

Cannabis legislation creates the 'Amsterdam of Asia'



Thailand has recently made news with its decriminalisation of cannabis. With matters becoming ever more politicised, **Thomas Walker** provides an overview of Thailand's controversial cannabis legislation roll-out.

In 2018, Thailand became the first Asian country to legalise medical cannabis, and on 9 June 2022, the entire plant was removed from the country's narcotic list, closely followed by recreational cannabis. This essentially decriminalised all cannabis-related crime. On the same day, approximately 4 200 prisoners jailed for these crimes were set free.

The law allows all parts of the cannabis plant to be used for production, distribution, consumption and commerce, but cannabis exports and imports are subject to strict regulations.

Sales of cannabis plant parts, products, and consumables are forbidden to those under the age of 20, pregnant women, and women who are breastfeeding. In addition, cannabis extracts must contain less than 0,2% of the psychoactive chemical tetrahydrocannabinol (THC). Dried flowers, however, are unregulated.

DEVELOPMENTS SINCE LEGALISATION

Since the cannabis legislation enacted in June, many have come to name Thailand the 'Amsterdam of Asia' or even the 'Wild West', due to the proliferation of cannabis businesses that have emerged.

Many opponents of the legislation are now calling for recriminalisation due to reports of overdosing and hospitalisation.

One of the doctors leading the campaign, Smith Srisont, the head of Thailand's Forensic Physician Association, said that while he was not against the use of cannabis for recreational purposes, he urged the government to take measures to prevent minors from having easy access to the drug. Srisont's greatest concern is that legislators acted prematurely.

The Pheu Thai Party earlier petitioned the Election Commission to dissolve the Bhumjaithai Party over its handling of cannabis legalisation, which it referred to as a 'hastily put together strategy to win over voters'. The statement was subsequently retracted.

This is just one example of how the cannabis debate has heated up as political tensions rise.

THE CHANGES HAVE INVIGORATED THE INDUSTRY, BUT IT WON'T BE PLAIN SAILING AHEAD

As Thailand's election next year approaches, the problem will become even more politicised, says journalist-turned-politician and political analyst Voranai Vanijaka.

In mid-June, an emergency order was issued to address the most evident loopholes in the legislation. This, as already described, bans the sale of cannabis to any persons under the age of 20 years and to pregnant and breastfeeding mothers.

LEGAL PENALTIES

The maximum punishment for being charged with being a nuisance for smoking in public is three months in jail, a US\$1 000 fine (about R18 000), or both.

Penalties for breaking the law have not been finalised, and more than 1 000 doctors as well as many medical organisations have been petitioning for the legislation to be rolled back.

Thai police have told businesses selling cannabis that they could be shut down if operations bother anyone. However, police also

apparently said: "We actually welcome some sort of regulation; we don't think it's a bad thing."

The world's worst mass killing in recent memory occurred in Thailand on 6 October 2022 when a lone ex-policeman killed 37 people, most of them children, in a preschool. Following the incident, political and media narratives centred on the killer's battle with meth addiction, which sparked a nationwide discussion about the nation's drug and gun problems.

CONCLUSION

The main reason for Thailand's startling 180° shift on marijuana is most certainly political, with Anutin Charnvirakul, the current minister of public health, pledging to return control of the plant 'to the people.'

Thailand's cannabis legislation has to be viewed as one of the most liberal to date, and this comes from a country that had a hard line on drugs.

The use of cannabis for medicinal purposes under government oversight had previously been permitted for four years, but the Bhumjaithai Party's (Charnvirakul's party) signature position during the most recent election in 2019 was to allow both home cultivation and medical use of the plant.

The legislation changes have invigorated the industry in Thailand, but it won't be plain sailing ahead. Due to its politicisation, the current free-for-all may lead to a tightening of regulations.

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