

**PUBLIC HEALTH ACT,
B.E. 2535 (1992)**

BHUMIBOL ADULYADEJ REX.

Given on the 29th day of March B.E. 2535

Being the 47th year of the Present Reign.

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

Whereas it is expedient to revise the law on public health and the law on control of use of fecal matter as fertilizer;

Be it, therefore, enacted by the King, by and with the advice and the consent of the National Legislative Assembly acting as the National Assembly, as follows:

Section 1. This Act shall be called the "Public Health Act, B.E. 2535".

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.¹

Section 3. The followings shall be repealed:

- (1) Public Health Act, B.E. 2484 (1941);
- (2) Public Health Act (No. 2), B.E. 2495 (1952);
- (3) Public Health Act (No. 3), B.E. 2497 (1954);
- (4) Public Health Act (No. 4), B.E. 2505 (1962);
- (5) Public Health Act (No. 5), B.E. 2527 (1984);
- (6) The Act Controlling the Use of Fecal Matter as Fertilizer Act, B.E. 2480 (1937);

* Translated by Ms. Siriphan Ponrob under contract for the Office of the Council of State of Thailand's Law for ASEAN project. -Initial version -pending review and approval by the Office of the Council of State.

¹ Published in the Government Gazette, Vol. 109, Part 38, dated 27th April B.E. 2535 (1992).

(7) The Act Controlling the Use of Fecal Matter as Fertilizer Act, (No.2), B.E. 2484 (1941);

(8) The Act Controlling the Use of Fecal Matter as Fertilizer Act, (No.3), B.E. 2497 (1954).

Section 4. In this Act:

“sewage” means excrement or urine, and 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, ash, animal dung or carcass, or any other thing swept away from road, marketplace, animal farm, or other places, and including infectious waste, toxic or hazardous waste from community;

“public place or way” means a place or way which is not privately owned and the 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 offer for sale 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 offer said goods for sale regularly or from time to time or on appointed dates;

“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 so arranged at the place or to be taken away for consumption at other place;

“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 form for sale to buyers for consumption after preparation or cooking;

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

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

“local competent official”⁴ means:

² The definition of “waste” in Section 4 was amended by the Public Health Act (No. 2), B.E. 2550 (2007).

³ The definition of “local government” in Section 4 was amended by the Public Health Act (No. 2), B.E. 2550 (2007).

(1) The President of provincial administration organization, for area under provincial administration organization jurisdiction;

(2) The Mayor, for area under municipality jurisdiction;

(3) The President of *Tambon* administration organization, for area under *Tambon* administration organization jurisdiction;

(4) The Governor of Bangkok Metropolitan, for area under Bangkok Metropolitan Administration jurisdiction;

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

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

“public health official” means a competent official appointed for the execution of this Act;

“Committee” means the Public Health Committee;

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

Section 5. The Minister of Public Health shall have charge and control of the execution of this Act and shall have the power to appoint public health officials and issue Ministerial Regulations fixing rates of fees or granting exemption therefrom and prescribing other activities for the execution of this Act.

The Ministerial Regulations shall come into force upon their publication in the Government Gazette.

CHAPTER I General Provisions

Section 6. For the purpose of execution of this Act, the Minister shall, by the advice of the Committee, have the power 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.

⁴ The definition of “local competent official” in Section 4 was amended by the Public Health Act (No. 2), B.E. 2550 (2007).

The Ministerial Regulation under paragraph one may be issued for general enforcement in every locality or in any particular locality. If it is 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 published in the Government Gazette.⁵

Section 7. When a Ministerial Regulation issued under section 6 is being enforced in any locality, the local government or local competent official engaging in activity or operation under such 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 ordinances or amend the local ordinances already in force prior to the Ministerial Regulation issued under section 6, prescribing details of operation in such locality in accordance with the Ministerial Regulation.

If the local ordinances of any locality are inconsistent with or contrary to the Ministerial Regulations issued under section 6, the Ministerial Regulations shall prevail. Except only when it is necessary or there is a special reason for a specific locality, the local government may issue local ordinances on any matter which is inconsistent with or contrary to the provisions contained in the Ministerial Regulations issued under section 6, upon consent by the Committee and approval by the Minister.

Section 8. In the case 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 a remedy is urgently required, the Director General of the Health Department shall have the power 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 same within a reasonable period of time, the Director General of the Health Department may order the public health official to take any action to remedy or prevent such damage instead. In such case, the public health official shall take precaution necessary under the circumstances and the person who received the order shall pay expenses incurred therein.

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

⁵ Section 6 paragraph two was amended by the Public Health Act (No. 2), B.E. 2550 (2007).

CHAPTER II

Public Health Committee

Section 9.⁶ There shall be a committee called “Public Health Committee” consisting of the Permanent Secretary of Public Health as the Chairperson, Director General of the 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 Administration Organization Council of Thailand, President of the Tambon Administration Organization Association of Thailand, as members, and not exceeding four qualified members appointed by the Minister from persons having knowledge or experience in laws dealing with public health and hygiene, environment, and consumer protection. The Director General of Department of Health shall be a member and secretary.

Section 10. The Committee shall have the powers and duties as follows

- (1) to give 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 opinions 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 ordinances;
- (4) to provide local competent 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;

⁶ Section 9 was amended by the Public Health Act (No. 2), B.E. 2550 (2007).

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

Section 11. In the case where it appears to the Committee that the local government or the local competent official having jurisdiction over a locality fails to exercise the powers and duties provided by this Act without reasonable cause, the Committee shall notify the person vested with power and duties to control and oversee the performance of duty of the local government or local competent official required to perform such duty under the law to order the local government or local competent official to perform that duty or rectify the performance of duty within a period deemed appropriate.

Section 12. A qualified member shall hold office for a term of two years.

A member who vacates office upon the expiration of the term may be reappointed.

Section 13. In addition to vacating office upon expiration of term of office under section 12, a qualified member shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) dismissal by the Minister;
- (4) being bankrupt;
- (5) being incompetent or quasi-incompetent;
- (6) being imprisoned due to a final judgement of imprisonment except for an offence committed through negligence or a petty offence.

Section 14. In the where there is an appointment of qualified member while the appointed qualified members are still in office, whether it is for an additional member or a replacement member, the newly appointed member shall be in office for the unexpired term of office of the qualified member already appointed or of the qualified member being replaced, as the case may be.

Section 15. At a meeting of the Committee, the presence of not less than one-half of total members is required to constitute a quorum. If the Chairperson is absent, the members present shall elect one 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. In the case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

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

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Section 17. In performing the duty under this Act, the Committee shall have the power to issue a notice summoning any person to testify or to submit relevant documents or evidence or any material for consideration. In the case where it deems appropriate, the Committee may empower any of the subcommittees under section 16 to issue such order on its behalf for consideration of matters under the power and duties of the subcommittee.

CHAPTER III Management of Sewage and Waste⁷

Section 18.⁸ Collecting, transporting 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 joint agreement. However, for the benefits of the public as a whole, the Minister shall have the power to issue a Ministerial Regulation, by the advice of the Committee, prescribing rules, procedure, and conditions for the joint operation.

In case of 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, transporting or disposing of sewage or waste under section 19.

The provisions of this section and section 19 shall not apply to the management of hazardous waste in accordance with the laws on factory. However, the operators of the factory having hazardous waste and the operators engaging in collecting, transporting or disposing of such hazardous waste are required to notify the local competent official of the operation in writing.

Section 19. No person shall engage in the operation of collecting, transporting, or disposing of sewage or waste as a business or for service fees in return, unless a license from the local competent official is granted.

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

⁷ Title of chapter III was amended by the Public Health Act (No. 2), B.E. 2550 (2007).

⁸ Section 18 was amended by the Public Health Act (No. 2), B.E. 2550 (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 be a receptacle for sewage or waste available in a public place or way and in a private place;

(3) prescribing methods of collecting, transporting, 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)⁹ prescribing rates of fees for services provided by the local government or other person assigned to operate on its behalf in the collecting, transporting, or disposing of sewage or waste, which does not exceed the rates prescribed in the Ministerial Regulation, in this regard, the services in disposing of sewage or waste of the local government for which the rate of fees to be fixed shall conform to the hygienic conditions set forth in the Ministerial Regulation;

(5) prescribing rules, procedure, and conditions on collecting, transporting, 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 a license under section 19 according to the nature of services provided;

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

CHAPTER IV Building Sanitation

Section 21. When it appears to the local competent 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 competent official shall have the power 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 competent official that any building is excessively stored with merchandise, furniture, or supplies, or those articles are so excessively piled up as to provide living places for vermin, or may become hazardous to the

⁹ Section 20(4) was amended by the Public Health Act (No. 2), B.E. 2550 (2007).

health of the dwellers, or not in conformity to sanitary conditions fit for human habitation, the local competent official shall have the power 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 with hygienic conditions, or to eliminate the animals that are carriers of disease, within a reasonable period of time prescribed.

Section 23. In the case where the local competent 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 competent official shall have the power 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 power to make a notification in the Government Gazette prescribing a number of persons per an amount of area of a building which deemed overcrowded; provided that the development level, population, and community of each locality shall be taken into account.

Upon notification of the Minister under paragraph one, the owner or possessor of the building is prohibited to permit or arrange his or her building to be inhabited by a number of persons exceeding that prescribed by the Minister.

CHAPTER V

Nuisances

Section 25. In the case 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, toilet, or dung or ash pit, or any other place 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 substance, vibration, dust, fine powdery substance, soot, ash, or any other action to the extent of degradation or which may be hazardous to health;

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

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

Section 27. In the case where a nuisance occurs or may occur in a public place or way, the local competent official shall have the power 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 or 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 the order.

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

Section 28. In the case where a nuisance occurs in a private place, the local competent official shall have the power to issue a written order to the owner or the possessor of such place requiring him or her 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 the order.

In the case where an order of the local competent official under paragraph one is not complied with, the local competent official shall have the power 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

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

In the case where it appears to the local competent 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 competent 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 competent official is satisfied that the nuisance has been abated.

CHAPTER VI

Animal Raising and Grazing Control Areas

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 power to issue a local ordinance designating an area covering the whole or any part of the locality under its jurisdiction, an animal raising or grazing control area.

In issuing the local ordinance of local government under paragraph one, the local government may designate an area prohibiting raising or grazing animals of certain kind or type or in a number exceeding that prescribed; or designate an area permitting raising or grazing animals of certain kind or type under certain measures.

Section 30. In the case where the local competent official finds an animal left in a public place or way in violation of section 29 and the owner is not known, the local competent official shall have the power to detain such 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 may cause harm to such animal or other animal or is unreasonably expensive, the local competent official may arrange the sale or auction of such animal as deemed appropriate before the expiration of the 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 case where 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.

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

CHAPTER VII

Businesses Hazardous to Health

Section 31. The Minister shall, with the advice of the Committee, have the power to notify in the Government Gazette prescribing any business being hazardous to health.

Section 32. For the purpose of overseeing the operation of business notified under section 31, the local government shall have the power to issue local ordinances as follows:

(1) prescribing category 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.

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

In issuing a license under paragraph one, the local competent 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 ordinances under section 32(2).

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

CHAPTER VIII

Marketplaces, Food Selling Places, and Foodstuff Storing Places

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

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

The provisions in this section shall not apply to a ministry, sub-ministry, department, local government, or state organization establishing a marketplace under its power and duty. However, in carrying out the marketplace business as by other licensee, it shall comply with other provisions of this Act, and the local competent 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 power to issue local ordinances as follows:

- (1) prescribing location, area, layout, and criteria on construction and sanitation;
- (2) prescribing criteria on arrangements of the place and placement of things and other matters pertaining to marketplace operation;
- (3) prescribing marketplace opening and closing times;
- (4) prescribing criteria and procedure to be complied with 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.

Section 36. Any person who sells or assists in selling things in a marketplace shall comply with the criteria prescribed in the local ordinances under section 37.

Section 37. For the purpose of overseeing the selling of things in the marketplace, the local government shall have the power to issue local ordinances prescribing criteria and procedure to be complied with by the persons selling or assisting in selling things in the marketplace with regard to maintenance of cleanliness at 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.

Section 38. Any person who wishes to set up a food selling place or foodstuff storing place in any building or space with an area exceeding two hundred square meters and which is not the selling of things in marketplace shall obtain a license from the local competent official under section 56. If such place has an area of not exceeding two hundred square meters, the person is required to notify the local competent official in order to obtain a certificate of notification under section 47 prior to the setting up.

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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 food selling place or foodstuff storing place under section 38, shall comply with the criteria prescribed in the local ordinances under section 40, or the conditions prescribed in the license or certificate of notification.

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

- (1) prescribing category of food selling place or foodstuff storing place according to type of food or nature of business establishment, or method of distribution;
- (2) prescribing criteria on establishing, use, and care 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 selling time;
- (5) prescribing criteria on personal hygienic conditions of persons selling, persons preparing and persons serving food;
- (6) prescribing criteria on hygienic conditions of food, food selling, making, preparing, cooking, keeping or storing processes;
- (7) prescribing criteria on hygienic conditions of containers, equipment, utility water and other utensils.

CHAPTER IX

Sale of Goods in Public Place or Way

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

No person shall sell goods in 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 competent official under section 56.

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

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Change of the kind or type of goods, method of selling goods, or place of goods display from that specified in the license can only be made when the licensee has notified the local competent official thereof and the local competent official has recorded such change in the license.

Section 42. The local competent official shall, with approval of the traffic official, have the power to make issue notifications as follows:

(1) designating an area of public place or way or any part thereof as the area in which sale 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 sale of goods of certain kind or type is prohibited, or as the area in which sale of goods during the prescribed time is prohibited, or as the area in which sale of goods by certain method is prohibited, or prescribing criteria, procedure, and conditions for sale of goods in such area.

In executing (1) or (2) above, the local competent official shall post a notification in a conspicuous place at the office of the local government and at the location to be designated the under (1) or (2) above, as the case may be, and the date on which the notification shall come into force shall not be earlier than fifteen days from the date of its issuance.

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

(1) prescribing criteria on person hygienic conditions of goods sellers or their assistants;

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

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

(4) prescribing time for sale of goods;

(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.

CHAPTER X

Power and Duties of Local Competent Officials and Public Health Officials

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Section 44. In the execution of this Act, the local competent official and the public health official shall have the power 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 to examine or take control for compliance with local ordinances 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 ordinances or with this Act;

(4) to seize or attach any things that may cause health hazard to the people for the purpose of legal action or for destruction if necessary;

(5) to collect or take goods or any things suspected to be unhygienic or to cause nuisance from any buildings or places in a reasonable quantity as samples for examination as necessary at no cost.

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

In performing the duties, the local competent official or the public health official or the person appointed by the local competent official shall produce his or her identification card in the form as prescribed in the Ministerial Regulation to the person concerned, and the person concerned shall provide reasonable facilities.

Section 45. In the case where 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 ordinances, or notifications issued under this Act, or the order of the local competent official given concerning such business operation, the local competent 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 improvement or the business operation will cause or there is reasonable doubt that it will cause grave harm to the health of the people, the local competent official may order such person to immediately suspend the operation of such business temporarily until the local competent official is satisfied that no harm exists.

The order of the local competent official under paragraph one shall prescribe a reasonable period of time for compliance but not less than seven days, unless the order

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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 case where the business operator could not be found or refuses to accept the order, it shall be sent by return receipt registered mail or posted at an open and 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.

Section 46. In the case where the public health official has found noncompliant occurrence or any act committed in violation of this Act or the local ordinances, he or she shall notify the local competent official for action according to his or her authority without delay.

In the case where the public health official is of the opinion that the occurrence under 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 or she shall have the power to order the person acting in such noncompliance or violation to rectify or extinguish such occurrence, or do anything to rectify or extinguish such occurrence as necessary and thereafter notify the local competent official.

Section 47. In performing the duty under this Act, the local competent official, the public health official and the person appointed by the local competent 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 competent official and the person appointed by the local competent official shall be the administrative officers or police officers under the Criminal Procedure Code.

CHAPTER XI Certificate of Notification

Section 48. A notification to the local competent official to carry out business operation under section 38 and a certificate of notification shall be in the form as prescribed in the local ordinances. When the local competent official is being notified, he or she shall issue a receipt to the notifying person 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 competent official.

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The local competent official shall examine the notification to ascertain the conformity with the prescribed form as prescribed in the local ordinances as mentioned in paragraph one. If the notification is found to be correct, the local competent 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 for notification or certificate of notification, the local competent official may prescribe conditions to be complied with individually by the notifying person or the person receiving the certificate of notification.

In the case of an incorrect or incomplete notification, the local competent 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 of receipt of notification from the local competent official, the local competent 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 competent 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 ordinances under paragraph one.

Section 49. The person who receives a certificate of notification shall display it in an open and conspicuous place at the business premises throughout the time engaging in the business operation.

Section 50. In the case where the certificate of notification is lost, destroyed, or substantially damaged, the person receiving the same shall apply for a substitute therefor within fifteen days from the date of acknowledgement of loss, destruction, or damage.

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

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

Section 52. In the case where any person engaging in business operation specified in this Act without notifying the local competent official under section 48 who was once penalized under this Act for engaging in business operation without notifying the local competent official but still continuing to engage in the business operation without notifying the local competent official, the local competent official shall have the power to order such person to suspend the business operation until he or she will have notified the local competent official under section 48. If the violation continues, the local competent official

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shall have the power 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 competent official under section 48 and an order of the local competent official under section 52 shall be made in writing to the notifying person or the business operator. In the case where such person could not be found or refuses to accept the correspondence, it shall be sent by return receipt registered mail or posted in an open and conspicuous place 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 XII

Licenses

Section 54. In the case where this Act provides that any business operation or performance of any act requires a license from the local competent official, the local government shall have the power to issue local ordinances prescribing rules, procedure, and conditions for application for and issuance of a license for such matter.

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 competent official issues a refusal order to renew the license.

The rules, procedure, and conditions for application for license renewal and license renewal permission shall be as prescribed in the local ordinances.

Section 56. Upon receipt of an application for a license or an application for license renewal, the local competent official shall examine the application for correctness and completeness. If the application is incorrect or incomplete according to the rules, procedure, or conditions prescribed in the local ordinances, the local competent 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.

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The local competent official shall issue a license or a letter notifying the applicant of a refusal order together with reasons within thirty days from the date of receipt of the application with correct or complete details as prescribed in the local ordinances.

If there is a reasonable cause that the local competent official is unable issue a license or a refusal order within the period of time under paragraph two, such 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.

Section 57. The licensee under this Act shall display the license in an open and conspicuous place at the business premises throughout the time of engaging in business operation.

Section 58. In the case where a license is lost, destroyed, or substantially damaged, the licensee shall submit an application for a substitute therefor within fifteen days from the date of acknowledgement of loss, destruction, or damage.

Application for and issuance of a substitute for license shall be in accordance with the rules, procedure, and conditions prescribed in the local ordinances.

Section 59. If 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 ordinances issued under this Act or the conditions specified in the license in respect of the business operation under the license, the local competent official shall have the power to order the suspension of license for a reasonable period of time but not exceeding fifteen days.

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

(1) has been given license suspension order twice and more and there is 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 ordinances 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.

Section 61. A license suspension order or license revocation order shall be made in writing for information of the licensee. In the case where the licensee could not be found or refuses to accept the order, it shall be sent by a return receipt registered mail or posted in an open and conspicuous place 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 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 of the license has expired.

CHAPTER XIII

Fees and Fines

Section 63. The local government shall have the power to issue local ordinances prescribing fees in accordance with the rules, procedure, and conditions prescribed in the Ministerial Regulation, and which shall not exceed the rate provided therein.

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

Section 65. In the case where there are local ordinances prescribing fees for business operation of which the local competent official must be notified prior to 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 ordinances throughout the operation of such business. If the fees are not paid within the prescribed period, there shall be an additional fine to be paid at a rate of twenty per cent of the outstanding fee amount, unless 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 ordinances.

In the case where 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 competent official shall have the power to order such person to suspend his or her business operation until the fees and fines have been paid in full.

CHAPTER XIV

Appeal

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Section 66. In the case where the local competent 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 case where the public health official has issued an order under section 46 paragraph two, if the recipient of the order is not satisfied with the order, such person shall have the right to appeal to the Minister within thirty days from the date of acknowledgement 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.

Section 67. The consideration of an appeal under section 66 shall be made by the Minister without delay.

The decision of the Minister shall be final.

CHAPTER 15

Penalties

Section 68. Any person who violates the Ministerial Regulations issued under section 6 shall be liable to a fine of not exceeding ten thousand baht.

Section 68/1¹⁰ Any person who violates the Ministerial regulations issued under section 6 in cases concerning infectious waste or toxic or hazardous waste from community, shall be liable to imprisonment of not exceeding six months or to a fine of not exceeding fifty thousand baht, or to both.

Section 69. Any person who fails 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 *Changwat* public health officer under section 8 paragraph three, shall be liable to imprisonment of not exceeding two months or to a fine of not exceeding five thousand, or to both.

Section 70. Any person who fails to comply with an order of the Committee or a subcommittee under section 17 without reasonable cause or excuse shall be liable to imprisonment of not exceeding one month or to a fine of not exceeding two thousand baht, or to both.

¹⁰ Section 68/1 was added by the Public Health Act (No. 2), B.E. 2550 (2007).

Section 71. Any person who violates section 19, section 33 paragraph one, or section 34, shall be liable to imprisonment of not exceeding six months or to a fine of not exceeding ten thousand baht, or to both.

Section 72. 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 liable to by imprisonment of not exceeding six months or to a fine of not exceeding ten 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 liable to imprisonment of not exceeding three months or to a fine of not exceeding five thousand baht.

Section 73. Any person who violates the local ordinances issue under the provisions of section 20 (5), section 32 (2), section 35 (1) or (4), or section 40 (2) or (3) shall be liable to imprisonment of not exceeding six months or to a fine of not exceeding ten thousand baht, or to both.

Any person who violates the local ordinances issued under the provisions of this Act other than those mentioned in paragraph one or Section 37 or Section 43 shall be liable to a fine of not exceeding five thousand baht.

Section 73/1¹¹ Any person who violates the local ordinances issued under the provisions of section 20 (1), (2), (3) or (6) in cases concerning infectious waste or toxic or hazardous waste from community, shall be liable to a fine of not exceeding ten thousand baht.

Section 73/2¹² Any licensee who violates the local ordinances issued under the provisions of section 20 (5) in cases concerning infectious waste or toxic or hazardous waste from community, shall be liable to imprisonment of not exceeding one year or to a fine of not exceeding one hundred thousand baht, or to both.

Section 74. Any person who fails to comply with an order of the local competent official issued under section 21, section 22, section 27 paragraph one, or section 28 paragraph one or paragraph three without reasonable cause or excuse, or obstructing the performance of duty of the local competent official under section 23, section 27 paragraph two, or section 28 paragraph two, shall be liable to imprisonment of not exceeding one month or to a fine of not exceeding two thousand baht, or to both.

¹¹ Section 73/1 was added by the Public Health Act (No. 2), B.E. 2550 (2007).

¹² Section 73/2 was added by the Public Health Act (No. 2), B.E. 2550 (2007).

Section 75. Any owner or possessor of a building who violates section 24 paragraph two shall be liable to a fine of not exceeding one thousand baht and an additional fine of not exceeding five hundred baht per day throughout the period of violation.

Section 76. Any licensee who fails to comply with the conditions prescribed by the local competent official in the license under section 33 paragraph two or section 41 paragraph three shall be liable to a fine of not exceeding two thousand baht.

Section 77. Any person who violates section 41 paragraph two or the notification of the local competent official under section 42 (1) shall be liable to a fine of not exceeding two thousand baht.

Section 78. Any person who fails to comply with section 36 or violating the notification of the local competent official under section 42 (2) or the local ordinances issued under section 43 shall be liable to a fine of not exceeding one thousand baht.

Section 79. Any person who fails to comply with a summons, 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 competent official or the public health official or the person appointed by the local competent official under section 44, shall be liable to imprisonment of not exceeding one month or to a fine of not exceeding two thousand baht, or to both.

Section 80. Any business operator who operates the business while being under the suspension order of the local competent official or who fails to comply with the order of the local competent official under section 45, section 52, or section 65 paragraph two without reasonable cause or excuse shall be liable to imprisonment of not exceeding six months or to a fine of not exceeding ten thousand baht, or to both, and an additional fine of not exceeding five thousand baht per day throughout the period of noncompliance.

Section 81. Any person who fails 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 liable to imprisonment of not exceeding two months or to a fine of not exceeding five thousand baht, or to both.

Section 82. Any person who fails to comply with section 49 or section 50 shall be liable to a fine of not exceeding five hundred baht.

Section 83. Any licensee who violates section 57 or section 58 shall be liable to a fine of not exceeding five hundred baht.

Section 84. Any licensee who operates the business during the period of the license suspension shall be liable to imprisonment of not exceeding six months or to a fine

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of not exceeding ten thousand baht, or to both, and an additional fine of not exceeding five thousand baht per day throughout the period of the violation.

Section 85. There shall be a Case Settlement Committee:

(1) in Bangkok Metropolis comprising a representative of the Bangkok Metropolitan Administration, a representative of the Office of the Attorney General, and a representative of the Royal Thai Police;

(2) in other *Changwat* comprising the *Changwat* governor, the *Changwat* prosecutor, and the *Changwat* police superintendent.

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 Settlement Committee shall have the power to settle the case by fixing a fine.

For offenses which are punishable only by a fine or by an imprisonment of not exceeding one month or a fine not exceeding two thousand baht, or both, the local competent official or the person appointed by the local competent official shall also have the power to settle the case by fixing a fine.

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.

If the alleged offender does not agree to the settlement, or after having agreed thereto, fails to pay the fine within the period of time, legal proceedings shall be continued.

CHAPTER XVI
Transitory Provisions

Section 86. The licensee of any business operation under the public health law 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 operation.

Section 87. The person operating any business which requires no notification and certificate of notification under the public health law repealed by this Act but being 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 competent 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 came into force. Upon submission of the application, the applicant may continue operating the business until the issuance of a refusal order 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 (1941) and hairdressing under section 31 of the Public Health Act, B.E. 2484 (1941), shall be deemed health hazardous business.

Section 90. All Ministerial Regulations, notifications, ordinances, by-laws, regulations or orders of the local competent official or the 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 ordinances, or orders of the local competent official or the public health issued under this Act.

Countersigned by:

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Anand Panyarachun
Prime Minister

Certified Correct Translation

(Mr.)

Secretary-General of the Council of State

Office of the Council of State

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