

Briefing Note: Drug Policy in Thailand



Introduction to the Decriminalization of Cannabis in Thailand

Initially spearheaded by community-based advocacy efforts in 2016, Thailand became the first country in Asia to decriminalize Cannabis. Politically, this came through the then-Deputy Prime Minister and Public Health Minister Anutin Charnvirakul of the **Bhumjaithai** party, who famously endorsed and used Cannabis products for health purposes. Changes to the law were enacted in Thailand from 2018 to 2022. By the start of 2019, an amendment to the Thai Narcotics Act legalized the medical use of substances like Cannabis, Hemp and Kratom (Considered Category 5 narcotics).

- By the end of 2020, licenses for Cannabis production were approved by the government for the medical market exclusively for state agencies.
- By February 2021, this approval was extended to enterprises beyond just state agencies.
- In February 2022, a ministerial decree through the Ministry of Public Health ¹ (which automatically comes into force 120 days later) removed the Cannabis Flower from the Category 5 schedule, which delisted it as a narcotic and created a legal grey area that facilitated its recreational use. Due to parliamentary disagreement on the content of a bill containing regulatory laws, Cannabis was **De Facto Legalized** in June 2022, without any form of an explicit legal framework ¹.
 - This removed criminal penalties for growing and trading Cannabis products, as well as the use of any parts of the plant for the treatment of health issues ².
- This caused a huge boom in the Cannabis market, particularly in tourist hotspots, which involved many vendors opening up dispensaries and grow-houses.
 - The boom led to an oversaturation in the Cannabis market, which led to a drop in prices and many of these businesses struggling to continue. Specialization in “high-quality, domestically grown” Cannabis became the only way for successful business. Furthermore, the illegal import of Cannabis from the United States added to the saturation of the market ².

After the elections in 2023, the new party, the **Pheu Thai** party took power. This happens to be the party founded by former prime minister Thaksin Shinawatra, who spearheaded the punitive war on drugs in Thailand. They are looking at reversing the recreational-use aspects of decriminalization of Cannabis. It is of note, however, that they continue to stress that the medical use of Cannabis will remain untouched.

Factors behind the shift in Policy

1

The lack of a proper De Jure framework for the decriminalization of Cannabis snowballed into an oversaturated market that was more than just medicinal.

- Parliamentary dissonance facilitated the grounds for thousands of dispensaries and cannabis-themed businesses as parliamentarians could not agree on a bill that would regulate the market after the ministerial decree came into action.
- Despite the government insisting that they only promoted policies that aligned with medical usage, this lack of regulatory oversight enabled the grey areas that led to the De Facto Legalization of Cannabis.

2

The rollback of Cannabis policies was also enabled by a shift back to the Pheu Thai party.

- This is the same party who led Thailand’s war on drugs, which led to an extremely harsh and punitive approach towards people who use drugs. The political inclinations and biases of the

party lean away from granting people the personal liberties of using Cannabis, and they have a hardline against its recreational use, hence the rollback of policy.

- They are now looking to re-criminalize the recreational use of Cannabis resulting in fines, imprisonment, or both. ³

3

Supporters of the full decriminalization of Cannabis argue that the boom in Cannabis cultivation and sale have helped people, from farmers to point-of-sale operators.

- Despite this, even Cannabis entrepreneurs argued that they were strongly against Legalisation as it may damage the budding multi-billion-dollar industry. ³

Briefing Note: Drug Policy in Oregon



What can Malaysia learn from Thailand?

1

Drug Policy Reform is complex and needs to be carefully planned.

- It requires a multifocal, unbiased, and nuanced lens in ensuring everyone is clear about the aims and objectives of reform. The formation of the National Task Force and its relevant sub-committees will be critical to achieve this.
- It should be done in stages, carefully monitored for unintended consequences. As such a pilot implementation stage is recommended in three states in Malaysia.

2

Changes in the LAW are essential.

- In the implementation of new drug policies, a clear legal framework MUST be established to ensure that no abuses of the law can take place.
- A sub-committee of legal experts is critical for the success of law revisions in Malaysia.

3

The public facing side of Drug Policies must be onboarded.

- Proper training, capacity building and overall 'preparation of the ground' is critical. Make sure the public understands what the drug policy reform will aim to achieve and how it will benefit the public.
- Work with law enforcement agencies early to clarify any misunderstanding of the decriminalization policy. Get police and anti-narcotics onboard through lots of communication.
- Work with public opinion leaders such as religious leaders and social media and other media outlets.

4

Investments into treatment and support services are critical.

- Funding into drug use and dependence treatment, psychosocial support services, harm reduction and emergency services must be in place before changes to policy are implemented. People who use drugs who are diverted from prisons and the criminal justice system will require support services from the get-go, and without these places they will end up on the streets.
- Continuous funding for treatment services is critical. Treatment services must be available for all people who use drugs at every stage of the spectrum of drug use.

5

Drug Policy Reform CAN'T be a partisan issue.

- Consensus between all political interests is important. The case of Thailand shows how when government changes, policies can be reversed.
- Therefore, in Malaysia we must work with both government and opposition parties.

6

Policies need time to work.

- When policies are implemented, they must be allotted a fair amount of time for their effects to truly be observed.
- Politicians and the public must be informed that change will not come overnight. The war on drugs mentality of using law enforcement and punitive measures have been entrenched in the Malaysian psyche for over 60 years. It will take time for people who use drugs to feel safe to come forward to ask for treatment, police behavior and attitude will take time to change; treatment facilities will take time to develop and operate at optimal level.

7

Careful M&E system must be in place right from the beginning.

- Change is always difficult and drug policy changes can be charged with political sensitivities and tinted by misinformation and public perception. A careful monitoring system must address any unexpected outcome or unintended consequences immediately. The Pilot sites must be evaluated, and results distributed and documented in all government and public facing communication strategies.

References

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