



27 September 2021

(21-7182)

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Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

1. Notifying Member: <u>THAILAND</u> If applicable, name of local government involved: -
2. Agency responsible: Food and Drug Administration (Thai FDA)
3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): Food products containing parts of <i>Mitragyna speciosa</i> (Korth.) Havil
4. Regions or countries likely to be affected, to the extent relevant or practicable: <input checked="" type="checkbox"/> All trading partners <input type="checkbox"/> Specific regions or countries:
5. Title of the notified document: Draft Ministry of Public Health (MOPH) Notification, No. ... B.E. (....) Issued by virtue of the Food Act B.E. 2522 entitled "Amendment of the Notification of the Ministry of Public Health (No. 424) B.E. 2564 (2021) Re: Prescribed Prohibited Food to be Produced, Imported, or Sold". Language(s): Thai and English. Number of pages: 1 and 1 https://members.wto.org/crnattachments/2021/SPS/THA/21_6132_00_x.pdf
6. Description of content: Recently <i>Mitragyna speciosa</i> (Korth.) Havil, commonly known as "kratom," has been removed from the list of controlled narcotics in Schedule V under the Narcotics Act B.E. 2522 (1972) that was amended by the Narcotics Act (No. 8) B.E. 2564 (2021), effectively decriminalizing the consumption, production, and possession of kratom, for any purpose and in any quantity or form. Food products containing kratom are considered as novel food under the Notification of the Ministry of Public Health (No. 376) B.E.2559 (2016) regarding novel food of which safety for consumption shall be assessed prior to being sold in Thailand. By the virtue of the articles 5 and 6(8) of the Food Act of B.E. 2522 (1979), the Minister of Public Health hereby issued the (draft) Notification as follows: Clause 1 - According to the Annex of the Notification of the Ministry of Public Health (No. 424) B.E. 2564 (2021) regarding the prescription of prohibited food to be produced, imported, or sold (published on 25 February 2021), <i>Mitragyna speciosa</i> (Korth.) Havil. (Kratom) (whole plant) and its extract (item No. 52) are prohibited from being produced, imported, or sold except those that safety for consumption as food is evaluated and the product label is submitted to the Food and Drug Administration for approval before use as prescribed in the Notification of the Ministry of Public Health regarding Novel Food. Clause 2 - This notification shall enter into force from the day following the date of its publication in the Government Gazette.
7. Objective and rationale: <input checked="" type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests.

<p>8. Is there a relevant international standard? If so, identify the standard:</p> <p><input type="checkbox"/> Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text):</p> <p><input type="checkbox"/> World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number):</p> <p><input type="checkbox"/> International Plant Protection Convention (e.g. ISPM number):</p> <p><input checked="" type="checkbox"/> None</p> <p>Does this proposed regulation conform to the relevant international standard?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, describe, whenever possible, how and why it deviates from the international standard:</p>
<p>9. Other relevant documents and language(s) in which these are available: Notification of the Ministry of Public Health (No. 424) B.E. 2564 (2021) Re: Prescribed Prohibited Food to be Produced, Imported, or Sold.</p>
<p>10. Proposed date of adoption (dd/mm/yy): To be determined. Proposed date of publication (dd/mm/yy): To be determined.</p>
<p>11. Proposed date of entry into force: <input type="checkbox"/> Six months from date of publication, and/or (dd/mm/yy): On the day after the date of its publication in the Government Gazette onward.</p> <p><input type="checkbox"/> Trade facilitating measure</p>
<p>12. Final date for comments: <input type="checkbox"/> Sixty days from the date of circulation of the notification and/or (dd/mm/yy): 30 days from the date of circulation of the notification.</p> <p>Agency or authority designated to handle comments: <input checked="" type="checkbox"/> National Notification Authority, <input checked="" type="checkbox"/> National Enquiry Point. Address, fax number and e-mail address (if available) of other body:</p> <p>National Bureau of Agricultural Commodity and Food Standards (ACFS) 50 Phaholyothin Road, Ladyao Chatuchak, Bangkok 10900 - Thailand Tel: +(662) 561 4204 Fax: +(662) 561 4034 E-mail: spsthailand@gmail.com Websites: http://www.acfs.go.th http://www.spsthailand.net/</p>
<p>13. Text(s) available from: <input checked="" type="checkbox"/> National Notification Authority, <input checked="" type="checkbox"/> National Enquiry Point. Address, fax number and e-mail address (if available) of other body:</p> <p>E-mail: spsthailand@gmail.com Websites: http://www.acfs.go.th http://www.spsthailand.net/</p>