

**Emergency Decree on Controlling the Use of Volatile Substances,  
B.E. 2533 (1990)**

**Translation**

BHUMIBOL ADULYADEJ, 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 controlling the use of volatile substances;

By virtue of Section 157 of the Constitution, be it, therefore, enacted by the King as follows;

**Section 1**

This Emergency Decree is called the "Emergency Decree on Controlling the Use 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 substances" means chemicals or materials as notified by the Minister in the Government Gazette;<sup>(1)</sup>

"volatile substance addict" means a person who takes volatile substance regularly to satisfy physical or mental need and this can be proved according to theory;

"produce" means manufacture, mix or prepare and includes transform, repackage or combine-package;

"treatment" means any act for the treatment of volatile substance addict including rehabilitation and follow-up of the treatment result;

"sell" includes dispose, distribute, give away indiscriminately or exchange but all these for commercial purpose or for the purpose of sale;

"import" means bring or order into the Kingdom;

"institutions for treatment" means institutions for treatment as notified by the Minister under Section 4;<sup>(2)</sup>

"Committee" means Volatile Substance Control Committee;

"competent official" means a person appointed by the Minister for the execution of this Emergency Decree;

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

**Section 4**

The Minister shall have the power to notify in the Government Gazette,

- (1) to specify names, categories and containing quantities of volatile substances which the Minister considered that they can be used or have been used to satisfy physical or mental need;

- (2) to repeal or modify names, categories or containing quantities of volatile substances;
- (3) to prescribe institutions for treatment of volatile substance addict;
- (4) to prescribe other rules for the execution of this Emergency Decree.

### **Section 5**<sup>(3)</sup>

There shall be the "Volatile Substance Control Committee", consisting the Permanent-Secretary of Ministry of Public Health as Chairman, representative of Ministry of Commerce, representative of Ministry of Education, representative of Ministry of Industry, Director-General of the Police Department or representative, Director-General of Department of Medical Services or representative, Director-General of Department of Probation or representative, Director-General of Department of Public Welfare or representative, Director-General of Department of Medical Sciences or representative, Secretary-General of Narcotics Control Board or representative, Secretary-General of the Food and Drug Administration or representative and not more than five but not exceed seven qualified members appointed by the minister, as members.

The 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 and the Director of Narcotics Control Division of the Food and Drug Administration shall be member and assistant secretary.

### **Section 6**

Ex-officio members shall hold office for a term of two years, and members who vacate office may be reappointed.

### **Section 7**

An ex-officio member vacates office before the end of term upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Council of Ministers;
- (4) being an insolvent person;
- (5) being an incompetent or quasi-incompetent person;
- (6) being imprisoned by a final judgment to a term of imprisonment with the exception of an act committed by negligence or a petty offence;
- (7) being suspended or revoked the license for conducting medical services or medical treatment.

The member who is appointed to fill the vacancy or as additional member shall hold office for the remaining term of other members.

### **Section 8**

At a meeting of the Committee, the presence of not less than one-half of the total number of members of the Committee is required to constitute a quorum. If the Chairman does not attend or cannot perform the duty, the members present shall elect one among themselves to preside over the meeting.

The decision shall be made by a majority of votes.

Each member shall have one vote. In case of an equality of votes, the Chairman shall have an additional vote as a casting vote.

### **Section 9**

The Committee shall have powers and duties to submit recommendations and opinions to the Minister in the following matters:

- (1) to issue notification under Section 4;
- (2) to issue policy or measures for controlling of volatile substances or treatment;
- (3) to issue rules regarding treatment and restraint of volatile substance addicts in the institution for treatment;
- (4) to issue Ministerial Regulations under this Emergency Decree;
- (5) other matters as assigned by the Minister.

#### **Section 10**

The Committee may appoint a sub-committee to carry out any act under its powers and duties as entrusted, and Section 8 shall apply to the meeting of sub-committee mutatis mutandis.

#### **Section 11**

After prescribing the institutions for treatment of volatile substance addicts, the Minister shall issue rules regarding treatment and restraint of volatile substance addicts therein.

The rules in paragraph one shall come into force after its publication in the Government Gazette.

#### **Section 12**<sup>(4)</sup>

Producer of volatile substances shall provide picture, sign or content on container or package of volatile substances for the purpose of warning the use of volatile substances according to rules, methods and conditions as prescribed in the Ministerial Regulation.

#### **Section 13**<sup>(5)</sup>

Importer of volatile substances shall provide picture, sign or content on container or package of volatile substances for the purpose of warning the use of volatile substances according to rules, methods and conditions as prescribed in the Ministerial Regulation.

#### **Section 14**

Volatile substances for sale shall have picture, sign or content which the producer or importer provides on container or package according to Section 12 or Section 13.

#### **Section 15**

No person shall sell any volatile substance to a person not exceeding 17 years of age except in case of sale by educational institute for the purpose of education.

#### **Section 16**

No person shall sell, provide or give volatile substance to a person whom he knows or should know that such person is a volatile substance addict.

#### **Section 17**

No person shall use volatile substance for treatment of bodily or mental need whether by inhaling, smelling or by whatever means.

#### **Section 18**

No person shall induce, instigate or use fraudulent or deceitful means to cause other person to use volatile substance for treatment of bodily or mental need whether by inhaling, smelling or by whatever means.

#### **Section 19**

In performing duties, competent officials may enter the producing, importing, selling or storing place of volatile substances during its business hours to inspect the execution of this Emergency Decree and in case where there is a reasonable ground to believe that an offence under this Emergency Decree has been committed, the competent officials may

seize the volatile substance, container or package of volatile substance or any relevant documents for the purpose of prosecution.

In carrying the duties under paragraph one, the producer, importer or seller of volatile substances and any other concerned persons in the producing, importing or selling place shall render facilities to the competent officials as may be reasonable.

#### **Section 20**

In performing the duties, the competent officials shall produce the identification document when the relevant person requests so.

#### **Section 21**

In carrying out duties, the competent officials shall be the competent officials under the Penal Code.

#### **Section 22**

Any producer, importer or seller of volatile substance who violates Section 12, Section 13 or Section 14 shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand Baht or both.

#### **Section 23**<sup>(6)</sup>

Any person who violates Section 15 shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding twenty thousand Baht or both.

#### **Section 23 bis**<sup>(7)</sup>

Any person who violates Section 16 shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand Baht or both.

#### **Section 24**<sup>(8)</sup>

Any person who violates Section 17 or Section 18 shall be liable to imprisonment of not exceeding two years or a fine not exceeding twenty thousand Baht or both.

#### **Section 25**

Any person who impedes or fails to render facilities to the competent officials according to Section 19 paragraph two shall be liable to imprisonment for a term not exceeding one month or a fine not exceeding one thousand Baht or both.

#### **Section 25 bis**<sup>(9)</sup>

In the case where there is the seizure of volatile substances under Section 19 paragraph one or by virtue of other laws and no court proceeding has been instituted on account of no offender and staying the inquiry by the prosecutor or on account of a non-prosecution order by the prosecutor, if within ninety days as from the date of the seizure, no person claims to be the owner thereof, such volatile substances shall devolve on the Ministry of Public Health, then they may be destroyed or utilized by the Ministry of Public Health or person entrusted in accordance with the rules prescribed by the Ministry of Public Health.

In the case where person who claims to be the owner under paragraph one can prove to the Committee that he is a real owner and does not connive at the commission of the offence, the committee shall order to return the volatile, Substances to the owner, if, such volatile substances are still in possession of the Competent official.

#### **Section 25 tri**<sup>(10)</sup>

In the case where the court proceeding has been instituted for volatile substances and no contend about the types categories or the containing quantities of volatile substances, if the court of First Instance has a decision or an order to seize the volatile substances under criminal law or by virtue of other laws and, within the period of thirty days from the date of decision or the order to seize such volatile substances, there is no offer that the real owner

does not connive at the commission of the offence, the Ministry of Public Health or person entrusted by the Ministry of Public Health may destroy or utilize them in accordance with the rules prescribed by the Ministry of Public Health.

### **Section 26**

In case that offender under Section 17 does not exceed seventeen years of age, he shall not be punished under Section 24, but the court may proceed as follows:

- (1) give an admonition and release him. If the court thinks fit, it may also give admonition to his parents, guardian or person whom the offender lives with;
- (2) if the court considers that the offender is a volatile substance addict, it shall make an order to transfer the offender to be treated in the institution for treatment until the end of the treatment process.

### **Section 27**

In case that offender under Section 17 does not exceed seventeen years of age and is under the treatment process in the institution for treatment. If such person escapes from the institution and the competent official can rear rest him, the competent official shall proceed according to the rules regarding treatment and restraint of volatile substance addicts under Section 11.

### **Section 28**

In case that the court has given a judgment sentencing the offender to imprisonment, or that such person is guilty, but the determination of the punishment is to be suspended, or the punishment is determined, but the infliction of the punishment is to be suspended, or inflicting the punishment of fine only; if the court considered that the offender is a volatile substance addict, it may make an order to transfer the offender to be treated in the institution for treatment until the end of the treatment process. In case that the court has given a judgment inflicting the punishment of imprisonment or confinement in lieu of fine, the period of treatment in the institution for treatment shall be included in the period of imprisonment or confinement, as the case may be.

### **Section 29**

In case that the offender under Section 17 exceeds seventeen years of age and is under the treatment process in the institution for treatment. If such person escapes from the institution, he shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding ten thousand Baht or both and if the court considers that the offender is still a volatile substance addict, it may make an order according to Section 28.

### **Section 30**

If the offender under Section 17 and not exceeding seventeen years of age, commits the offence under Section 17 again after recovering from addiction, the court shall increase the punishment by one half of the punishment for the latter offence.

### **Section 31**

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

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

**Lists of Volatile Substances under the Notification of Ministry of Public Health and  
Ministry of Industry No. 14 (B.E. 2538)  
Specifying names, categories and containing quantities of volatile substances**

1.14 chemicals as follows:

- (1) Aliphatic Hydrocarbon and Aromatic Hydrocarbon
  - 1.1 Toluene (Methylbenzene,  $C_6H_5CH_3$ )
- (2) Ketone
  - 2.1 Acetone or Dimethyl Ketone (2-Propanone,  $CH_3COCH_3$ )
  - 2.2 Methyl Ethyl Ketone or MEK or Ethyl Methyl Ketone (2-Butanone,  $CH_3COCH_2CH_3$ )
  - 2.3 Isopropylacetone or Methyl Isobutyl Ketone or MIBK (2-Methyl-2-Pentanone,  $CH_3COCH_2CH(CH_3)_2$ )
- (3) Ester
  - 3.1 Ethyl Acetate or Acetic Ether or Acetic Ester (Acetic Acid Ethyl Ester,  $CH_3COOC_2H_5$ )
  - 3.2 Cellosolve Acetate or Ethylene Glycol Monoethyl Ether Acetate (2-Ethoxy ethyl Acetate,  $CH_3COOCH_2CH_2OC_2H_5$ )
  - 3.3 Methyl Acetate (Methyl Acetate,  $CH_3COOCH_3$ )
  - 3.4 n-Butyl Acetate (Acetic Acid Butyl Ester,  $CH_3COO(CH_2)_3CH_3$ )
  - 3.5 sec-Butyl Acetate or Acetic Acid sec-Butyl Ester (Acetic Acid 1-Methylpropyl Ester,  $CH_3COOCH(CH_3)CH_2CH_3$ )
  - 3.6 n-Butyl Nitrite (Nitrous Acid Butyl Ester,  $CH_3CH_2CH_2CH_2ONO$ )
  - 3.7 iso-Butyl Nitrite (Nitrous Acid Isobutyl Ester,  $(CH_3)_2CHCH_2ONO$ )
- (4) Ether
  - 4.1 Butyl Cellosolve or Ethylene Glycol Monobutyl Ether (2-Butoxyethanol,  $HOCH_2CH_2OC_4H_9$ )
  - 4.2 Cellosolve or 2-Ethoxyethanol (Ethylene Glycol Monoethyl Ether,  $HOCH_2CH_2OC_2H_5$ )
  - 4.3 Methyl Cellosolve or Ethylene Glycol Monomethyl Ether (2-Methoxyethanol,  $HOCH_2CH_2OCH_3$ )

2.5 materials as follows:

- (1) Thinners
- (2) Lacquers
- (3) Synthetic Organic Adhesives
- (4) Natural Organic Adhesives
- (5) Blowing Balloon

\* Published in the Government Gazette Vol.113, Part. 8 Ngor., dated 25<sup>th</sup> January B.E.2539 (1996).

- (1) Notification of Ministry of Public Health and Ministry of Industry No.14 (B.E.2538) Specifying names, categories and containing quantifies of volatile substances.
- (2) Notification of Ministry of Public Health and Ministry of Industry No.4 (B.E.2533) and No.6 (B.E.2534) prescribing institutions for treatment of volatile substance addict.
- (3) Repealed and replaced by the Act for Amending Emergency Decree on Controlling the Use of Volatile Substances B.E.2533, B.E.2542, Section 3.
- (4)- (5) Ministerial Regulation issued Section 12 and Section 13 is the Ministerial Regulation No.1 (B.E.2534) by virtue of Emergency Decree on Controlling the Use of Volatile Substances B.E.2535 (1990).
- (6) Repealed and replaced by the Act for Amending Emergency Decree on Controlling the Use of Volatile Substances B.E.2533, B.E.2542, Section 4.
- (7) Added by the Act for Amending Emergency Decree on Controlling the Use of Volatile Substances B.E.2533, B.E.2542, Section 5.
- (8) Repealed and replaced by the Act for Amending Emergency Decree on Controlling the Use of Volatile Substances B.E.2533,B.E.2542, Section 6.
- (9) Added by Section 3 of the Emergency decree on controlling the use of volatile Substances (No.2) B.E.2543 (2000).
- (10) Added by Section 3 of the Emergency Decree on Controlling the Use of Volatile Substances (No.2) B.E.2543 (2000)

Published in the Government Gazette Vol.107, Part 13,  
Dated 19 January B.E.2533 (1990).

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