manner that the directly or indirectly compulsory buying of alcoholic beverage;
- (6) to sell alcoholic beverage by any means or characteristics notified by the Minister with advice of the Committee.

Section 31. No person shall drink alcoholic beverage in places or areas as follows:

(1) Temples or places for performing religious ceremonies, except being a part of religious ceremonies;

(2) Public health service places, medical services places under the Law on Medical Services and drugstores under the Law on Drug, except the areas where set up as dwelling places;

(3) Official places, except the areas where set up as dwelling places, clubs or traditional parties;

(4) Educational institutes in accordance with the Law on National Education, except the areas set up as dwelling places or clubs or traditional parties, or the educational institutes where having bartender course and authorized in accordance with Law on National Education;

(5) Petrol service stations in accordance with the Law on Fuel Oil Control or shops in the area of the petrol service stations;

(6) Official parks where provided for relaxation of people in general;

(7) Other places as prescribed by the Minister with approval of the Committee.

Section 32. No person shall advertise or display names or trademarks of alcoholic beverage deemed to exaggerate their qualifications or induce people to drink such alcoholic beverage either directly or indirectly.

Any advertisement or public relation which made by manufacturers of alcoholic beverage of all kinds is able to conduct only for the purpose of giving information or creative knowledge without displaying pictures of the products or packages, except for the display of symbol of such alcoholic beverage or the symbol of the company manufacturing the alcoholic beverage. In this regard, it shall be in accordance with the Ministerial Regulations.

The provisions of paragraph one and paragraph two shall not apply to the advertisement originated outside of the Kingdom.

5

Treatment or Rehabilitation of Alcoholic

Section 33. The alcoholic or relatives, group of persons or governmental or non governmental organizations, having objectives to treat or rehabilitate the alcoholics may ask for support for treatment or rehabilitation from the Office. In this regard, it shall be in accordance with rules, procedures, and conditions as prescribed by the Control Committee.

6

Competent Official

Section 34. For the execution of this Act, the competent officials shall have the powers and duties as follows:

(1) To enter into the business place of the manufacturer, importer, or seller of alcoholic beverage, place of manufacture, import, or sale of alcoholic beverage, and storage place of alcoholic beverage during the working hour of such places, including checking the vehicles to inspect a compliance in accordance with this Act;

(2) To seize or attach alcoholic beverage of the manufacturer, importer or seller violates or fails to comply with this Act;

(3) To have written inquiry or summon any person to give oral or written statement or to submit any relevant document or evidence for examination or consideration.

Section 35. The competent official shall, in the execution of this Act, produce his or her identification card to the licensee or concerned person.

Form of the identification card of the competent official shall be prescribed by the Minister.

Section 36. In the performance of duties under section 34, the concerned person shall render appropriate facilities thereto.

Section 37. In the execution of duties under this Act, the competent official shall be the official under the Penal Code.

7

Penalties

Section 38. A manufacturer or importer of alcoholic beverage who violates section 26 shall be liable to imprisonment for the term of not exceeding one year or to a fine of not exceeding one hundred thousand Baht or both.

Section 39. Whoever sells alcoholic beverage violates section 27 or section 28 shall be liable to imprisonment for the term of not exceeding six months or to a fine of not exceeding ten thousand Baht or both.

Section 40. Whoever sells alcoholic beverage violates section 29 or section 30 (1) shall be liable to imprisonment for the term of not exceeding one year or to a fine of not exceeding twenty thousand Baht or both.

Section 41. Whoever violates section 30 (2), (3), (4), (5) or (6) shall be liable to imprisonment for the term of not exceeding six months or to a fine of not exceeding ten thousand Baht or both.

Section 42. Whoever violates section 31 shall liable to imprisonment for the term of not exceeding six months or to a fine of not exceeding ten thousand Baht or both.

Section 43. Whoever violates section 32 shall be liable to imprisonment for the term of not exceeding one year or to a fine of not exceeding five hundred thousand Baht or both.

Apart from being liable under paragraph one, the violator shall be liable to a daily fine of not exceeding fifty thousand Baht through the period of the commission of that offense.

Section 44. Whoever fights or obstructs the competent official in the execution of his or her duties under section 34 (1) or (2) shall liable to imprisonment for the term of not exceeding one year or to a fine of not exceeding twenty thousand Baht or both.

Whoever unreasonably fails to give oral or written statement to the competent official in the execution of his or her duties under section 34 (3), or fails to submit any relevant document or evidence for examination or consideration when was summoned under section 34 (3) shall be liable to a fine of not exceeding twenty thousand Baht.

Whoever fails to render appropriate facilities to the competent official which not compliance with section 36 shall be liable to a fine of not exceeding two thousand Baht.

Section 45. The offenses under this Act may be settled by the Control Committee. In this regard, the Control Committee is empowered to assign the sub-committee, inquiry official, or competent official to undertake the fining procedures by setting any rules or conditions for the delegates as deemed necessary.

During the inquiry, if the inquiry official finds whoever offends under this Act and he or she agrees to pay the fine, the inquiry official shall submit the file to the Control Committee or the delegated person to undertake the fining procedures under the paragraph one within seven days from the date such offender agrees to be fined.

When the Control Committee has settled the case and the accused pay the fine in an amount as settled, the case is deemed to be settled under the Criminal Procedure Code.

Countersigned by:
General Surayuth Julanonth
Prime Minister

Notes: The reason for the promulgation of this Act is that it is recognized that alcoholic beverage has caused health, family, accident, and criminal problems, which affect the overall social and economic condition of the country. It is deemed expedient to stipulate measures for control of alcoholic beverage as well as treatment or rehabilitation of the alcoholics in order to reduce social and economic impacts and improve public health by making people realize the dangers of alcohol beverage and protect children and youths against easy access to alcoholic beverage. It is therefore necessary to promulgate this Act.