

Unofficial Translation

ALCOHOLIC BEVERAGE CONTROL ACT,
B.E. 2551 (2008)¹

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 alcoholic beverage control;

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

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

Section 1. This Act is called the “Alcoholic Beverage 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.²

Section 3. In this Act;

“Alcoholic beverage” means liquor under the law on liquor, but not including drug, psychotropic substance and narcotic under the law concerning therewith;

“Alcoholic” means a person who drinks alcoholic beverage in a manner that

¹ Translated by Mr. Tohpong Smiti under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

² Published in the Government Gazette, Vol. 125, Part 33a, dated 13rd February B.E. 2551 (2008).

his or her physical or mental condition has been affected adversely, the demand for drinking is increasing continuously and alcohol withdrawal syndrome will be presented when he or she stops drinking;

“Sell” includes dispose of, distribute, disperse, exchange or give for commercial purpose;

“Advertising” means any act which enables the public to see, hear or know of any information for commercial purpose, including marketing communication;

“Marketing communication” means any activity organised for the selling of goods, providing services, creating images, public relations, distribution of information, sales promotion, product exhibition, organising or providing support to organise any special events and direct marketing;

“Message” includes any act which displays letters, illustrations, films, lights, sounds or symbols or any act which enables an individual to understand the meaning thereof;

“Label” means a picture, artificial mark, paper or any other thing which displays information of goods as affixed to the goods or their container or parcel or inserted in or combined with the goods or their container or parcel, including any document or manual for use with the goods and any tag posted or presented on the goods or their container or parcel;

“Committee” means the National Alcoholic Beverage Policy Committee; “Control Committee” means the Alcoholic Beverage Control Committee; “Office” means the Office of the Alcoholic Beverage Control Committee; “Competent official” means a person appointed by the Minister for the execution of this Act;

“Director” means the Director of the Office of Alcoholic Beverage Control Committee;

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

“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 shall have the power to appoint the competent official, to issue Ministerial Regulations, Rules and Notifications for the execution of this Act.

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

CHAPTER I

National Alcoholic Beverage Policy Committee

Section 5. There shall be the “National Alcoholic Beverage Policy Committee” consisting of the Prime Minister or Deputy Prime Minister entrusted by the Prime Minister as Chairperson, the Minister of Public Health as the first Vice-Chairperson, the Minister of Finance as the second Vice-Chairperson, the Minister of Tourism and Sports, the Minister of Social Development and Human Security, the Minister of Interior, the Minister of Justice, the Minister of Education, the Minister of Industry and the Permanent Secretary of the Office of the Prime Minister as members. The Permanent Secretary of the Ministry of Public Health shall be the secretary and the Director-General and Director of Fiscal Policy Office shall be assistant secretaries.

Section 6. There shall be advisors to give advice in relation to the performance of the powers and duties of the Committee consisting of the following:

(1) a representative of the Tourism Council of Thailand, a representative of the Federation of Thai Industries and a representative of the Thai Chamber of Commerce;

(2) a representative being a juristic person of organisations having objectives which include running a campaign on the reduction in alcoholic beverage consumption or on the complete abstention of alcohol consumption which elect one among themselves to be a representative thereof, a representative being a juristic person of organisations having objectives in child development which elect one among themselves to be a representative thereof and a representative being a juristic person of organisations having objectives in consumer protection which elect one among themselves to be a representative thereof;

(3) qualified persons appointed by the Committee from persons having knowledge and experience in social science, law, information science, one from each field.

An election and appointment of the advisors under (2) and (3) shall be in accordance with the regulations laid down by the Committee.

The provisions of section 11, section 12, section 13 and section 14 shall apply

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mutatis mutandis to the holding of, and vacating from, the office of the advisors under (2) and (3). In this regard, the power of the Minister under section 13 (3) shall be the power of the Committee.

Section 7. At a meeting, the presence of not less than one-half of the total number of the members is required to constitute the quorum.

The Chairperson shall preside over the meeting. In the case where the Chairperson is unable to attend the meeting, or is unable to perform his or her duty, the first Vice-Chairperson shall preside over the meeting. If the first Vice-Chairperson is unable to attend the meeting, or is unable to perform his or her duty, the second Vice-Chairperson shall preside over the meeting. If the second Vice-Chairperson is unable to attend the meeting, or is unable to perform his or her duty, the members shall select one among themselves to preside over the meeting.

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

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

(1) to lay down and submit policy, work plans and measures for controlling alcoholic beverages through taxation and other controlling measures as well as treatment and rehabilitation measures for alcoholics to the Council of Ministers;

(2) to monitor, evaluate and inspect the execution of those duties mentioned in (1);

(3) to carry out any duty as prescribed by this Act or by other laws or as entrusted by the Council of Ministers.

Section 9. The Committee may appoint a sub-committee or working group for the execution of any matter as may be entrusted by the Committee.

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

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CHAPTER II
Alcoholic Beverage Control Committee

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

(1) the Minister of Public Health, as Chairperson;

(2) the Permanent Secretary of the Ministry of Public Health as the first Vice-Chairperson, the Permanent Secretary of the Ministry of Finance as the second Vice-Chairperson and the Permanent Secretary of the Ministry of Interior as the third Vice-Chairperson;

(3) *ex officio* members, i.e. the Permanent Secretary of the Office of the Prime Minister, the Permanent Secretary of the Ministry of Tourism and Sports, the Permanent Secretary of the Ministry of Social Development and Human Security, the Permanent Secretary of the Ministry of Commerce, the Permanent Secretary of the Ministry of Justice, the Permanent Secretary of the Ministry of Culture, the Permanent Secretary of the Ministry of Education, the Permanent Secretary of the Ministry of Industry, the Commissioner-General of the Royal Thai Police, the Permanent Secretary of the Bangkok Metropolitan Area and the Manager of the Thai Health Promotion Foundation;

(4) three representatives of non-governmental organisations as appointed by the Minister from the persons selected by non-governmental organisations having non-commercial objectives and providing support or running a campaign in relation to the reduction of alcoholic beverage consumption or providing protection to children, youths or women or to consumers, not more than one from each field, in accordance with the Regulations as prescribed by the Minister;

(5) three qualified persons appointed by the Minister from persons having knowledge and experience in medicine, psychology or public health, in social work, social sciences, economics or mass communications, or in education, religion or culture, not more than one from each field.

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

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Section 11. The members under section 10 (4) and (5) shall have the qualifications and not being under the prohibitions, as follows:

(1) being of Thai nationality;

(2) not being an incompetent or *quasi* incompetent;

(3) not having been sentenced by a final judgment to a term of imprisonment, except where the punishment has been undergone for at least two years or where the offence was committed through negligence or a petty offence;

(4) not having been adjudicated by a judgment for the commission of an offence relevant to any alcoholic beverage, except where the punishment has been undergone for at least five years;

(5) not being a person holding political position or a member of a local assembly or local administrator or holding any position responsible for the administration of a political party, an advisor of a political party or an officer of a political party;

(6) not being an entrepreneur in any alcoholic beverage business or being an interested party in any alcoholic beverage business;

(7) not being an alcoholic.

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

If the members vacate office at the end of the term under paragraph one, the new members shall be appointed to fulfil the vacancy within ninety days. The members who vacate office shall remain in office to continue their duties until the new members take office.

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

(1) death;

(2) resignation;

(3) being dismissed by the Minister;

(4) being disqualified or being under any of the prohibitions under section 11.

In the case where the members under section 10 (4) and (5) vacate office before the end of their term, the new members shall be appointed to fulfil the vacancy, except where the remaining term of the members is less than ninety days. While the

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vacancy has not yet been fulfilled, the remaining members shall continue their duties.

Section 14. If there is an appointment of the members under section 10 (4) and (5) while the appointed members under section 10 (4) and (5) remain in office, irrespective of whether it is an appointment for the additional member or for the fulfilment of the vacancy, the appointees shall hold office for the remaining term of the appointed members.

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, work plans and measures for controlling any alcoholic beverage through taxation and other controlling measures as well as treatment and rehabilitation measures for an alcoholic to the Committee;

(2) to lay down rules, procedure and conditions relating to containers, labels and warning messages for manufactured or any imported alcoholic beverage;

(3) to give recommendations to the Minister on the determination of the selling period, prohibited places for selling, prohibited practices or manners for selling, prohibited places or areas for consuming and things to be used for the advertisement of any alcoholic beverage;

(4) to lay down rules, procedures and conditions relevant to the treatment and rehabilitation of an alcoholic;

(5) to give recommendations to the Committee or the Minister for the issuance of Notifications or Regulations, as the case may be, for the execution of this Act;

(6) to give advice and recommendations to, and coordinate with, State and private agencies in relation to the control of alcoholic beverages and to propose preventive measures against the effects of alcoholic beverage consumption including the treatment and rehabilitation of an alcoholic;

(7) to provide or promote and support any dissemination of academic knowledge concerning the dangers and toxicity of alcoholic beverages to youths and the public;

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(8) to invite government officials, officers or employees of any government agency, State agency, State enterprise or local government or any individual to give statements or opinions or to send any documents or information for the carrying out of this Act;

(9) to carry out any duty as prescribed by this Act or upon the resolution of the Committee.

Section 17. The Control Committee may appoint a sub-committee or working group for the execution of any matter as may be entrusted by the Control Committee.

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

Section 18. There shall be the Bangkok Alcoholic Beverage Control Committee consisting of the Bangkok Governor as Chairperson, the Permanent Secretary of the Bangkok Metropolitan Area as Vice-Chairperson, a representative of the Metropolitan Police Bureau, a representative of the Public Relations Department, a representative of the Excise Department, the Chief of the Bangkok Metropolitan Disaster Prevention and Mitigation Office, the Director of the Community Development Department, the Director of Education Area in the Bangkok Metropolitan Area appointed by the Bangkok Governor, the Director of the Education Department, the Director of the Medical Service Department, the Director and four qualified members appointed by the Bangkok Governor from persons having knowledge and experience in social work, medicine, psychology and law; one from each field, as members. The Director of the Health Department shall be a member and the secretary. The Bangkok Alcoholic Beverage Control Committee may appoint not more than two officers of the Health Department to be assistant secretaries.

Section 19. There shall be the *Changwat* Alcoholic Beverage Control Committee consisting of the *Changwat* Governor as Chairperson, the Vice-*Changwat* Governor appointed by the *Changwat* Governor as Vice-Chairperson, the *Changwat* Police Commander, the Chief of Excise Area appointed by the *Changwat* Governor, the Chief of the *Changwat* Disaster Prevention and Mitigation Office, the Director of Education Area Office appointed by the *Changwat* Governor, the Chief of the *Changwat* Public Relations Office, the Chief of the *Changwat* Social Development and Human Security Office, the Director of

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the Disease Prevention and Control Office responsible for the *Changwat*, not more than four administrators of local administration within the *Changwat* appointed by the *Changwat* Governor and four qualified members appointed by the *Changwat* Governor from persons having knowledge and experience in social work, medicine, psychology and law; one from each field, as members.

The Chief of the *Changwat* Public Health Office shall be a member and the secretary. The *Changwat* Alcoholic Beverage Control Committee may appoint not more than two officers of the *Changwat* Public Health Office to be assistant secretaries.

Section 20. The provisions of section 11, section 12, section 13 and section 14 shall apply *mutatis mutandis* to the term of office, vacation from office, the appointment of a member to fulfil the vacancy and the carrying out of duties of the qualified members under section 18 and section 19, provided that the power of the Minister under section 13 (3) shall be the power of the Bangkok Governor or *Changwat* Governor, as the case may be.

Section 21. The provisions of section 7 and section 9 shall apply *mutatis mutandis* to the meeting and appointment of a sub-committee or working group of the Bangkok Alcoholic Beverage Control Committee and the *Changwat* Alcoholic Beverage Control Committee.

Section 22. The Bangkok Alcoholic Beverage Control Committee and the *Changwat* Alcoholic Beverage Control Committee shall have the powers and duties within the Bangkok Metropolitan Area or the area of the *Changwat*, as the case may be, as follow:

(1) to give recommendations in relation to measures for controlling any alcoholic beverage and the treatment or rehabilitation of an alcoholic to the Control Committee;

(2) to give advice and recommendations to, and coordinate with, State and private agencies relevant to the control of manufacturing, importing, selling, advertising and the consumption of any alcoholic beverage, and to propose preventive measures against the effects of alcoholic beverage consumption including the treatment and rehabilitation of an alcoholic;

(3) to establish practices for monitoring and preventing children and youths dealing with alcoholic beverages;

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(4) to establish practices which conform with the policy of the Committee to reduce and stop alcoholic beverage consumption;

(5) to monitor, evaluate and inspect the execution of laws for the reduction and halting of alcoholic beverage consumption and to submit the report thereon to the Control Committee;

(6) to carry out any duty as entrusted by the Committee or the Control Committee.

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

CHAPTER III

Office of the Alcoholic Beverage Control Committee

Section 24. There shall be established the “Office of the Alcoholic Beverage Control Committee” in the Department of Disease Control, the Ministry of Public Health.

There shall be the Director as the superior official and being responsible for the performance of the official affairs of the Office.

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

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

(2) to conduct or provide support for the conduct of study, analysis and research on any matter relating to alcoholic beverages, and to monitor, evaluate and then report the performance of policies, work plans and measures designated for controlling alcoholic beverages and for the treatment or rehabilitation of an alcoholic as executed by the relevant State and private agencies to the Control Committee for its acknowledgment and further submission to the Committee for consideration;

(3) to coordinate and cooperate with the Bangkok Alcoholic Beverage Control Committee, the *Changwat* Alcoholic Beverage Control Committee, any government agency and State and private agencies relevant to the control of alcoholic beverages and the treatment or rehabilitation of an alcoholic;

(4) to be the central information centre on alcoholic beverages;

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(5) to carry out any duty as entrusted by the Committee or the Control Committee.

CHAPTER IV

Alcoholic Beverage Control

Section 26. The manufacturer or importer of any alcoholic beverage shall act in compliance with the following:

(1) provide containers, labels and warning messages for manufactured or imported alcoholic beverages in accordance with the rules, procedures and conditions laid down by the Control Committee with the approval of the Committee and published in the Government Gazette;

(2) to carry out any act determined by the Control Committee with the approval of the Committee and published in the Government Gazette.

Section 27. The selling of any alcoholic beverage at or within the following places or areas is prohibited:

(1) a temple or any place of worship;

(2) a State public health service unit, infirmary under the law on infirmary and pharmacy under the law on drug;

(3) a public office, except the area designated for the establishment of a shop or club;

(4) a dormitory under the law on dormitory;

(5) an education institution under the law on national education;

(6) a petrol station under the law on fuel oil control or a shop within a petrol station;

(7) a public park provided by the government for public recreation;

(8) other places notified by the Minister with the approval of the Committee.

Section 28. No person shall sell any alcoholic beverage on the day or during the period notified by the Minister with the advice of the Committee. In this regard, necessary conditions or exemptions may also be specified therewith.

The provisions of paragraph one shall not apply to the selling of alcoholic

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beverages by the manufacturer, importer or agent of the manufacturer or importer to the licensee of a sale license under the law on liquor.

Section 29. No person shall sell any alcoholic beverage to the following persons:

- (1) a person under twenty years of age;
- (2) a person who has lost consciousness due to being drunk.

Section 30. No person shall sell any alcoholic beverage through the following practices or manners:

- (1) using an automatic vending machine;
- (2) hawking;
- (3) providing a discount as a sale promotion;
- (4) giving or offering privilege to attend any competition or performance, offering services, lucky draw or to earn any benefit to the buyer of alcoholic beverages in favour of buying or to the person who exchanges or trades alcoholic beverages with their packaging, labeling or anything related therewith;
- (5) dispersing, providing, giving or exchanging with alcoholic beverages or any goods or services, as the case may be, or distributing alcoholic beverages in the form of samples or in order to promote alcoholic beverage consumption by the public, including the determination of sale conditions as compulsory buying, whether in a direct or indirect manner, of alcoholic beverages;
- (6) any other practice or manner notified by the Minister with the advice of the Committee.

Section 31. No person shall drink any alcoholic beverage at or within the following places or areas:

- (1) a temple or any place of worship, except where drinking thereof is a part of worship;
- (2) a state public health service unit, infirmary under the law on infirmary and pharmacy under the law on drug, except the area designated as the living area of an individual;
- (3) a public office, except the area designated as the living area of an

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individual or for the establishment of a club or in case of a conventional banquet;

(4) an education institution under the law on national education, except the area designated as the living area of an individual or club or in the case of a conventional banquet or education institution providing the course relevant to the mixing of alcoholic beverages which having been permitted under the law on national education;

(5) a petrol station under the law on fuel oil control or a shop within a petrol station;

(6) a public park provided by the government for public recreation;

(7) other places notified by the Minister with advice of the committee.

Section 32. No person shall advertise or display, directly or indirectly, the name or trademark of any alcoholic beverage in a manner showing the properties thereof or inducing another person to drink.

Advertisements or public relations provided by the manufacturer of any kind of alcoholic beverage shall only be made for giving information thereof or giving social creative knowledge without displaying any illustration of such alcoholic beverage or its package, except for the display of a symbol of such alcoholic beverage or that of its manufacturer as prescribed by the Ministerial Regulation.

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

CHAPTER V

Treatment or Rehabilitation of an Alcoholic

Section 33. An alcoholic or his or her relatives or a group of persons or a State or non-governmental organisation having the objective of providing treatment or rehabilitation to an alcoholic may apply for treatment or rehabilitation support from the Office in accordance with the rules, procedure and conditions laid down by the Control Committee.

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CHAPTER VI

Competent Official

Section 34. In the performance of duties under this Act, the competent official shall have the powers and duties as follows:

(1) to enter into the place of business of the manufacturer, importer or seller of any alcoholic beverage, the place for manufacture, import or sale of any alcoholic beverage and the store of any alcoholic beverage during the working hours of those places, and to search any vehicle for the execution of this Act;

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

(3) to summon, in writing, any person to give statement or to submit any document or object for consideration.

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

The identification card of the competent official shall be in the form as notified by the Minister.

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

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

CHAPTER VII

Penalties

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

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

Section 40. Whoever sells any alcoholic beverage in violation of section 29 or section 30 (1) shall be liable to imprisonment for a term not exceeding one year or to a fine 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 a term not exceeding six months or to a fine not exceeding ten thousand Baht or both.

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

Section 43. Whoever violates section 32 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred thousand Baht or both. In addition to the liability under paragraph one, the violator shall be liable to a daily fine not exceeding fifty thousand Baht a day through the period of violation or until acting correctly.

Section 44. Whoever opposes, or obstructs the performance of duties of a competent official under section 34 (1) or (2) shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or both.

Whoever fails to come forward, or fails to give, a statement to a competent official in the performance of duties under section 34 (3), or fails to submit documents or objects to being summoned by a competent official under section 34 (3), shall be liable to a fine not exceeding twenty thousand Baht.

Whoever fails to render facilities to a competent official under section 36 shall be liable to a fine 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 may entrust a sub-committee, an inquiry

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official or a competent official to settle the case and may determine, as necessary, the rules for conducting the settlement or any condition to be complied with by the entrusted person.

If it appears to the inquiry official, during an inquiry, that any person commits an offence under this Act and such person agrees to settle the case, the inquiry official shall submit the file to the Control Committee or the person entrusted by the Control Committee to conduct settlement under paragraph one within seven days from the date that such person agrees to settle the case.

If the offender pays the fine in the amount as settled, the case is deemed to be settled under the Criminal Procedure Code.

Countersigned by:

General Surayud Chulanont
Prime Minister

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