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# An Analysis of Marijuana Liberalization in Thailand

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## Abstract

Marijuana, once classified as one of the illegal narcotic substances, was legalized on June 9, 2022, by the current government, and it became the first country in Asia-Pacific to legalize marijuana for medicinal purposes. The Narcotics Act, B.E. 2522 (1979), was amended to include marijuana containing less than 0.2% tetrahydrocannabinol (THC) as a legal substance. However, many think that the move to legalize marijuana was not considered carefully; thus, it has attracted criticism from different government agencies in Thailand, including medical doctors. Therefore, this paper aims to analyze relevant documents published on the effect of marijuana liberalization in Thailand. The legalization has created an opportunity for many businesses that struggled due to the pandemic, as they are allowed to sell marijuana to locals as well as tourists. However, it was also found that it could lead to a large sale of marijuana to both children and adults as the legalization process is still in its infancy, leading shops to sell marijuana products without any restrictions from the government. Although it was legalized for medicinal purposes, as long as there was no restriction, marijuana would be sold for recreational purposes as well. As the government is facing strong criticism for legalizing marijuana, the study suggests that the government should carefully draft a law that would prevent the sale of marijuana to children, pregnant women, and people with certain medical conditions. The law should also focus on preventing the use of marijuana for recreational purposes.

**Keywords:** Analysis, Marijuana Liberalization, Thailand

## 1. Introduction

There are different types, this includes but not limited to cannabis-based medicines (CBM), cannabis, and cannabinoids which are all applicable for medical use such as the relief of neuropathic pain, chronic pain, and cancer pain. However, the effectiveness of marijuana in clinical use is still a matter of debate considering it is surrounded by legal concerns and its possible harm or effects on the human body.

For centuries, Marijuana has been used for traditional medicinal purposes. It was until the 19<sup>th</sup> century, that many countries started criminalizing and banning the use of marijuana, Thailand specifically banned Marijuana through its Marijuana Act in 1934. The Marijuana Act was later integrated with the Narcotic Act of 1974 where marijuana was categorized in the Fifth Category in Section 7 of Thailand's constitution. With such laws and policies, Thailand acted as a guarantor of the Convention on Narcotic Drugs which involves the regulation of the misuse of cannabis and adhered to international standards.

The public concern about the use of marijuana and its products has expanded worldwide which has further led to the legalization of its use in different parts of the world, usually for medical and recreational purposes. Since the early 1930s, marijuana has been considered a controlled substance until the declaration of the new laws passed in February 2019 (Zinboonyahgoon, Srisuma, Limsawart, Rice, & Suthisisang, 2021). With the hasty declaration of the new laws passed in February 2019, Thailand became the first South East Asia country to legalize marijuana for medical purposes. The social legalization move of marijuana use was embraced by the ruling political party that had been elected earlier in the 2018 general

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elections. Without haste, the newly elected cabinet implemented the law through the declaration of the Narcotic Act, number 7 in February 2019 to pass the use of marijuana for medical purposes (Zinboonyahgoon, Srisuma, Limsawart, Rice, & Suthisisang, 2021).

The approval for the use of marijuana by the Thai government is solely for medical purposes, and the government further established a program to not only cultivate but also distribute marijuana for medical use in Thailand. Overall, marijuana is still illegal for recreational use in Thailand and the Thai government has no plans to legalize it for recreational purposes any time soon. However, reports from the Food and Drug Administration in Thailand indicate that marijuana is being used for recreational purposes despite the restrictions put in place by the Thai government.

## **2. Policies and restrictions related to the legalization of Marijuana in Thailand**

In Thailand, marijuana is currently illegal and the use, possession, and trafficking of marijuana are considered a criminal offense under Thai law. Under the Narcotic Drugs Act of 1979, marijuana is still classified as a Category 5 narcotic which is not only the most serious category but also carries the heaviest penalties. However, the public health ministries of Thailand have selected marijuana and hemp as controlled substances hence making them legal solely for the enhancement of the medical field, among other health purposes, thereby, limiting their possession unless prescribed by a doctor.

Passing the Marijuana Act, Thailand aims to legalize the farming of marijuana as well as reap the medical benefits offered by marijuana. However, the new laws are accompanied by regulations and exceptions that could hinder the idea of Thailand being a haven for marijuana for tourists. Thailand specifically banned Marijuana through its Marijuana Act in 1934 (Benveniste, 2022). However, the Thai Food and Drug Administration of Thailand pardoned marijuana and hemp from the list of 5 types of narcotics list making Thai the first country to legalize marijuana for medical use in Asia.

The legalization does not involve marijuana use for recreational purposes; the government is working to establish limits on the new policies. The new laws are established specifically for economic and healthcare gains. Using marijuana in public is illegal, and the penalty includes a three months jail-term with a fine. The new laws allow production and use only for medical purposes and health-related issues and not for recreation. The importation of products with contents of marijuana and products of hemp or any part related to marijuana and hemp to Thailand is unlawful. Households are allowed to plant marijuana but only after registration and industries are allowed to produce marijuana after getting a permit from the Thai government.

## **3. Critics Associated with the Legalization of Marijuana**

The legalization of marijuana in Thailand is cited for medical use only as they passed it to contain less than 0.2 % tetrahydrocannabinol among the list of narcotic drugs from the Narcotics Act and the Cannabis Act. The draft associated with marijuana regulations entails data from production and commercial use and is now being evaluated by the parliament due to the fear of its use apart from the medical use as intended. The registration of cannabis with the Thai Food and Drug Administration allows one to plant and use it for medical purposes, and not for recreational purposes. This legalization comes with a threat of it being used by young people, children to be specific to due its large availability. Passing the marijuana policy will attract entrepreneurs hence more shops that sell marijuana would be opened making it easily accessible for everyone including children.

After its legalization, Thailand's Ministry of Health raised some concerns about marijuana's liberal use and later gave some reports on the Ministry of Public Health specifying hemp and marijuana to be controlled substances, decriminalizing cannabis citing to enhance

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the medical application and health reasons and controlling its availability and use on individuals of twenty years and above (The Legal, 2022). Through the regulation, Thai Traditional and Alternative Medicine, consider smoking marijuana in public disrupts the public.

According to the Public Health of Thailand, selling marijuana to pregnant women, people under twenty years, breastfeeding mothers, and a specific category of people is illegal. The restrictions on marijuana also include banning marijuana in schools and public places. Despite the placed restrictions, it has a huge effect on society which includes the increasing numbers of marijuana addicts which comes with an extensive effect on society. The legalization of marijuana will increase the cases of import and exportation of the drug. The presence of marijuana addicts is a threat to society, this would lead to an increase in theft cases and gangs, school drop-outs, low work productivity, and disruption of the public peace. The legalization of marijuana has been criticized by many people including its citizens, professionals such as doctors, and the media. Various media articles have displayed the various effects of marijuana some duration after its legalization. For instance, there have been media reports of various negative effects after marijuana legalization, one of its reports shows that a six-year-old child who use a cannabis snack, fell into a ditch while a fifteen-year-old with a history of depression carried out a knife attack after using the drug (Adams, 2022). It is sad that more reports of this seem to emerge and would continue to do so. Before embarking on a change of policy and law, especially when it comes to drugs, the government should not only be focused on a single advantage, but rather should outlook on the wider concept, and effect on the public caused by the legislation. With marijuana's easy accessibility and extensive use, it's hard to regulate its reach to young people, pregnant mothers, and lactating mothers.

### ***3.1 Critics from the Healthcare professionals (Doctors) in Thailand***

Healthcare practitioners in Thailand have come in huge numbers to raise their voices against the legalization of marijuana, considering it an irresponsible and reckless move by the government. Doctors have cited the Cannabis Act and the Marijuana Act to be in contrast with teens' and children's protection. According to the Forensic Physician Association of Thai through its president, they displayed their various demands to the Thailand government, stating them to switch off the empty matter of marijuana, stating the government moves as a deficiency in regulatory controls as equated to the system evident in placed in action in other nation.

The medical professions assisted to govern the dangers of other substances such as kratom in the prior years. More than eight hundred and fifty-one doctors signed a petition against the move. The signatories include doctors only and alumni from various medical faculties and schools including, Mahidol University, and Ramathibodi Hospital in Bangkok (Adams, 2022). The institution is highly regarded to contain the most reliable and valued medical grounds. Through the doctor's reports, it is evident that cannabis has a high chance of affecting children and adolescents, young people are at a threat, particularly in their brain development. The report further stipulated that the legalization of marijuana in hand causes danger to the healthcare system and the health of those living in Thailand in the short and long-term dangers.

According to health practitioners, the elimination of marijuana from the Public Health Ministry's list of Narcotic drugs has failed to bring out the right measures and policies related to its regulation on the recreational use of marijuana, the absence of legal guidance and direction allows the accessibility of marijuana to children, teens, pregnant women, breastfeeding mother and people with special health cases. The Public Health Ministry of Thailand is accused of creating a legal void in the country due to the lack of laws and policies to permit the regulation and use of cannabis, hemp, and their extracts due to the legalization of the drugs.

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### ***3.2 The dangers of using Marijuana for recreational purposes.***

As opposed to medical use, the application of marijuana for recreational use is for the benefit of an individual which includes, leisure, personal enjoyment, and satisfaction. Recreational purposes for using a substance are related to the human contentment that brings relaxation, rest, enhancement, and refreshment to satisfy their life state. The recreational use of marijuana comes with a lot of harm to the human body, this includes, affecting the organic functioning of the body, it hinders one's capacity to think which in turn affects them. It also carries some lasting dangers for the users and those around them even if it takes place in a casual environment (Sullivan, E., & Austriaco, 2016). Intoxication always goes against the fundamental importance of an individual, hence the use of marijuana is never assured for a reliable use aside from the medical purpose.

The use of marijuana has several physiological effects on one's body, for instance, the content known as cannabinoids found in cannabis is associated with immunosuppression which minimizes the activity of one's immune system making them more exposed to diseases and infection (Radu. T & Cris,2010). Chronic use of marijuana can cause some widespread airway injury and damage in the functioning and establishment of the pulmonary macrophages making chronic users of marijuana have high-risk levels of pulmonary diseases such as emphysema and bronchitis. The most dangerous and alarming use of smoking marijuana is the cardiovascular effects which include exposure to heart attacks, fatal stroke, and chest pains. According to medical researchers, the long-term effects of marijuana users include loss of memory, cognitive impairments in decisions making, verbal memory, and intoxication even for users that have not used marijuana for some time.

### ***3.3 Lack of proper restrictions leading to the sale of marijuana among school-going children***

The legalization of marijuana in Thailand comes in handy with various effects, among them it's the exposure of the drug to school-going children. The passing of the marijuana and cannabis Act has been cited for medical use only and not for recreational purposes, however, the government is yet to place a regulation that would ensure marijuana is not within the reach of children and pregnant women.

The Public Health Ministry's list of Narcotic drugs has failed to bring out the right measures and policies related to its regulation on the recreational use of marijuana, the absence of legal guidance and direction allows the accessibility of marijuana to children, and teens(Barrett, 2015). Children need to be at the frontline when making new policies, especially by the government in terms of drug availability. Children are the main concern for safety in matters of drug use. Drug use among school-going children comes with various effects including health, developmental, and psychological effects.

The use of drugs among young people can cause some long-term effects, making them highly dependent and not a hard transition to adulthood. Drugs come with the exploitation of children by organized crimes such as gangs and heighten the cases of violence. The use of marijuana comes with a lot of harm to the human body, this includes, affecting the organic functioning of the body, it hinders one's capacity to think which in turn affects children on their studies with the inability to understand what they are being taught. It also carries some lasting dangers on the users and those around them even if it takes place in a casual environment, this is to say that school-going children living around people using marijuana are more exposed, and their health is in danger. The dangers of school-going children exposed to drugs are undermining and lack of special evaluation on the effective and reliable measures enacted to protect them, limiting responsible assessment and policy debate.



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#### 4. Conclusion

Thailand has been using marijuana for medical reasons for some time, only they opted to apply the western idea of considering marijuana as an addictive drug to legalize its consumption. With the extensive research on the medical importance of marijuana, Thai later embrace and went back to its prior use of marijuana only for medical purposes but have been faced with the challenge to regulate marijuana use for recreational purposes, and its accessibility to children, pregnant mothers, lactating mother and people with special cases such as those with mental health issues. Thailand's move to legalize marijuana has been received with a lot of views since the world is yet to embrace the concept of the positive effects of marijuana and still grasp the extensive influence of marijuana, especially on young people. Everything has some positive and negative effects, however, when considering to implement and pass a law, the government should first evaluate its effects. Aside from the extensive positive effects of marijuana on health, it also comes with an extensive effect on one's psychological functioning, of children, pregnant mothers, lactating mothers and the public at large. Making such new drug laws should be accompanied by strong regulations that are followed to book to ensure that only the intended purpose of the drug is reached, the public is protected or all the negative influences of marijuana, and children as well are protected, something that The Thai government is yet to put in place.

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