

(Translation)

Office of the Council of State

Act

Public Health

B.E.2535 (A.D.1992)

Bhumibol Adulyadej

Given on the 29th day of March, B.E.2535 (A.D.1992);

Being the 47th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that

Whereas it is deemed appropriate to amend Public Health Act and Fecal Sludge-Based Fertilizer Control Act,

Be it, therefore, enacted by His Majesty the King, by and with the advice and the consent of the National Legislative Assembly functioning as the Parliament, as follows:

Section 1. This Act shall be referred to as “Public Health Act B.E.2535 (A.D.1992)”.

Section 2¹. This Act shall come into force on the date immediately following that of its promulgation in the Government Gazette.

Section 3. The following acts shall be repealed.

- (1) Public Health Act B.E.2484 (A.D.1941)
- (2) Public Health Act (No. 2) B.E.2495 (A.D.1952)
- (3) Public Health Act (No. 3) B.E.2497 (A.D.1954)
- (4) Public Health Act (No. 4) B.E.2505 (A.D.1962)

¹ Government Gazette No. 109/Chapter 38/Page 27/5 April B.E.2535 (A.D.1992).

(5) Public Health Act (No. 5) B.E.2527 (A.D.1984)

(6) Fecal Sludge-Based Fertilizer Control Act B.E.2480 (A.D.1937)

(7) Fecal Sludge-Based Fertilizer Control Act (No. 2) B.E.2484 (A.D.1941)

(8) Fecal Sludge-Based Fertilizer Control Act (No. 3) B.E.2497 (A.D.1954)

Section 4. In this Act,

“Sewage” means excrement or urine, including any other thing that is filthy or gives foul odor;

“waste”² means waste paper, waste cloth, waste food, waste goods, waste materials, plastic bag, food container, soot, animal dung or carcasses, including any other thing swept away from road, market place, animal farm, or other places, including infectious waste, toxic or hazardous waste from community;

“public place or way” means a place or way which is not privately owned and people can use or pass;

“building” means a brick house, house, shelter, shed, structure, raft, warehouse, office, or other structural erection that persons may enter to stay or use;

“marketplace” means a place ordinarily arranged for merchants to assemble to sell goods consisting of animal, meat, vegetables, fruits, fresh or prepared or cooked food, or perishable items, with or without other kinds of goods for sale, including an area arranged for merchants to assemble to sell said goods regularly or from time to time or on appointed dates;^[1]

“food selling place” means any building, place, or area which is not public place or way, arranged for the preparation or cooking of food for sale to buyers for immediate consumption whether the sale is for consumption within the area arranged at the place or to be taken away for consumption at other places;

“foodstuff storing place” means any building, place, or area which is not a public place or way, arranged for the storage of food in fresh, dry, or any other forms for sale to buyers for consumption after being prepared or cooked;

² Section 4. The definition of “waste” was revised by the Public Health Act (No.2) B.E.2550 (A.D.2007).

“local government”³ means a provincial administrative organization, municipality, Tambon administrative organization, Bangkok Metropolis, Pattaya City, or other local governments designated as local governments by law;

“local regulations” means the regulations, ordinance, or by-law issued by the local government;

“local official”⁴ means

(1) The President of provincial administrative organization, for areas under provincial administrative organization jurisdiction,

(2) The Mayor, for areas under municipality jurisdiction,

(3) The President of Tambon administrative organization, for areas under Tambon administrative organization,

(4) The Governor of Bangkok Metropolis, for areas under Bangkok Metropolis jurisdiction,

(5) The Mayor of Pattaya City, for areas under Pattaya City jurisdiction,

(6)⁵ The chief of other local administrative agencies designated as local government by law, for areas under such local government jurisdiction;

“Public Health Official” means an official appointed to execute this Act;

“Committee” means the Public Health Committee;^[1]_[SEP]□

“Minister” means the minister in charge and control of the execution of this Act.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 5. Prescribing that the Public Health Minister shall be in charge of this Act and has authority to appoint Public Health Officials and issue a ministerial

³ Section 4. The definition of “local government” was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

⁴ Section 4. The definition of “local official” was revised by the Public Health Act (No.2) B.E.2550 (A.D.2007).

⁵ Section 4. The definition of “local official” was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

regulation to define fees or exempt fees and provide other affairs in accordance with this Act.

The Ministerial Regulations shall come into force following its promulgation in the Government Gazette.

Chapter 1 General Provisions

Section 6. For the purpose of execution of this Act, the Minister shall, by the advice of the Committee, have the authority to issue ministerial regulations as follows:

(1) Prescribing rules, procedures, and measures for controlling or overseeing activities or operations on matters under this Act;

(2) Prescribing living standards congruent with the livelihood of the people, and procedures for controlling or overseeing or remedying things affecting the living standard congruent with the livelihood of the people.

The ministerial regulation under paragraph one may be issued for general enforcement in every locality or in any particular locality. Should it be reasonable to designate such ministerial regulation as matter with technical details or as rapidly changing matter according to social conditions, the designation of such ministerial regulation shall be made in accordance with the criteria prescribed by the Minister by the advice of the Committee and promulgated in the Government Gazette.⁶

Section 7. When a ministerial regulation issued under Section 6 is being enforced in any locality, the local government or local official engaging in activity or operation under said ministerial regulation in the jurisdiction of such locality shall comply with the provisions of the ministerial regulation. In this regard, if necessary, the local government may issue local regulations or amend the local regulations already in force prior to the issuance of the ministerial regulation under Section 6, prescribing details of operation in such locality in accordance with the said ministerial regulation.

If the local regulations of any locality are inconsistent with or contrary to the

⁶ Section 6 paragraph two was revised by the Public Health Act (No.2) B.E.2550 (A.D.2007)

ministerial regulation issued under Section 6, the ministerial regulation shall prevail. Except only when it is necessary or there is a special reason for a specific locality, the local government may issue local regulations on any matter which is inconsistent with or contrary to the provisions contained in the ministerial regulation issued under Section 6 upon endorsement by the Committee and approval by the Minister.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 8. In the event of an occurrence or a reasonable doubt of an occurrence of grave damage to the living conditions congruent with the livelihood of the people and an remedy is urgently required, the Director General of the Health Department shall have authority to order the owner of materials or persons involved in causing or in the likelihood of causing damage to cease an action or take any action to remedy or prevent such damage as deemed fit.

If the person who has received an order under paragraph one fails to comply with the order within a reasonable period of time, the Director General of the Health Department may order a public health official to take any action to remedy or prevent said damage instead. In such case, the public health official shall take precaution necessary under the circumstances and the person who receives the said order shall pay expenses incurred therein.

In a province other than Bangkok Metropolis, the Director General of the Health Department shall instruct the provincial governor to order a provincial public health official to comply with the provisions of paragraph two for the area in such province.

Section 8/1.⁷ During the consideration process to issue the order under Section 8 paragraph one, the Director General of the Health Department may assign the Provincial Public Health Committee or the Bangkok Metropolitan Public Health Committee to investigate the truth or provide opinions to support the consideration without delay.

⁷ Section 8/1 was added by the Public Health Act (No.3) B.E.2560 (A.D.2017).

Chapter 2

Public Health Committee

Section 9.⁸ There shall be one committee called “Public Health Committee” consisting of Permanent Secretary of Public Health Ministry as the Chairperson, Director General of Department of Pollution Control, Director General of Department of Disease Control, Director General of Department of Public Works and Town and Country Planning, Director General of Department of Industrial Works, Director General of Department of Agriculture, Director General of Department of Medical Sciences, Director General of Department of Local Administration, Director General of Department of Labor Protection and Welfare, Secretary General of the Food and Drug Administration, Secretary General of the Office of Natural Resources and Environmental Policy and Planning, Permanent Secretary of the Bangkok Metropolitan Administration, President of the National Municipal League of Thailand, President of the Provincial Administrative Organization Council of Thailand, President of the Tambon Administrative Organization Association of Thailand, and not exceeding four qualified members appointed by the Minister from persons knowledgeable or experienced in laws dealing with public health, environmental health, and consumer protection.

Section 10. The Committee shall have authority and duties as follows:

- (1) to present opinions to the Minister on formulation of policy, work plans, and measures on public health and on any public health matter assigned by the Minister;
- (2) to study and undertake analyses and give opinion to the Minister on improvement of laws, rules, regulations, and orders on public health;
- (3) to provide the Minister with the advice in issuing ministerial regulations, and local government in issuing local regulations;
- (4) to provide local officials with the advice in the execution of this Act;
- (5) to formulate projects and coordinate activities between government agencies and local governments concerned for the execution of this Act;
- (6) to control and oversee the performance of duty of government agencies charged with powers and duties to execute laws on public health and report to the Minister;

⁸ Section 9 was revised by the Public Health Act (No.2) B.E.2550 (A.D.2007).

(6/1)⁹ to follow up and evaluate the results of work done by the Provincial Public Health Committee and the Bangkok Metropolitan Public Health Committee for the execution of this Act and existing laws;

(7) to perform any other tasks as prescribed by law as power and duties of the Committee.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 11.¹⁰ In the event it appears to the Committee that the local government or the local official having jurisdiction over a locality fails to exercise the authority and duties provided by this Act without reasonable cause, the Committee shall notify the person vested with authority and duties to control and oversee the performance of duties of the local government or local official required to perform such duty under the law to order the local government or local official to perform that duty or rectify the performance of duty within a period deemed appropriate.

Section 12. Committee members who are qualified persons shall have a term of office of two years. Members who vacated the office may be reappointed.

Section 13. In addition to vacating office upon expiration of term of office under Section 12, Committee members who are qualified persons shall vacate office upon

- (1) death;
- (2) resignation;
- (3) dismissal by the Minister;
- (4) becoming bankrupt;
- (5) becoming incompetent or quasi-incompetent;

(6) having received an imprisonment punishment by a final judgment rendering imprisonment sentence except for a punishment for an offense committed by negligence, or for petty offense;

⁹ Section 10 (6/1) was added by the Public Health Act (No.3) B.E.2560 (A.D.2017)

¹⁰ Section 11 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017)

Section 14. In the event of an appointment of a qualified committee member during the term of office of the qualified committee members already appointed, whether it is for an addition of member or a replacement, the newly appointed committee member shall hold office for a period equal to the remainder of term of office of the qualified committee members already appointed or of the qualified member being replaced, as the case may be.

Section 15. In a meeting of the Committee, the number of members present shall not be less than half of the total number of members to constitute a quorum. If the Chairperson is absent, the members present shall elect a member among themselves to preside over the meeting.

A decision of the meeting shall be by a majority of votes. One member shall have one vote. If votes are tied, the Chairperson of the meeting shall give an additional casting vote.

Section 16. The Committee shall have the power to appoint subcommittees to consider matter or carry out tasks assigned by the Committee. The provision of Section 15 shall apply to the meeting of the subcommittees *mutatis mutandis*.

Section 17. In performing the duties under this Act, the Committee shall have the power to summon any person to testify or give statement of fact or to provide written explanation or to submit any document for examination or to support the consideration. In the event it deems appropriate, the Committee may empower any of the subcommittees under Section 16 to issue the said order on its behalf for consideration of matters under the power and duties of the subcommittee.

Chapter 2/1

Provincial Public Health Committee and Bangkok Metropolitan Public Health Committee¹¹

Section 17/1¹² Prescribing that there shall be Provincial Public Health Committee which is consisting of

¹¹ Chapter 2/1 Provincial Public Health Committee and Bangkok Metropolitan Public Health Committee, Section 17/2 to Section 17/5, was added by the Public Health Act (No.3) B.E.2560 (A.D.2017).

¹² Section 17/1 was added by the Public Health Act (No.3) B.E.2560 (A.D.2017).

(1) Provincial Governor to be the Chairperson;

(2) Provincial Attorney, Provincial Permanent Secretary, Provincial Agriculture, Commander of Provincial Police, Director of Provincial Office of Natural Resources and Environment, Provincial Office of Local Administration, Provincial Livestock Office, Provincial Public Works and Town Planning, Provincial Labor Protection and Welfare, Provincial Industrial Works, and Chief of the Provincial Administrative Office to be committee members;

(3) A governor and a chief of Tambon Administrative Office appointed by the Provincial Governor to be committee members. If any province has a special local government, or other local government established by laws, it prescribes that the Provincial Governor shall appoint the chief of such local government a committee member;

(4) Not exceeding four qualified committee members appointed by the Chairperson from persons knowledgeable or experienced in public health and environmental health, and not exceeding two representatives of the People Sector appointed by the Chairperson to be committee members.

Prescribing that the provincial public health physician shall be a committee member and secretary and the provincial public health physician shall appoint two government officials under the Provincial Public Health Office secretary assistants, one from those responsible for legal affairs and the other from those responsible for public health affairs.

Section 17/2.¹³ Prescribing that there shall be Bangkok Metropolitan Public Health Committee which is consisting of

(1) Permanent Secretary of Bangkok as the Chairperson;

(2) Deputy Permanent Secretary of Public Health Ministry assigned by the Permanent Secretary of Public Health Ministry, Deputy Permanent Secretary of Bangkok Metropolis assigned by the Permanent Secretary of Bangkok Metropolis, Director of City Law Enforcement Department, Director of Bangkok Environmental

¹³ Section 17/2 was added by the Public Health Act (No.3) B.E.2560 (A.D.2017).

Department, representative of Department of Pollution Control, representative of the Department of Disease Control, representative of Department of Livestock, representative of Department of Public Works and Town Planning, representative of Department of Industrial Works, representative of Department of Agriculture, representative of Department of Local Administration, representative of Department of Health Service Support, representative of Department of Labor Protection and Welfare, representative of Department of Health, representative of Royal Thai Police and representative of Office of the Attorney General as committee members;

(3) Not exceeding four qualified committee members appointed by the Chairperson from persons knowledgeable or experienced in public health and environmental health, and not exceeding two representatives of the People Sector appointed by the Chairperson to be committee members.

Prescribing that the Director General of the Office of Health of Bangkok Metropolis shall be a committee member and secretary and the Director General of the Office of Health of Bangkok Metropolis shall appoint one government official under the Department of Health who is responsible for either legal or environmental affairs an assistant secretary.

Section 17/3.¹⁴ The Provincial Public Health Committee and the Bangkok Metropolitan Public Health Committee shall have the following authority in each province or in Bangkok, as the case may be:

(1) be responsible for the execution of policies, plans and measures described in Section 10 (1);

(2) provide opinions regarding the revision of Public Health Act as assigned by the Minister or the Committee;

(3) provide opinions for local government regarding the issuance of local regulations and give advice or support local governments and local officials for the execution of this Act in accordance with the guidelines prescribed by the Committee;

(4) coordinate, promote and develop work potential of related governments

¹⁴ Section 17/3 was added by the Public Health Act (No.3) B.E.2560 (A.D.2017).

and local governments in accordance with projects assigned by the Committee by considering public participation principles;

(5) examine or monitor performance of governments which are responsible for the execution of laws on public health in order to report to the Committee;

(6) promote and support campaigns to build knowledge on public health and environmental health;

(7) investigate or provide opinions to support consideration of the Director General of Public Health in accordance with Section 8/1;

(8) to summon any person to testify or give statement of fact or to provide written explanation or to submit any document for examination or to support the consideration;

(9) carry out other duties as deemed to be duties of Provincial Public Health Committee or Public Health Committee of Bangkok Metropolis or as assigned by the Committee.

Section 17/4.¹⁵ Appointment, a term of office and vacating from the position of a committee member described in Section 17/1 (3) and (4) and the committee members described in Section 17/2 (3) shall be in accordance with criteria, procedures and conditions prescribed by the Committee and promulgated in the Government Gazette.

Section 17/5.¹⁶ Section 15 and Section 16 shall be applied on the appointment of subcommittees and meetings of the Provincial Public Health Committee, the Bangkok Metropolitan Public Health Committee and the subcommittees appointed by the Provincial Public Health Committee and the Bangkok Metropolitan Public Health Committee *mutatis mutandis*.

¹⁵ Section 17/4 was added by the Public Health Act (No.3) B.E.2560 (A.D.2017).

¹⁶ Section 17/5 was added by the Public Health Act (No.3) B.E.2560 (A.D.2017).

Chapter 3

Sewage and Waste Management¹⁷

Section 18.¹⁸ Collecting, hauling or disposing of sewage or waste within the area of any local government shall be the authority of such local government.

In carrying out the operations under paragraph one, the local government may do so in conjunction with other government agency or other local government under a joint agreement. However, for the benefits of the public as a whole, the Minister shall have the authority to issue a ministerial regulation, by the advice of the Committee, prescribing criteria, methods, and conditions for the joint operation.

With reasonable cause, the local government may assign to any person the task under paragraph one on its behalf under its control and supervision or may permit any person to carry out the activities of collecting, hauling or disposing of sewage or waste under Section 19.

The provisions of this Section and Section 19 shall not be applicable to the management of hazardous waste in accordance with the Factory Act. However, the operators of the factory having hazardous waste and the operators engaging in collecting, hauling or disposing of such hazardous waste are required to notify the local official of the operation in writing.

Section 19. No person shall engage in the operation of collecting, hauling, or disposing of sewage or waste as a business or for reciprocal benefits, unless a license from the local official is granted.

Section 20. For the purpose of maintaining cleanliness and regulating the collection, haulage, and disposal of sewage or waste, the local government shall have the authority to issue local regulations as follows:

¹⁷ The name of Chapter 3, "Sewage and Waste Management," was revised by the Public Health Act (No.2) B.E.2550 (A.D.2007).

¹⁸ Section 18 was revised by the Public Health Act (No.2) B.E.2550 (A.D.2007).

(1) prohibiting the discharging, dumping, discarding, or causing to exist in a public place or way of sewage or waste, except in the place provided by the local government;

(2) prescribing that there shall be receptacles for sewage or waste available in public places or ways and in private places;

(3) prescribing methods of collecting, hauling, and disposing of sewage or waste for the owner or occupant of any building or place to practice hygienically according to the condition and nature of use of such building or place;

(4)¹⁹ prescribing rate of fees for services provided by the local government or other person assigned to operate on its behalf in the collecting, hauling, or disposing of sewage or waste, which does not exceed the rate prescribed in the Ministerial Regulation. In this regard, the local government fixing of rate of fees for services in disposing of sewage or waste shall conform to the hygienic conditions set forth in the Ministerial Regulation;

(5) prescribing criteria, procedures, and conditions on collecting, hauling, and disposing of sewage or waste, with which to be complied by the person obtaining the license under Section 19, and prescribing a rate of maximum fee charges collectable by the person obtaining the license under Section 19 according to the nature of services provided;

(6) prescribing any other requirements necessary for hygienic practices.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

¹⁹ Section 20 (4) was revised by the Public Health Act (No.2) B.E.2550 (A.D.2007).

Chapter 4

Building Sanitation

Section 21. When it appears to the local official that any building or part thereof or any extension thereto is dilapidated or allowed to remain in a disorderly condition to the extent that it may be hazardous to the health of the dwellers, or does not conform to sanitary conditions fit for human habitation, the local official shall have the authority to issue a written order to the owner or the possessor of the building requiring that person to repair, alter, or demolish it or its extension in whole or in part, or to take other action necessary to prevent it from being a hazard to the health or to conform to hygienic conditions within a reasonable period of time prescribed.

Section 22. When it appears to the local official that any building is excessively stored with merchandise, furniture, or supplies, or those articles are so excessively piled up and provide living places for vermin, or may become hazardous to the health of the dwellers, or not in conformity to sanitary conditions fit for human habitation, the local official shall have the authority to issue a written order to the owner or the possessor of the building requiring that person to remove the merchandise, furniture, or supplies out of such building, or to rearrange them so that they may not become hazardous to the health, or that they be in conformity to the hygienic conditions, or to eliminate animals that are carriers of disease, within a reasonable period of time prescribed.

Section 23. In the event the local official has issued an order to any owner or possessor of the building to take action provided in Section 21 or Section 22 and such person fails to comply with the order within the prescribed period of time, the local official shall have the authority to carry out the task at the expense of the owner or the possessor.

Section 24. For the purpose of controlling any building from being so over-inhabited as to likely to become hazardous to the health of the occupants thereof, the

Minister shall, by the advice of the Committee, have the authority to make an announcement in the Government Gazette prescribing a number of persons per an amount of area of a building which deemed overcrowded, however, taking into account the development level, population, and community of each locality.

Upon announcement by the Minister under paragraph one, the owner or possessor of the building shall be prohibited from permitting or arranging his/her building to be inhabited by a number of persons exceeding that prescribed by the Minister.

Chapter 5

Nuisances

Section 25. In the event of an occurrence that may cause annoyance to dwellers in the vicinity or to person experiencing it, such occurrence by the following shall be deemed nuisances:

(1) a water resource, drainage, shower room, toilets, or dung or ash pit, or any other places situated at an unsuitable locality, which is dirty, or accumulating or amassing any waste causing foul odor or toxic substance dust or becoming or is likely to become a breeding place for carriers of disease or causing degradation or may be hazardous to health;

(2) a farming of animals in a place or by any method or in excessive number that causes degradation or may be hazardous to health;

(3) any building, which is a dwelling place of human beings or animals, factory, or business establishment, without air ventilation, water drainage, disposal of sewage, or control of toxic substances, or with such but without adequate control to prevent foul odor or toxic substance dust, thus causing degradation or which may be hazardous to health;

(4) any action causing odor, light, ray, noise, heat, toxic substances, vibration, dust, fine powdery substances, soot, ash, or any other actions to the extent of degradation or which may be hazardous to health;

(5) any other causes prescribed by the Minister and promulgated in the Government Gazette.

Section 26. The local official shall have authority to prohibit any person from causing a nuisance in a public place or way or private place and also to abate nuisances, including to watch over, improve, and maintain roads, land routes, waterways, drainage, trenches, canals, and other places within his/her jurisdiction to be free from nuisances. In this regard, the local official shall have the authority to issue written order to abate, eliminate, and control nuisances.

Section 27. In the event a nuisance occurs or may occur in a public place or way, the local official shall have the authority to issue a written order to the person who is the initiator or involved in causing or the likely causing of the nuisance, requiring him/her to cease or to prevent the nuisance within a reasonable period of time as specified in the order and, if it is deemed expedient to prescribe the method of abatement or prevention of such nuisance, or to prescribe the method of prevention of future nuisances, such method shall be specified in his/her order.

In the event it appears to the local official that the order of the local official under paragraph one is not complied with and the nuisance that has occurred may cause serious harm to health, the local official shall abate such nuisance and may take measures necessary to prevent recurrence of such nuisance, doing so at the expense of the person who was the initiator or involved in causing or the likely causing of the nuisance.

Section 28.²⁰ In the event a nuisance occurs in a private place, the local official shall have the authority to issue a written order to the owner or the possessor of such place, requiring him to abate the nuisance within a reasonable period of time as specified in the order and, if it is deemed expedient to prescribe the method of abatement or to prescribe the method of prevention of future nuisances, such method shall be specified in his/her order.

In the event the order of the local official under paragraph one is not complied with, the local official shall have the authority to abate such nuisance and may take measures necessary to prevent recurrence of such nuisance, and if the nuisance was caused by the action or failure to take action or consent of the owner or the possessor

²⁰ Section 28/1 was added by the Public Health Act (No.3) B.E.2560 (A.D.2017).

of the place, the said owner or possessor of the place shall bear the expenses incurred therein.

In the event it appears to the local official that the nuisance occurring in a private place may cause grave harm to health or an impact on the living conditions congruent with the livelihood of the people, the local official may issue a written order prohibiting the owner or the possessor from using or permitting any person to use such place in whole or in part until the local official is satisfied that the nuisance has been abated.

Section 28/1. In the event it appears that a nuisance under Section 27 or Section 28 occurs in a specific area to the extent that it causes harm to people's health, the local official shall have authority to designate the area as a nuisance control area in accordance with the criteria, procedures and conditions prescribed by the Minister by the advice of the Committee and promulgated in the Government Gazette.

The abatement of nuisances under paragraph one and the necessary management to prevent the occurrence of nuisance shall be in accordance with the criteria, procedures and conditions prescribed by the local official.

In the case that the nuisance described in paragraph one is abated and is no longer hazardous to people's health, the local official shall dismiss the announcement of nuisance control area without delay.

Chapter 6

Animal Raising or Grazing Control Area

Section 29. For the purpose of maintaining the living conditions congruent with the livelihood of the population in the locality or to prevent hazards from microbes originated from animals, the local government shall have the authority to issue local regulations designating an area covering the whole or any part of the locality under its jurisdiction, an animal raising or grazing control area.

In issuing a local regulation under paragraph one, the local government may designate an area prohibiting raising or grazing animals of certain kinds or types or in a number not exceeding that prescribed, or designated an area permitting raising or grazing animals of certain kinds or types under certain measures.

[The definition of "local regulations" was revised by the provision of Section

4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 30. In the event the local official finds an animal left in a public place or way in violation of Section 29 being of an unknown owner, the local official shall have the authority to detain the said animal for at least thirty days. Upon expiration of such period, if no person has come forward to claim the animal, such animal shall become property of the local government. But if the detention of the animal cause harm to such animal or other animal or is unreasonably expensive, the local official may arrange a sale or auction of such animal as deemed appropriate before the expiration of the said period of time. The proceeds from the sale or auction, after deduction of expenses incurred in the sale and auction or in the keeping of the animal shall be retained in lieu of the animal.

In the event the sale or auction of the animal under paragraph one has not taken place and the owner of the animal has come to claim the animal within the period prescribed under paragraph one, the owner of the animal shall reimburse the local government for expenses actually incurred in keeping the animal.

In the event the animal found by the local official under paragraph one is carrying a contagious disease which may be hazardous to the people, the local official shall have the authority to destroy or deal with them in any manner deemed appropriate.

Chapter 7

Business Hazardous to Health

Section 31. The Minister shall, by the advice of the Committee, have the authority to promulgate in the Government Gazette of businesses hazardous to health.

Section 32. For the purpose of overseeing the operation of business promulgated under Section 31, the local government shall have the authority to issue local regulations of the locality as follows:

(1) prescribing categories of certain or every business under Section 31 as controlled business within such locality;

(2) prescribing general rules and conditions for compliance by operators of business under (1) in respect of care of conditions or hygiene of the place used for business operation, and preventive measures against health hazards.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 33. Upon the expiration of a ninety-day period from the date on which the local regulations, under Section 32 (1), become effective, no person shall commercially engage in businesses of categories specified by the local regulations as controlled business under Section 32 (1), except with a license being obtained from the local official under Section 56.

In issuing a license under paragraph one, the local official may prescribe conditions, particularly requiring the licensee to prevent hazards to the health of the public, in addition to the general conditions prescribed in the local regulations of the locality under Section 32 (2).

The license under paragraph one shall be valid for a single type of business and for a single place.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Chapter 8

Marketplace, Food Selling Place, and Foodstuff Storing Place

Section 34. No person shall establish a marketplace, except with a license being obtained from the local official under Section 56.

Alteration, expansion, or reduction of the place or area used as a marketplace after the local official has issued the license to establish a marketplace may be made only with a written permission of the local official under Section 56.

The provisions of this Section shall not apply to ministry, bureau, department, local government, or state organization establishing a marketplace under its power and

duty. However, in carrying out the marketplace business, same as other licensees, it shall comply with other provisions of this Act, and the local official shall have the power to prescribe conditions in writing requiring the market establisher under this paragraph to individually comply therewith.

Section 35. For the purpose of overseeing marketplaces, the local government shall have the authority to issue local regulations as follows:

(1) to prescribe a location, area, layout, and criteria on construction and sanitation;

(2) to prescribe criteria on arrangements of a place and placement of articles and other matters pertaining to marketplace operation;

(3) to prescribe marketplace opening and closing time;

(4) to prescribe criteria and procedures to be complied by the marketplace establishing licensee with regard to maintenance of cleanliness and orderliness within the marketplace in accordance with health and hygiene, provision of places for collecting or disposing of sewage or waste, drainage, air ventilation, prevention of nuisances and prevention of the spreading of contagious diseases.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 36. Any person selling or assisting in selling articles in a marketplace shall comply with the criteria prescribed in the local regulations under Section 37.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 37. For the purpose of overseeing the selling of articles in the marketplace, the local government shall have the authority to issue local regulations prescribing criteria and procedure to be complied by the persons selling or assisting in selling articles in the marketplace with regard to maintenance of cleanliness at the selling place, personal hygiene, and hygienic conditions in the process of distributing, making, preparing, cooking, keeping or storing food or other goods, including

maintenance of cleanliness of containers, utility water, and various utensils.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 38. Any person wishing to set up a food selling place or foodstuff storing place in a building or space of which the area exceeds two hundred square meters, and which is not a selling of articles in a marketplace, shall obtain a license from the local official under Section 56. In the event the said place has an area of not exceeding two hundred square meters, the person is required to notify the local official in order to obtain a certificate of notification under Section 47 prior to the setup.

Section 39. The person setting up a food selling place or foodstuff storing place who has obtained a license under Section 56 or a certificate of notification under Section 48, and the person distributing, making, preparing, cooking, keeping or storing food in the food selling place or foodstuff storing place under Section 38, shall comply with the criteria prescribed in the local regulations under Section 40, or the conditions prescribed in the license or certificate of notification.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 40. For the purpose of controlling or overseeing a food selling place and a foodstuff storing place already obtaining a license or certificate of notification, the local government shall have the authority to issue local regulations as follows:

(1) prescribing categories of the food selling place or foodstuff storing place according to the types of food or nature of business establishment, or methods of distribution;^[1]_[SEP]

(2) prescribing criteria on establishing, using, and caring of the place and hygienic conditions of the area where food is sold, consumed, made, prepared, cooked or stored;

(3) prescribing criteria on prevention of nuisances and on prevention of contagious diseases;

(4) prescribing food distribution time;

(5) prescribing criteria on personal hygienic conditions of persons distributing, persons preparing and persons serving food;

(6) prescribing criteria on hygienic conditions of food, food distributing, making, preparing, cooking, keeping or storing processes;

(7) prescribing criteria on hygienic conditions of containers, equipment, utility water and other utensils.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Chapter 9

Distribution of Goods in Public Place or Way

Section 41. The local official has a duty to control and oversee public places or ways for common use of the general public.

No person shall distribute goods in the public place or way whether by means of displaying goods at a regular spot or by peddling, except with a license being obtained from the local official under Section 56.

In issuing the license under paragraph two, the local official shall specify kinds or types of goods, methods of goods distribution, and the place for displaying goods for sale in the case the goods are displayed at a regular spot. In addition, the local official may also prescribe in the license any condition deemed appropriate.

Changes of the kind or type of goods, method of goods distribution, or place for displaying goods from that specified in the license can only be made when the licensee has notified the local official thereof and the local official has recorded the said change in the license.

Section 42. The local official shall, with approval from the traffic official, have the authority to make announcement as follows:

(1) designating an area of public place or way or any part thereof as the area in which distribution or purchase of goods is strictly prohibited;

(2) designating an area of public place or way or any part thereof as the area in which distribution of goods of certain kinds or types is prohibited, or as the area in which distribution of goods during the prescribed time is prohibited, or as the area in which distribution of goods by certain method is prohibited, or prescribing criteria, procedures, and conditions for distribution of goods in such area.

In executing (1) or (2) above, the local official shall post an announcement in a conspicuous place at the office of the local government and at the location designated under (1) or (2) above, as the case may be, and the date on which the announcement comes into force shall not less than fifteen days from the date the announcement is made.

Section 43. For the benefits of the people and for the purpose of controlling of distribution of goods in public places or ways, the local government shall have the authority to issue local regulations as follows:

(1) prescribing criteria on personal hygienic conditions of the goods distributor or distributor assistant(s);

(2) prescribing criteria on hygienic conditions of the process used in distributing, making, preparing, cooking, keeping or storing food or other goods including maintenance of cleanliness or containers, utility water, and various utensils;

(3) prescribing criteria on goods display and peddling of goods in public places or ways;

(4) prescribing goods distribution time;

(5) prescribing other measures necessary for the maintenance of cleanliness and for the prevention of health hazards, including the prevention of nuisances and contagious diseases.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Chapter 10

Authority and Duties of Local Officials and Public Health Officials

Section 44. In the execution of this Act, the local officials and public health officials shall have the authority as follows:

(1) to summon any person to testify or give statement of fact or to provide written explanation or to submit any document for examination or to support the consideration;

(2) to enter any building or place between sunrise and sunset or during office hours in order to examine or take control for compliance with local regulations or this Act, and in this regard, to make inquiry of facts or demand the production of the certificate of notification or related evidence by the owner or the possessor of such building or place;

(3) to require the licensee or the person obtaining a certificate of notification to comply with the conditions in the license or the certificate of notification or with the local regulations or with this Act;

(4) to seize or withhold any thing that may cause health hazards to the people for the purpose of legal action or for destruction if necessary;

(5) to collect or take goods or any thing suspected to be unhygienic or to cause nuisances from any building or place in a reasonable quantity as samples for examination as necessary at no cost.

The local official shall have the authority to appoint a government official or official of the locality to perform any or all of the duties under paragraph one within the jurisdiction of such local government.

In performing the duties, the local official or public health official or the person appointed by the local official shall produce his/her identification card in the format prescribed in the ministerial regulation to the person concerned while performing the same, and the person concerned shall provide reasonable facilities.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 45. In the event it appears that an operator of any business as specified in this Act does not act in compliance with this Act, the ministerial regulations, local regulations, or notification issued under this Act, or the order of the local official given concerning such business operation, the local official shall have the power to order the operator of such business to carry out modification or improvement. If the operator of the business fails to carry out modification, or the business operation will cause grave harm, or there is a reasonable doubt that it will cause grave harm to the health of the people, the local official may order such person to immediately suspend the operation of such business temporarily until the local official is satisfied that no harm exists.

The order of the local official under paragraph one shall prescribe a reasonable period of time for compliance but not less than seven days, unless the order requires an immediate suspension, and a written notice shall be made to the business operator who is required to comply with the order. In the event the business operator could not be found or refuses to accept the said order, it shall be sent by return receipt registered mail or posted at a conspicuous place at the domicile or at the office of the business operator, and it shall be deemed to have been received by such person on the date of its arrival or posting, as the case may be.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 46. In the event the public health official detects incompliant occurrence or any act committed in violation of this Act or the local regulations, he/she shall notify the local official for action according to his authority without delay.²¹

In the event the public health official is of the opinion that the occurrence under

²¹ Section 46 paragraph one was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

paragraph one will have an impact on the living conditions congruent with the livelihood of the people or will be gravely harmful to the health of the people as a whole and that the occurrence must be urgently remedied, he/she shall have the power to order the person acting in such incompliance or violation to rectify or extinguish such occurrence, or do anything to rectify or extinguish such occurrence as necessary and thereafter notify the local official.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 47. In performing the duty under this Act, the local official, public health official and the person appointed by the local official under section 44 shall be the competent official under the Penal Code and, for the purpose of apprehending or suppressing offenders under this Act, the local official and the person appointed by the local official shall be an administrative officer or a police officer under the Criminal Procedure Code.

Chapter 11

Certificate of Notification

Section 48. A notification to the local official to carry out business operation under Section 38 and a certificate of notification shall be in the form prescribed in the local regulations.

When the local official is being notified, he/she shall issue to the notifying person a receipt therefor to be used as evidence in engaging in the business operation temporarily during the time the certificate of notification has not been issued by the local official.

The local official shall examine the notification to ascertain the conformity with the prescribed form prescribed in the local regulations as mentioned in paragraph one. If the notification is found to be in order, the local official shall issue a certificate of notification to the notifying person within seven working days from the date of receipt of the notification.

In the receipt of notification or certificate of notification, the local official may prescribe conditions to be complied individually by the notifying person or the person receiving the certificate of notification.

In the event of an incorrect or incomplete notification, the local official shall notify the notifying person accordingly within seven working days from the date of receipt of the notification. If the notifying person fails to make correction within seven working days from the date he/she received the notification from the local official, the local official shall have the power to order the nullification of the notification of the notifying person. If, however, the notifying person has made the correction within the prescribed period of time, the local official shall issue a certificate of notification to the notifying person within seven working days from the date of the notification which has compliant details according to the form prescribed in the local regulations under paragraph one.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 49. The person receiving the certificate of notification shall openly and conspicuously display the document at the business establishment throughout the time engaging in the business operation.

Section 50. In the event the certificate of notification is lost, destroyed, or damaged in essence, the person receiving the document shall apply for a substitute therefor within fifteen days from the date of knowledge of loss, destruction, or damage.

Application for and issuance of a substitute for certificate of notification shall be in accordance with the criteria and procedure prescribed in the local regulations.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 51. A notifying person under Section 48, who wishes to windup the business operation or assign the same to other persons, shall also need to notify the local official for information.

Section 52. In the event any person engaging in business operation specified in

this Act without notifying the local official under Section 48 and once penalized under this Act for engaging in business operation without notifying the local official but still continuing to engage in the business operation without notifying the local official, the local official shall have the authority to order such person to suspend the business operation until he/she notifies the local official under Section 48. If the violation continues, the local official shall have the authority to order the prohibition of the business operation for a prescribed period of time, which shall not exceed two years.

Section 53. A notification of the local official under Section 48 and an order of the local official under Section 52 shall be in writing to inform the notifying person or the business operator. In the event such person could not be found or refuses to accept the correspondence, it shall be sent by return receipt registered mail or posted openly and conspicuously at the domicile or office of the person who is supposed to receive the correspondence, and such person shall be deemed to have known the contents of such correspondence at the time of its arrival or at the time it was posted, as the case may be.

Chapter 12

License

Section 54. In the event this Act prescribes that any business operation or performance of any act shall require a license from the local official, the local government shall have the authority to issue local regulations prescribing criteria, procedures, and conditions for application for and issuance of a license for such matter.

For the benefits of preventing of nuisances or impacts to proper living conditions of people, communities or environment, it prescribes that the Minister by advice of the Committee shall have authority to promulgate in the Government Gazette prescribing types or sizes of a business, criteria for related public hearing, including criteria, methods and conditions for the licensee to follow prior to the approval of license under paragraph one.²²

²² Section 54 paragraph two was added by the Public Health Act (No.3) B.E.2560 (A.D.2017).

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 55. All licenses issued under this Act shall be valid for one year from the date of issuance and shall be used only within the jurisdiction of the issuing local government.

An application for renewal of a license must be submitted before the license expires. Upon submission of the application and payment of fee, the business operation may continue until the local official issues an order not to renew the license.

Criteria, procedures, and conditions for application for license renewal and license renewal permission shall be as prescribed in the local regulations.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 56. Upon receipt of an application for a license or an application for license renewal, the local official shall examine the application for correctness and completeness. If the said application is incorrect or incomplete according to the criteria, procedures, or conditions prescribed in the local regulations, the local official shall compile all incorrectness or incompleteness and notify the applicant to make correction thereof at the same time and, in case it is necessary to return the application to the applicant, the application shall be returned together with the compilation of incorrectness and incompleteness within fifteen days from the date of receipt of the application.

The local official shall issue a license or a letter notifying the applicant of an order refusing to give permission together with reasons within thirty days from the date of receipt of the application with correct or complete details as prescribed in the local regulations.

In the event the local official is excusably unable to issue a license or an order refusing to give permission within the period of time under paragraph two, the said period of time may be extended not more than twice, each time for not longer than fifteen days, however, a letter must be issued to notify the applicant of the time

extension and the reasons therefor each time prior to the expiration of the period of time under paragraph two or the period of time already extended, as the case may be.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 57. The licensee under this Act shall display the license openly and conspicuously at the business establishment throughout the time of engaging in business operation.

Section 58. In the event a license is lost, destroyed, or damaged in essence, the licensee shall submit an application for a substitute therefor within fifteen days from the date of knowledge of loss, destruction, or damage.

Application for and issuance of a substitute for license shall be in accordance with the criteria, procedures, and conditions prescribed in the local regulations.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 59. In the event it appears that the licensee for any business operation fails to comply or incorrectly complies with the provisions of this Act or the ministerial regulations or the local regulations issued under this Act or the conditions specified in the license in respect of the business operation under the license, the local official shall have the authority to order the suspension of license for a reasonable period of time but not exceeding fifteen days.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 60. The local official shall have the authority to issue license revocation order when it appears that the licensee

(1) has been given license suspension order twice and more and there is a cause for another license suspension;

(2) is sentenced by a final judgment for commission of an offense under this Act;

(3) fails to comply or incorrectly complies with the provisions of this Act or the ministerial regulations or the local regulations issued under this Act or with conditions specified in the license in respect of the business operation under the license and such noncompliance or incorrect compliance caused serious harm to the health of the people or had an impact on the living conditions congruent with the livelihood of the people.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 61. A license suspension order or license revocation order shall be made in writing for the information of the license obtainer. In the event the licensee could not be found or refuses to accept the said order, it shall be sent by a return receipt registered mail or posted conspicuously at the domicile or office of the licensee and it shall be deemed to have been received on the date of its arrival or at the time it was posted, as the case may be.

Section 62. A person whose license is revoked shall not be able to apply for a license to operate the business for which the license has been revoked until a period of one year from the date of the revocation.

Chapter 13

Fee and Fine

Section 63. The local government shall have the authority to issue local regulations prescribing fees in accordance with the criteria, procedures, and conditions prescribed in the ministerial regulation, which shall not exceed the rate provided therein.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 64. All fees and fines under this Act shall become revenue of the local government.

Section 65. In the event there are local regulations prescribing fees for business

operation of which the local official must be notified prior to the operation or which requires a license under this Act, the notifying person or the licensee shall have the duty to pay the fees at the rate and at the interval prescribed in the local regulations throughout the operation of such business. If the fees are not paid within the prescribed period, there shall be a fine to be paid at a rate of twenty percent of the outstanding fee amount, excepting that the notifying person or the licensee has notified of the business windup before the due date of the next fee payment, as prescribed in the local regulations.

In the event the person who has the duty to pay fees under paragraph one has been in arrears with fee payment for more than two times consecutively, the local official shall have the power to order such person to suspend his/her business operation until the fees and fines have been paid in full.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Chapter 14

Appeal

Section 66.²³ In the event the local official has issued an order under Section 21, Section 22, Section 27 paragraph one, Section 28 paragraph one or paragraph three, Section 45, Section 48 paragraph five, Section 52, or Section 65 paragraph two, or has issued an order not to grant a license or not to permit renewal of the license or to revoke the license under the provisions of this Act, or in the event the public health official has issued an order under Section 46 paragraph two, if the recipient of the order is not satisfied with the said order, such person shall have the right to appeal to the Minister within thirty days from the date of knowledge of the order.

An appeal under paragraph one shall not be ground for the stay of the execution of the order, unless the Minister deems it appropriate to have the execution of the order stayed temporarily.

²³ Section 66 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

Section 66/1.²⁴ Prescribing that there shall be an Appeals Committee, which is consisting of:

(1) Director General of the Department of Health as the Chairperson;

(2) a representative of Department of Pollution Control, a representative of Department of Livestock Development, a representative of Department of Public Works and Town Planning, a representative of Department of Industrial Works, a representative of Department of Local Administration, a representative of the Office of the Attorney General as committee members;

(3) not exceeding three qualified committee members appointed committee members by the Minister, by advice of the Committee, from the persons knowledgeable or experienced in public health and environmental health. Among the selected members, there shall be at least one qualified member appointed from the Private Sector.

Prescribing that the Deputy Director General of the Department of Health assigned by the Director General of Department of Health shall be a committee member and secretary and the Director General of the Department of Health shall appoint two government officials under the Department of Health an assistant secretary.

Appointment, terms of office and vacating from office of a qualified committee member under paragraph one (3) shall be in accordance with criteria, procedures and conditions promulgated by the committee in the Government Gazette.

Section 66/2.²⁵ The Appeals Committee shall have authority and duties as follows:

(1) to hear appeals in accordance with Section 66;

(2) to summon any person to testify or give statement of fact or to provide written explanation or to submit any document for examination or to support the consideration;

²⁴ Section 66/1 was added by the Public Health Act (No.3) B.E.2560 (A.D.2017).

²⁵ Section 66/2 was added by the Public Health Act (No.3) B.E.2560 (A.D.2017).

(3) to investigate truth or perform any duty that is necessary to support the consideration.

Section 66/3.²⁶ Section 15 and Section 16 shall be applied on meetings of the Appeals Committee under Section 66/1 and the appointment and meetings of the subcommittees mutatis mutandis.

Section 67.²⁷ The Appeals Committee shall complete hearing any appeal within ninety days from the day the appeal is made and inform the appellant or the local official or the public health official as the case may be of its decision with reasons in writing.

Decision of the Appeals Committee shall be deemed final.

Chapter 15

Penalties

Section 68.²⁸ Any person violating the ministerial regulation issued under Section 6 shall be punished by a fine of not exceeding fifty thousand baht.

Section 68/1.²⁹ Any person violating the ministerial regulation issued under Section 6 in cases concerning infectious waste or toxic or hazardous waste from community, shall be punished by imprisonment not exceeding six months or a fine of not exceeding fifty thousand baht, or both.

Section 69.³⁰ Any person failing to comply with an order of the Director General of the Department of Health issued under Section 8 paragraph one without reasonable cause or excuse, or obstructing the performance of duty of the public health official under Section 8 paragraph two, or of the provincial public health officer under Section 8 paragraph three, shall be punished by imprisonment not exceeding six months or a fine of not exceeding fifty thousand, or both.

²⁶ Section 66/3 was added by the Public Health Act (No.3) B.E.2560 (A.D.2017).

²⁷ Section 67 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

²⁸ Section 68 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

²⁹ Section 68/1 was added by the Public Health Act (No.3) B.E.2560 (A.D.2017).

³⁰ Section 69 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

Section 70.³¹ Any person failing to comply with an order of the Committee or a subcommittee under Section 17, Provincial Public Health Committee or Bangkok Metropolitan Public Health Committee under Section 17/3 (8), or Appeals Committee under Section 66/2 (2) without reasonable cause or excuse shall be punished by imprisonment not exceeding one month or a fine of not exceeding ten thousand baht, or both.

Section 71.³² Any person violating Section 19, Section 33 paragraph one, or Section 34, shall be punished by imprisonment not exceeding six months or a fine of not exceeding fifty thousand baht, or both.

Section 72.³³ Any person who sets up a food selling place or a foodstuff storing place with an area exceeding two hundred square meters without a license shall be punished by imprisonment not exceeding six months or a fine of not exceeding fifty thousand baht.

Any person who sets up a food selling place or a foodstuff storing place with an area not exceeding two hundred square meters without a certificate of notification shall be punished by imprisonment not exceeding three months or a fine of not exceeding twenty-five thousand baht.

Section 73.³⁴ Any person violating the local regulations issued under the provisions of Section 20 (5), Section 32 (2), Section 35 (1) or (4), or Section 40 (2) or (3) shall be punished by imprisonment not exceeding six months or a fine of not exceeding fifty thousand baht, or both.

Any person violating the local regulations issued under the provisions of Section 29, Section 35 (2) or (3), or Section 40 (1) (4) (5) (6) or (7) shall be punished by a fine of not exceeding twenty-five thousand baht, or both.

Section 73/1.³⁵ Any person violating the local regulations issued under the provisions of Section 20 (1), (2), (3) or (6) in cases concerning infectious waste or toxic

³¹ Section 70 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

³² Section 71 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

³³ Section 72 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

³⁴ Section 73 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

³⁵ Section 73/1 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

or hazardous waste from community, shall be punished by imprisonment not exceeding six months or a fine of not exceeding fifty thousand baht, or both.

Section 73/2.³⁶ Any licensee violating the local regulations issued under the provisions of Section 20 (5) in cases concerning infectious waste or toxic or hazardous waste from community, shall be punished by imprisonment not exceeding one year or a fine of not exceeding one hundred thousand baht, or both.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Section 74.³⁷ Any person failing to comply with an order of the local official issued under Section 21, Section 22, Section 27 paragraph one, or Section 28 paragraph one or paragraph three, or violating an announcement issued in pursuance of Section 28/1 paragraph two without reasonable cause or excuse, or obstructing the performance of duty of the local official under Section 23, Section 27 paragraph two, or Section 28 paragraph two, shall be punished by imprisonment not exceeding three months or a fine of not exceeding twenty-five thousand baht, or both.

Section 75.³⁸ Any owner or possessor of a building violating Section 24 paragraph two shall be punished by a fine of not exceeding five thousand baht and an additional fine of not exceeding two thousand five hundred baht per day throughout the period of violation.

Section 76.³⁹ Any licensee failing to comply with the conditions prescribed by the local official in the license under Section 33 paragraph two or Section 41 paragraph three shall be punished by a fine of not exceeding ten thousand baht.

Section 77.⁴⁰ Any person violating Section 41 paragraph two or the announcement of the local official under Section 42 (1) shall be punished by a fine of not exceeding ten thousand baht.

³⁶ Section 73/2 was added by the Public Health Act (No.2) B.E.2550 (A.D.2007).

³⁷ Section 74 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

³⁸ Section 75 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

³⁹ Section 76 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

⁴⁰ Section 77 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

Section 78.⁴¹ Any person failing to comply with Section 36 or violating the announcement of the local official under Section 42 (2) or the local regulations issued under Section 43 shall be punished by a fine of not exceeding five thousand baht.

Section 79.⁴² Any person failing to comply with a summon, or refusing to provide statements of fact or to submit documents or evidence, or obstructing or not providing facilities to the performance of duty of the local official or public health official or the person appointed by the local official under Section 44, shall be punished by imprisonment not exceeding one month or a fine of not exceeding ten thousand baht, or both.

Section 80.⁴³ Any business operator operating the business while being under the suspension order of the local official or failing to comply with the order of the local official under Section 45, Section 52, or Section 65 paragraph two without reasonable cause or excuse shall be punished by imprisonment not exceeding six months or a fine of not exceeding fifty thousand baht, or both, and an additional fine of not exceeding twenty-five thousand baht per day throughout the period of noncompliance.

Section 81.⁴⁴ Any person failing to comply with an order of the public health official issued under Section 46 paragraph two without reasonable cause or excuse, or obstructing the performance of the duty of the public health official shall be punished by imprisonment not exceeding three months or a fine of not exceeding twenty five thousand baht, or both.

Section 82.⁴⁵ Any person failing to comply with Section 49 or Section 50 shall be punished by a fine of not exceeding two thousand five hundred baht.

Section 83.⁴⁶ Any licensee violating Section 57 or Section 58 shall be punished by a fine of not exceeding two thousand five hundred baht.

Section 84.⁴⁷ Any licensee operating the business during the period of the

⁴¹ Section 78 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

⁴² Section 79 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

⁴³ Section 80 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

⁴⁴ Section 81 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

⁴⁵ Section 82 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

⁴⁶ Section 83 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

⁴⁷ Section 84 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

license suspension shall be punished by imprisonment not exceeding six months or a fine of not exceeding fifty thousand baht, or both, and an additional fine of not exceeding twenty-five thousand baht per day throughout the period of the violation.

Section 84/1.⁴⁸ In the case that the offender is a juristic person, if the offense of the juristic person is caused by an order or action of a committee member, or the chairperson, or any person responsible for operation of the juristic person, or in the case that the person is responsible for giving an order or taking action, but chose not to give the order or take action, leading to the offense of the juristic person, the person shall be punished in accordance with the provisions regarding the offenses.

Section 85.⁴⁹ Prescribing that there shall be a Case Settling Committee^[11]_{S&P}.

(1) in Bangkok Metropolis, it shall be consisting of a representative of the Bangkok Metropolitan Administration, a representative of the Royal Thai Police and a representative of the Office of the Attorney General as committee members. Prescribing that the Governor of Bangkok Metropolis shall appoint not exceeding two government officials under Bangkok Administration to be a secretary and an assistant secretary;

(2) in other provinces, it shall be consisting of the provincial governor, the provincial prosecutor, and the provincial police superintendent as committee members. Prescribing that the physician of provincial public health shall be a secretary and the physician of provincial public health shall appoint not exceeding two government officials under the provincial public health to be assistant secretaries;

For all offenses under this Act, if it is considered that the alleged defender should not be penalized by imprisonment or should not be prosecuted, the Case Settling Committee shall have the power to settle the case by fixing a fine.

For offenses punishable only with fine or with imprisonment not exceeding three months or a fine not exceeding twenty-five thousand baht, or both, the Case Settling Committee may assign a local official or the person assigned by a local official to have the power to settle the case by fixing a fine.

⁴⁸ Section 84/1 was added by the Public Health Act (No.3) B.E.2560 (A.D.2017).

⁴⁹ Section 85 was revised by the Public Health Act (No.3) B.E.2560 (A.D.2017).

The settlement of a case by fixing a fine by the Case Settling Committee or the local officials or the person assigned by the local officials shall be in accordance with criteria, procedures and conditions prescribed by the Minister with the advice of the committee and promulgated in the Government Gazette.

Upon payment of the fine as fixed within thirty days from the date of fine fixing, it shall be deemed that the case has been settled in accordance with the Criminal Procedure Code.

Chapter 16

Transitory Provisions

Section 86. The licensee of any business operation under the public health law being repealed by this Act, who has been operating such business on the date this Act comes into force and such business is of the same nature as the business which requires a license or which requires a notification and granting of certificate of notification under this Act, shall continue to operate such business as a licensee or as a person who has made a notification and has received the certificate of notification under this Act. However, upon the expiration of such license and the person wishes to continue the business operation, that person is required to apply for a license or to make a notification under this Act prior to the operation.

Section 87. The person operating any business which requires no notification and certificate of notification under this Act which is repealed by this Act but is a business requiring notification and certificate of notification under this Act, who is not already a licensee under Section 86, shall continue operating the business but shall be required to notify the local official within a period of ninety days from the date this Act comes into force.

Section 88. Any person who operates any business, which requires a license under the law on public health repealed by this Act but requires a license under this Act, may continue to operate the business but must apply for a license under this Act within ninety days from the date this Act comes into force. Upon submission of the

application, the applicant may continue operating the business until the issuance of an order refusing to give permission to the business operation under this Act.

Section 89. Subject to Section 31 or Section 32, all activities designated as repulsive or potentially health hazardous under Section 7 of the Public Health Act, B.E. 2484 (A.D. 1941) and hairdressing under Section 31 of the Public Health Act, B.E. 2484 (A.D. 1941), shall be deemed health hazardous business.

Section 90. All ministerial regulations, notifications, ordinances, by-laws, regulations or orders of the local official or public health official issued by virtue of public health laws repealed by this Act shall continue to be in force insofar as they are not inconsistent with or contrary to the provisions of this Act until there are ministerial regulations, notifications, local regulations, or orders of local official or public health official issued under this Act.

[The definition of “local regulations” was revised by the provision of Section 4 of the Public Health Act (No. 3) B.E.2560 (A.D.2017)]

Countersigned by

Anan Panyarachun

Prime Minister

Note:- The reasons for the promulgation of this Act are as follows.

As the Public Health Act B.E.2484 (A.D.1941) and Fecal Sludge-Based Fertilizer Control Act B.E.2480 (A.D.1937), laws of which the provisions are regarding operations for public health control, have been in force for a long time, and although they have been revised many times, the provisions still cannot cope with the changes and progression of the society. Therefore, the scope of public health monitoring should be extended in order to be able to promptly respond to occurring situations. At present, it is noticeable that public health has a close relation to livelihood and social surrounding; however, the provisions of the existing laws do not determine sufficient and effective monitoring and prevention measures for environmental health. Moreover, it is necessary to revise the provisions on control and provide more details regarding monitoring and result tracking and amend the provisions regarding official power and punishments of the existing laws for people to strictly comply with the criteria prescribed in the laws. As a result, for appropriateness and conformation to current social conditions and to increase potential in monitoring and protecting of environmental health, it is deemed expedient to revise the Public Health Act and the Fecal Sludge-Based Fertilizer Control and merge the two acts into one. Therefore, this Act is issued accordingly.

*The Royal Decree amends the provisions to conform to the transfer of governmental authority in accordance with the Act Amending Ministry, Sub-Ministry and Department B.E.2545 (A.D.2002)⁵⁰

Section 35. According to the Public Health Act B.E.2535 (A.D.1992), “Director General of Contagious Disease Control” is changed to “Director General of Disease Control”.

Note:- The reasons for the promulgation of this Royal Decree are as follows.

Whereas the Act Amending Ministry, Sub-Ministry and Department B.E.2545 (A.D.2002) prescribes to newly establish a government office with new missions to which a royal decree is enacted to transfer management duties and official authority in

⁵⁰ Government Gazette No.119/Chapter 102 A/Page 66/8 October B.E.2545 (A.D.2002)

accordance with the Act Amending Ministry, Sub-Ministry and Department. As the said Act prescribes to transfer official authority, the Minister holding the position or any person carrying out duties in the former government to the new government as well as making revision to the provisions to be in line with the transferred power and to comply with the principles enacted in the Act or the Royal Decree, it is deemed expedient to revise the provisions to conform to governmental transfer. The revision is made to facilitate corresponding persons in executing each provision without searching in power and duty transfer laws that to which agency or person the responsibilities belong. The revision includes changing names of government, ministers, persons holding positions or persons carrying out governmental services to be in line with authority transfer. Also, more representatives of government, who are part of the Committee, shall be appropriately assigned to the missions transferred from the former government and the duties of the dissolved government shall be removed. In order to make revision in accordance with the said Act and Royal Decree, it is necessary to issue this Royal Decree accordingly.

Public Health Act (No.2) B.E.2550 (A.D.2007)⁵¹

Note:- The reasons for the promulgation of this Act are as follows.

Whereas the Public Health Act B.E.2535 (A.D.1992) unclearly defines “waste,” leading to overlapping of duties in waste and sewage management. The definitions of “local government” and “local official” are not in line with the amendment of laws, and the results of governmental system transformation in 2002 has changed agencies responsible for monitoring of local government, and there are still other agencies responsible for supporting and being involved in waste and sewage management. Therefore, the Public Health Committee shall be restructured. Moreover, the local government is not granted authority to prescribe service fees and procedures of waste and sewage disposal, and punishments for illegal handling of infectious waste and toxic or hazardous waste from communities have never been determined. The Minister shall have authority by advice of the Public Health Committee to issue notifications for technical topics or any other topics that need to be rapidly amended in line with social conditions. In order for the execution of this Act, it is necessary to enact this Act

⁵¹ Government Gazette No.124/Chapter 28 A /Page 1/27 June B.E.2550 (A.D.2007)

accordingly.

Public Health Act (No.2) B.E.2560 (A.D.2017)⁵²

Section 2. This Act shall come into force one hundred eighty days following that of its promulgation in the Government Gazette.

Section 22. At the initial state, the Provincial Public Health Committee is consisting of committee members under Section 17/1 (1) and (2) of the Public Health Act B.E.2535 (A.D.1992) amended by this Act and the physician of Provincial Public Health shall be a committee member and secretary, temporarily responsible for the Provincial Public Health Committee prior to an appointment of qualified committee described in Section 17/1 (3) and (4) of Public Health Act B.E.2535 (A.D.1992) amended by this Act. The appointment must be complete within one hundred eighty days following the enforcement of this Act. The physician of Provincial Public Health shall appoint two government officials under the Office of Provincial Public Health assistant secretaries, one from those responsible for legal affairs and the other one must be from those responsible for environmental health.

Section 23. At the initial state, the Public Health Committee of Bangkok Metropolis is consisting of committee members under Section 17/2 (1) and (2) of the Public Health Act B.E.2535 (A.D.1992) amended by this Act and the Director of the Office of Health of Bangkok Metropolis shall be a committee member and secretary, temporarily responsible for the Public Health Committee of Bangkok Metropolis prior to an appointment of qualified committee described in Section 17/2 (3) of Public Health Act B.E.2535 (A.D.1992) amended by this Act. The Director General of the Department of Health shall appoint a government official under the Department of Health, who is responsible for either legal affairs or environmental health, and the Director of the Office of Health of Bangkok Metropolis shall appoint a government official under the Office of Health of Bangkok Metropolis, who is responsible for either legal affairs or environmental health, assistant secretaries.

Section 24. At the initial state, the Appeals Committee is consisting of committee members under Section 66/1 (1) and (2) of the Public Health Act B.E.2535

⁵² Government Gazette No.134/Chapter 65 A/Page 48/22 June B.E.2550 (A.D.2017)

(A.D.1992) amended by this Act and the Deputy Director General of Health Department assigned by the Director General of Health Department shall be a committee member and secretary, temporarily responsible for the Appeals Committee prior to an appointment of qualified committee described in Section 66/1 (3) of the Public Health Act B.E.2535 (A.D.1992) amended by this Act. The appointment must be complete within one hundred eighty days following the enforcement of this Act. The Director General of the Department of Health shall appoint two government officials under the Department of Health assistant secretaries.

Section 25. Any appeal that has been made and is still pending prior to the execution of this Act shall be under the power of the Appeals Committee in accordance with Section 66/1 of the Public Health Act B.E.2535 (A.D.1992) amended by this Act.

Section 26. The Public Health Minister shall have responsibilities and authority over the execution of this Act.

Note:- The reasons for the promulgation of this Act are as follows.

As there is no mechanism or agency to directly steer the execution of the law in the area level, leading to ineffectiveness of environmental health problem management, and due to the changing economic and social conditions, there are many factors that cause impact to people's health. As a result, it is deemed expedient to have a provincial public health committee and a public health committee of Bangkok Metropolis in order to be responsible for the execution of the law in the area level by concerning public participation. It also prescribes that local officials shall have authority to indicate nuisance control areas in order to suppress and manage the nuisance. The provisions also indicate that the licensees for some types or size of business shall operate their business by following criteria, procedures and conditions prescribed by the Minister of Public Health prior to the approval of license. Moreover, for justice of people, it is deemed expedient to revise the provisions regarding appeal process to be more attentive with a set of Appeals Committee and establish a faster appeal process, including amending punishments and provisions for fixing a fine to suit the current situations. Therefore, it is necessary to issue this Act accordingly.

Wasin/Provider

May 13, 2009

Shawanporn/Editor

June 29, 2017