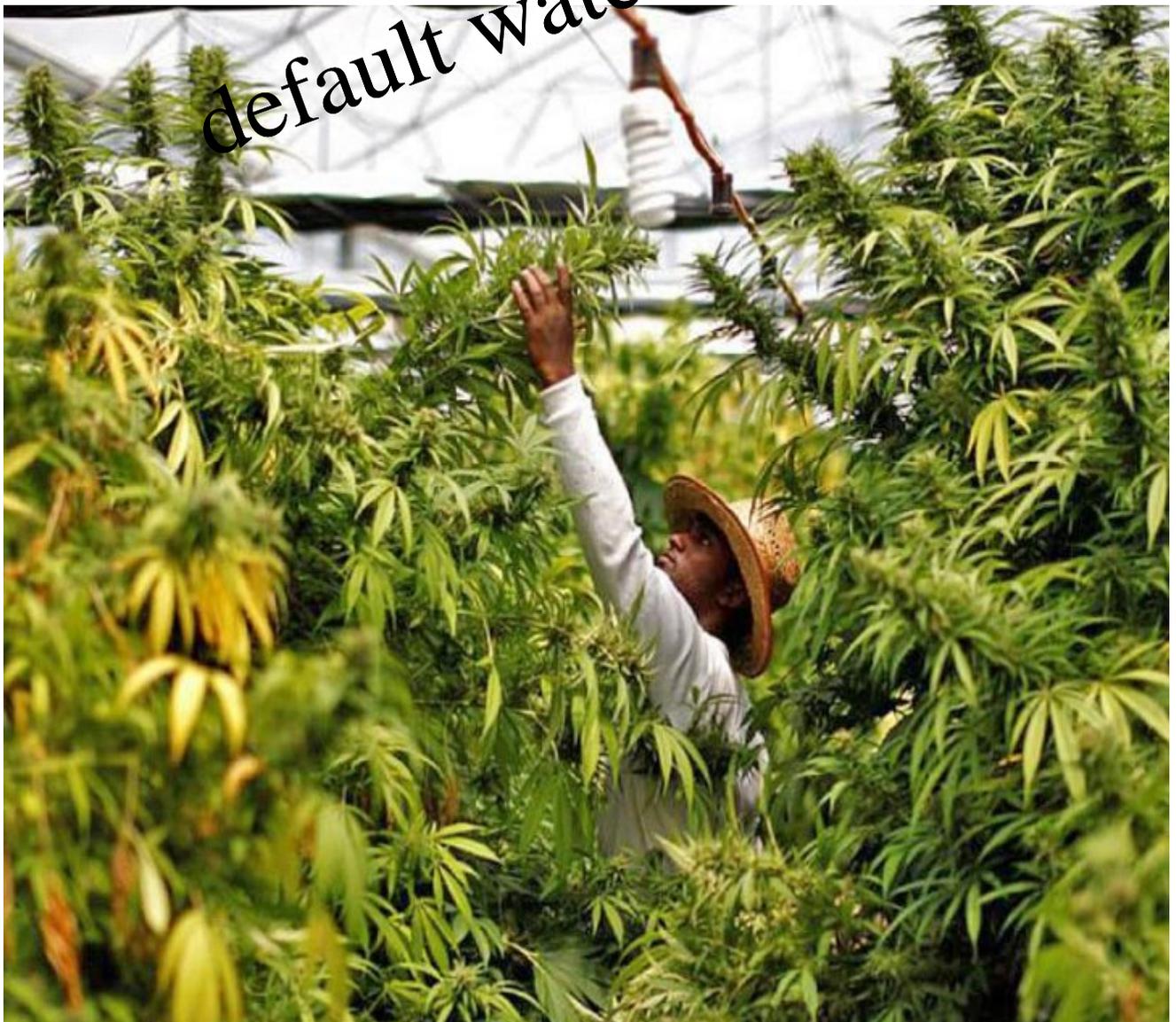




Thailand, Marijuana & You

Description



A Thai bud master tending a legal crop of marijuana. Photo attribution: Reuters

Is Smoking Ganja in Thailand Now Legal?

On June 9th, 2022 marijuana all but disappeared from the Thailand Narcotics Act which criminalizes narcotics and other drugs. Before June 9th, marijuana (It's referred to as "ganja" in Thailand.) was listed as a Category 5 drug in the Narcotics Act and possession of a small amount or even getting high could land you in jail. But on June 9th the amended Narcotics Act became law and marijuana *as a plant* was no longer listed. On that very same day, vendors began hawking premium buds in Bangkok and the cops did nothing.

Khao San Road, Bangkok on June 9th, 2022.

While smoking ganja in public can still get you up to three months in jail and/or a \$25,000 baht fine, it appears that buying, selling, smoking (in private) and growing it is now legal, or at the very least in a gray area of law where no one is quite sure what's legal and what isn't. (Much more on that coming.)

More accurately, Thailand has currently decriminalized marijuana. As of this writing, there isn't even an age limit for use! Thai authorities are working on regulations for marijuana use and should have a draft ready for legislative review within months if not sooner.

The Amended 2022 Narcotics Act



Marijuana buds contain the highest THC levels of the plant. They are not “extracts” and therefore are currently legal. Photo attribution: San Diego Union Tribune.

Prior to 2022, the Thailand Narcotics Act listed marijuana as a Category 5 narcotic and provided prison terms for growing, smuggling, possessing and using marijuana. (In 2019 and 2021, the Act was amended to allow medicinal marijuana use and decreased penalties for possession and use in favor of rehabilitation and treatment.)

The newest amended version of the Narcotics Act, which became law on June 9, 2022, substantially amended Category 5 narcotics ¹, and now only referred to *extracts* of marijuana that contained more than 0.2% of THC as still being illegal.² The Act made no mention of the plant itself.

Marijuana “extracts” refer to the plant’s cannabinoids (organic compounds) which are extracted from the plant by laboratory methods. This can include THC (tetrahydrocannabinol) which is the cannabinoid that gets you high. But there are nearly 100 other cannabinoids, which have little or no THC, and are

used in a variety of products. Low THC cannabinoids are used in cosmetics, lotions, food ingredients and many other products. High THC cannabinoids are hash oil, weed oil, shatters and waxes. (Shatters and waxes are highly potent THC products that are smoked similar to hashish.) High THC cannabinoid *extracts* remain illegal under the Narcotics Act.

But recreational users of ganja primarily smoke the buds or flowers. The buds can contain very high levels of THC, far beyond the limit for extracts of 0.2%. (High quality seeds can produce buds that have 30+% THC levels.) *Ganja buds or flowers are not extracts*. They are simply part of the marijuana plant and no longer illegal under the Narcotics Act. [3](#)

That's why on June 9th, the first day of decriminalization, high quality ganja buds were being openly sold in Thailand and the police did nothing.

The Road to Legalization



Prior to liberalizing their drug laws in 2022, 80% of Thai prisoners were incarcerated for drug offenses, many for offenses only for simple possession or use. Photo attribution: National Geographic

The Thailand Narcotics Act of 1979 was one of the most draconian drug laws in the world. It provided the death penalty for selling narcotics such as heroin, cocaine or methamphetamine, and life in prison for smuggling.

The penalties for marijuana were 2-15 years for growing or smuggling; 2-10 years for selling; 5 years

for simple possession; and 1 year for merely testing positive for marijuana (consumption).

But attitudes toward ganja began to change a few years back when Thailand allowed its use for medicinal purposes in 2018.

In 2021, the Narcotics Act was amended and simple possession was cut to 2 years max. More importantly, the new Narcotics Act provided that anyone using ganja who agreed to “treatment” was not to be jailed. The police were now encouraged to no longer jail people who were either users or found to merely possess it.

And to emphasize this more lenient attitude toward marijuana, the government began to resentence and release prisoners serving time for marijuana-not just those in prison for use or small-time possession, but anyone who was incarcerated for any marijuana related offence.

Thai officials realized they had a problem. Of their 300,000 prison inmates, 80% were serving time for drug charges. The majority of that 80% were not connected to drug gangs and had no history of violence. And so Thailand began to empty its prisons of inmates being held for marijuana offenses.

Spokesperson for the Courts of Justice, Sorawit Limparangsi, made clear the government’s intention:

“All prisoners charged with production, import, export, distribution, use and possessing [marijuana], even before June 9th would be released.”

As of this writing, Thailand no longer has any inmate serving time for a marijuana related offense. [4](#)

The Bhumjaitai Party: The Politics of Ganja



Anutin Charnvirakul, Minister of Health. Photo attribution: BBC

The legalization of marijuana is the direct result of the Bjumjaitai political party, and its leader, Anutin Charnvirakul, is currently Thailand's Minister of Health. Anutin has led the charge for legalization.

Bjumjaitai was a small political party that began with a base of support in Buriram Province—a rural province in northeast Thailand where agricultural issues dominate. The Party began in 2008 and adopted as its signature issue the legalization of marijuana so that it could be grown as a cash crop by farmers. That proved to be a very popular idea with farmers.

2019 was a watershed year for Bjumjaitai as the Party received 10% of the national vote in the general election and captured 51 seats in the Thai House of Representatives.⁵ That was enough to make the Party a “kingmaker” for the next coalition government. Bjumjaitai was part of the coalition government of the current Prime Minister, Prayuth Chan Ocha, and his *Palang Pracharath* Party. As part of the coalition government, Anutin became Deputy Prime Minister and most importantly Minister of Health.

With their newly won political power, Bjumjaitai began to make their signature issue—marijuana legalization—a reality. In December, 2019, the Party announced it was working with the Ministry of

Justice of legalize weed. They were serious. On June 9th, it was mission accomplished.

Thai Attitudes & Latitudes

A must view. This is the best reporting on the current situation in Thailand.

Thais are of mixed mind about ganja. They embrace medicinal marijuana and the commercial use of marijuana for cosmetics, food and drink, supplements, fabric, etc. But they certainly don't want their children to become pot heads and eat all the ice cream in the refrigerator.

A February, 2022 study was done to gauge how Thais perceive ganja and its legalization. [6](#) The results: 48% of Thai consumers had already tried products containing cannabis. 62% said they were interested in consuming cannabis products. 50% of those who have tried a cannabis product said they used it to relax, and another 48% said they used it to improve their mood. (That sounds like they're using it to get high.)

Major Thai corporations have jumped into the cannabis frenzy and are producing food, drink and cosmetic consumer goods which are welcome by Thai consumers as the above study indicates. [7](#) The Thai Industrial Hemp Trade Association estimates that cannabis related business will earn \$40 billion baht (about \$1.1 billion U.S.) this year and \$70 billion baht by 2024. [8](#)

The government's aim in legalizing ganja is to create a commercial industry for marijuana related products. And to create such a commercial industry, the Kingdom needs to grow marijuana. Farmers, often a poor segment of Thai society, see ganja as a cash crop and easy profits. That may or may not be true. But marijuana is an ecologically beneficial crop as it uses little water and does not need to be fertilized. Hemp is a far "greener" fabric than cotton for example and has worldwide demand.

The Thai Ministry of Agriculture is giving away one million marijuana plants to any individuals who want a couple. [9](#) Over the last two years, Thai research universities have developed several low-THC strains of marijuana and encourage people to grow them in home gardens and use them as they like.

Tourism

Let's not overlook the elephant in the room-tourism. Covid-19 devastated Thai tourism. From over 40 million tourists annually down to just a couple million. This critical segment of the Thai economy must be revived, and Thai officials have openly talked about the possibility of allowing tourists in some areas such as Phuket or Pattaya light up.

And why not? Considering the debauchery and shenanigans that tourists in Pattaya, Patong Beach or Soi Cowboy happily wallow in, smoking a Thai stick seems tame.

Currently, tourists are lighting up already because there are yet to be any regulations to control buying and using ganja other than smoking can't be done in public.

Thailand, Ganja, the Police & You

Wise words: If you choose to buy ganja before the government issues its usage regulations, be sure to buy from dispensaries that openly sell to the general public. Don't buy from some guy you don't know in a back alley.

Should you, as a tourist, buy and smoke ganja on your Thai vacation?

Consider this statement by Col. Duangchote Suwanjaras, chief of Bangkok's Thonglor District [10](#) Police:

"[P]lease do not smoke in the public or exhale smoke into other people's faces. For now, we will accommodate people who possess, buy, and sell buds. We're waiting for the [Cannabis Act] to be effective and from then we'll know clearer guidelines of what you can do or cannot do." [11](#)

But consider this statement by the Thai Minister of Health:

"We [have always] emphasized using cannabis extractions and raw materials for medical purposes and for health. There has never once been a moment that we would think about advocating people use cannabis in terms of recreation." [12](#)
Anutin Charnvirakul, Minister of Health

Anutin's statement is more political than legal. He knows that if he endorses full-blown recreational use of ganja, he risks his Bhumjaitai Party getting blown out at the next general election that will happen no later than March, 2023. He may not advocate for recreational use and even take a public stand against it, but he may also not obstruct the forthcoming Thai marijuana regulations from decriminalizing recreational use.

So we now have a situation where the police say they won't bust anyone for recreational use, but the Minister of Health warns against it. Welcome to Thailand.

My advice while we await the usage regulations: Proceed with caution. Legalization is brand new and the regulations for ganja use haven't even been drafted yet. Smoking in private is probably fine. Smoking in public is asking for trouble. Buying a little on Khao San road from a public ganja truck is probably fine. Buying a kilo from a guy that also sells yaba (a category 2 narcotic) is colossally stupid.

And the tourist has one more concern: You are a guest in the Kingdom of Thailand. You have no right to be there. A minor infraction of their drug laws, while it may not land you in prison, can be reason to deport you. And you'll be detained while awaiting deportation and probably barred from the country for 10 years.

So play it safe for now. Don't party hardy with a doobie dangling from your lips. I can assure you from 25 years of experience: This place a high value on discretion and public behavior.

I'll be watching closely for any news of the forthcoming marijuana usage regulations. When they're drafted and made public, I'll be sure to post about it.

Category

1. The Siamese Puzzle Box

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1. marijuana
2. ganja

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jeffcgallagher

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