



# Compilation of laws and regulations

Department of Health Service Support  
Ministry of Public Health



Law Division, Department of Health Service Support,  
Ministry of Public Health

Compilation of laws and regulations Department of Health Service Support Ministry of Public Health

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- MEDICAL FACILITIES ACT, B.E. 2541 (1998) and additional amendments
- HEALTH BUSINESS ESTABLISHMENTS ACT, B.E. 2559 (2016)  
and additional amendments
- HEALING ARTS PRACTICES ACT, B.E. 2542 (1999)  
and additional amendments
- PROTECTION OF A CHILD BORN BY MEDICALLY ASSISTED  
REPRODUCTIVE TECHNOLOGY ACT, B.E. 2558 (2015)

Law Division, Department of Health Service Support,  
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**1st Issue :** August 2024

**Amount :** 500 books

**Created by :** Law Development and Legal Contract Subdivision, Law Division,  
Department of Health Service Support, Ministry of Public Health

**Printed :** SAM CHAROEN PANICH (BANGKOK) CO., LTD.

# Preface

MEDICAL FACILITIES ACT, B.E. 2541 (1998) had been announced in the Royal Gazette, Volume 115, Section 15 A, Page 32 on March 14, 1998, which was forced from March 25, 1998 onwards, HEALTH BUSINESS ESTABLISHMENTS ACT, B.E. 2559 (2016) and additional amendments had been announced in the Royal Gazette, Volume 133, Section 30 A, Page 10 on March 31, 2016, which was forced from September 27, 2016 onwards, HEALING ARTS PRACTICES ACT, B.E. 2542 (1999) and additional amendments had been announced in the Royal Gazette, Volume 116, Section 39 A, Page 28 on May 18, 1999, which was forced from May 19, 1999 onwards, and PROTECTION OF A CHILD BORN BY MEDICALLY ASSISTED REPRODUCTIVE TECHNOLOGY ACT, B.E. 2558 (2015) had been announced in the Royal Gazette, Volume 132, Section 38 A, Page 1 on May 1, 2015, which was forced from July 30, 2015 onwards.

Department of Health Service Support, Ministry of Public Health is as an organization in health consumer protection and primary health care, has published four laws and regulations, namely : MEDICAL FACILITIES ACT, B.E. 2541 (1998), HEALTH BUSINESS ESTABLISHMENTS ACT, B.E. 2559 (2016), HEALING ARTS PRACTICES ACT, B.E. 2542 (1999), and PROTECTION OF A CHILD BORN BY MEDICALLY ASSISTED REPRODUCTIVE TECHNOLOGY ACT, B.E. 2558 (2015) in order to disseminate the legal matters to general public and using in the operations of relevant officials in accordance with the spirit of laws and regulations.

**Law Division,  
Department of Health Service Support  
August 2024**

# Compilation of laws and regulations

Department of Health Service Support, Ministry of Public Health

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MEDICAL FACILITIES ACT, B.E. 2541 (1998)  
and additional amendments





# MEDICAL FACILITIES ACT, B.E. 2541 (1998)\*\*

BHUMIBOL ADULYADEJ, REX;

Given on the 15<sup>th</sup> Day of March B.E. 2541;

Being the 53<sup>th</sup> Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on medical facilities the provisions of which may restrict the liberties to engage in an enterprise or an occupation and to undertake a fair and free competition, in which Section 50 of the Constitution of the Kingdom of Thailand permits to do by virtue of law;

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

**Section 1.** This Act is called the “Medical Facilities Act, B.E. 2541”.

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

**Section 3.** The Medical Facilities Act B.E. 2504 shall be repealed.

**Section 4.** In this Act:

“medical facility”<sup>2</sup> means a place including a vehicle provided for healing arts practices under the law on healing arts practices, medicine profession practices under the law

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\* Translated by Mr. Watthana Suksiripakonchai, and reviewed 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.

\*\* Amended up to the Medical Facilities Act (No.3), B.E. 2555 (2012).

<sup>1</sup> Published in the Government Gazette, Volume 115, Part 15a, Page 32, dated 24<sup>th</sup> March B.E. 2541 (1998).

<sup>2</sup> The definition of “medical facility” under Section 4 is amended by the Medical Facilities Act (No. 3), B.E. 2555.

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on medicine profession, nursing and midwifery practices under the law on nursing and midwifery profession, dental profession practices under the law on dental profession, physical therapy profession practices under the law on physical therapy profession, technological medicine profession practices under the law on technological medicine, or traditional Thai medicine profession practices and applied traditional Thai medicine profession practices under the law on traditional Thai medicine profession, in which it is normally conducted regardless of payment or non-payment. However, it does not include a place that sells medicines, under the law on medicines, where it specifically operates medicine business;

“patient” means a person who requests services in a medical facility;

“licensee” means a person who receives a licence to operate medical facility business;

“manager” means a person who receives a licence to manage a medical facility business;

“professional practitioner”<sup>3</sup> means a practitioner of healing arts, a professional of a medicine, nursing and midwifery, dentistry, pharmacy, physical therapy, technological medicine, traditional Thai medicine, or an applied traditional Thai medicine professions, or a practitioner or a professional of other professions as prescribed by the Minister;

“licence” means a licence to conduct a medical facility business or to manage a medical facility business;

“competent official” means a person appointed by the Minister for the execution of this Act;

“grantor” means the Permanent Secretary of the Ministry of Public Health or a person delegated by the Permanent Secretary of the Ministry of Public Health;

“committee” means the Committee on Medical Facilities;

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

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<sup>3</sup> The definition of “professional practitioner” under Section 4 is amended by the Medical Facilities Act (No. 3), B.E. 2555.

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**Section 5.** This Act shall not apply to medical facilities of a ministry, a sub-ministry, a department, Bangkok Metropolitan Administration, Pattaya City, a provincial administrative organisation, a municipality, a sanitation office, a subdistrict administrative organisation, the Red Cross Society, and other medical facilities notified by the Minister in the Government Gazette.

**Section 6.** The Minister of Public Health shall have charge and control of the execution of this Act and shall have the power appoint competent officials as well as the power to issue ministerial regulations specifying fees not exceeding the rates annexed to this Act, exemption of fees, and to specify other operation including issuance of notification for the execution of this Act.

Such ministerial regulations or notifications shall come into force upon their publication in the Government Gazette.

## Chapter 1 Committee on Medical Facilities

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**Section 7.** There may be a committee called the “Committee on **Medical Facilities**” comprising of the Permanent Secretary of the Ministry of Public Health as Chairperson; the Director General of the Department of Medical Service, the Director General of the Department of Health, the Director General of the Department of Disease Control, the Director General of the Department of Medical Sciences, the Director General of the Department of Mental Health, the Secretary General of the Food and Drug Administration, a representative from the Office of the Council of State, and a representative from the Office of the Consumer Protection Board, as *ex officio* members; and qualified members appointed by the Minister as follows:

(1) three healing arts practitioners, as recommended by the Committee on the Control of Healing Arts Practices, and each one from other professionals as recommended by their profession council established under the law on profession control of each branch;

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(2) other qualified members not exceeding five persons in which in this number at least one person must be appointed from a manager but not exceeding three persons.

The Director of the Art of Healing Bureau, Department of Health Service Support shall be a member and secretary.

**Section 8.** Qualified members under Section 7 shall hold office for a term of two years and the members who vacate the office may be re-elected.

In case there is an election for additional qualified members during the period the existing appointed qualified members are still in office, the new appointed persons shall be in office for the remaining term of the former appointed members.

**Section 9.** In addition to vacating office at the end of the term under section 8, the qualified members under section 7 shall vacate the office upon;

- (1) death;
- (2) resignation;
- (3) termination by the Minister;
- (4) being a bankrupt;
- (5) being an incompetent person or quasi-incompetent person;
- (6) cessation of being a healing arts practitioner, a professional, a manager in case

being appointed as a member in that position; and,

(7) being sentenced by a final judgment or a lawful order to be imprisoned except if it is an offence committed by negligence, or a petting offence.

In case a qualified member vacates office before the expiration of term, the Minister shall appoint another member to replace him, and the appointed member shall be in office for the remaining term of the member he replaces except if the remaining term is less than ninety days, the appointment may not be necessary.

**Section 10.** At a meeting, the presence of not less than one-half of the total number of members of the Committee shall constitute a quorum.

If the Chairperson is absent or unable to present at the meeting, the members of the Committee shall elect one among themselves to preside over at the meeting.

A decision shall be made by a majority of votes. In casting votes, each member shall have one vote. In case of an equality of votes, the person who presides over at the meeting shall cast an additional vote as a casting vote.

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**Section 11.** The Committee shall have the duty to advise, recommend and suggest the Minister or the grantor in the following matters:

- (1) issuing of ministerial regulations or notifications to comply with this Act;
- (2) permission to operate medical facility business, management of a medical facility, closure of a medical facility or revocation of the licence;
- (3) promotion and improvement of the service quality in a medical facility;
- (4) control or consideration of complaints regarding the management of a medical facility; and,
- (5) other matters as assigned by the Minister or the grantor.

**Section 12.** The Committee shall have the power to appoint a sub-committee to consider and present an opinion regarding matters within the scope of duties of the Committee.

The provisions of section 10 shall apply *mutatis mutandis* to meeting of the sub-committee.

**Section 13.** While perform duties under this Act, the Committee and the sub-committee established under section 12 shall have the power to issue an order in writing to summon a person to provide a statement, or to send relevant documents or evidence or any items for consideration.

## Chapter 2

### Business Operation and Management of Medical Facilities

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**Section 14.** There are two types of medical facilities as follows:

- (1) a medical facility that does not admit patients for overnight stays; and,
- (2) a medical facility that admits patients for overnight stays.

Characteristics of each type of medical facility under paragraph one and its services shall be in accordance with a ministerial regulation.

**Section 15.** The Minister, with the advice and recommendation of the Committee, shall have the power to prescribe standards for medical facilities.

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**Section 16.** No person shall operate medical facility business without having a licence from a grantor.

The application and issuance of a licence, and the operation of a medical facility of any type shall be subject to the rules, procedure, and conditions prescribed in a ministerial regulation.

**Section 17.** A person applying for a licence to operation medical facility business shall have the qualifications and shall not be under any of the prohibitions as follows:

- (1) being not less than twenty years of age;
- (2) having a domicile in Thailand;
- (3) not having been sentenced by a final judgment or a lawful order to be imprisoned except if it is an offence committed by negligence, or it is a petty offence;
- (4) not suffering from a disease prescribed by the Minister in the Government
- (5) not being a bankrupt; and,
- (6) not being a person of unsound mind, an incompetent person, or a quasi-incompetent person.

In case a juristic person is an applicant for the licence, its manager or its representative must also have the qualifications and must not be under the prohibitions as stipulated in paragraph one.

**Section 18.** In considering the issuance of a licence to operate medical facility business by the grantor, it must appear to the grantor that the applicant has completely arranged for the followings:

- (1) an approved action plan for the establishment of a medical facility according to the rules, procedure, and conditions prescribed in the ministerial regulation;
- (2) a medical facility with characteristics prescribed in the ministerial regulation issued under section 14;
- (3) necessary equipment, tools, medical supplies, or vehicles in a medical facility according to types and amounts prescribed in the ministerial regulation;
- (4) professional practitioners in a medical facility according to various professions and in the number prescribed in a ministerial regulation; and,
- (5) the name of a medical facility that must be in accordance with the ministerial regulation.

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For the benefits of consumer protection related to health services, the Minister, with the advice of the Committee, shall have the power to prescribe the number of medical facilities that may be permitted to establish, or that must have certain medical services in any medical facility of any locality.

**Section 19.** A licence to operation medical facility business shall be valid until the last day of the tenth calendar year from the date of its issuance.

Application for the licence renewal may be submitted before the expiration of the licence. Upon submission of the application, a licensee shall continue to operate the medical facility business until a grantor has issued an order to reject the licence renewal.

The application and the permission for licence renewal shall be in accordance with the rules, procedure, and conditions prescribed in a ministerial regulation.

**Section 20.** A licensee must pay a fee in accordance with the rules, procedure, and rates prescribed in a ministerial regulation throughout the period of business operation. Failure to pay the fee within the prescribed period shall be subject to an additional fee to five percent per month as a surcharge. If the licensee still fails to pay the fee and the surcharge and the duration of six months has elapsed, the grantor shall proceed further according to the provisions of section 49.

**Section 21.** Transfer of a licence to operate medical facility business to a person with the qualifications and without the prohibited characters under section 17 may be made upon permission from a grantor.

The transfer of a licence and the permission thereof shall be in accordance with rules, procedure, and conditions prescribed in a ministerial regulation.

**Section 22.** If a licensee dies and there is a person who expresses his intention to a grantor, within thirty days from the day the licensee dies, to continue on the business of the deceased; upon examination that such person is with the qualifications and is without the prohibited characters under section 17, such person shall continue the business until expiration of the licence. In this case, it is deemed that the person is a licensee under this Act from the day the former licensee dies.

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The expression of intention and the examination shall be in accordance with the rules, procedure, and conditions prescribed by a ministerial regulation.

**Section 23.** A licensee must arrange to have a manager who has the duty to control, supervise, and be responsible for the management of a medical facility business.

**Section 24.** No person shall operate medical facility business without receiving the licence form a grantor.

The application and issuance of the licence shall be in accordance with the rules, procedure, and conditions prescribed in a ministerial regulation.

**Section 25.** In considering the issuance of a licence to manage a medical facility by a grantor, it must appear to the grantor that the applicant:

(1)<sup>4</sup> is a healing arts practitioner, a medicine professional, a midwifery professional, a nursing and midwifery professional, a dental professional, a physical therapy professional, a technological medicine professional, a traditional Thai medicine professional, or an applied traditional Thai professional; however, the type of operation or the type of medical services in a medical facility a person will be licensed to shall be subject to a ministerial regulation;

(2) is not an existing manager of two medical facilities; however, in case being an existing manager of one medical facility that shall be able to admit patients for overnight stays, the permission to be a manager of another medical facility of the same type shall not be granted; and,

(3) is a person who is able to closely supervise a medical facility business.

**Section 26** If a manager is out of his duties or unable to perform his duties for more than seven days, a licensee may task a person who has the same qualifications under section 25 to perform the duties not exceeding ninety days. In this case, the replacement person shall inform a grantor in writing within thirty days from the day he commences his duties.

The replacement person under paragraph one shall have the duties and responsibilities of the manager.

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<sup>4</sup> Section 25 (1) is amended by the Medical Facilities Act (No. 3), B.E. 2555.

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**Section 27.** A licensee, a manager, and a professional practitioner in a medical facility shall not be the same person.

**Section 28.** A licence to manage a medical facility shall be valid until the last day of a second calendar year from the date of its issuance.

Application for the licence renewal may be submitted before the expiration of the licence. Upon submission of the application, a licensee shall continue to manage the medical facility business until a grantor has issued an order to reject the licence renewal.

The application and the permission for licence renewal shall be in accordance with the rules, procedure, and conditions prescribed in a ministerial regulation.

**Section 29.** In case a grantor does not issue a licence or rejects to renew the licence, an applicant for the licence or an applicant for the licence renewal, as the case may be, shall have right to appeal in writing to the Minister within thirty days from the day he receives the order to reject the application or the renewal thereof.

A decision of the Minister shall be final.

In case the grantor does not permit to renew the licence, before the decision on the appeal under paragraph two has been made, the Minister shall have power to order the permission to operate medical facility business or manage a medical facility, as the case may be, for the time being upon request of the applicant.

**Section 30.** In case the licence is lost or substantially damaged, a licensee or a manager, as the case may be, shall inform a grantor and submit an application for a licence substitute within thirty days from the day he acknowledges the loss or the damage.

The application and issuance of licence substitute shall be in accordance with the rules, procedure, and conditions prescribed in a ministerial regulation.

**Section 31.** A licensee must display the licence in an open and conspicuous place at a medical facility.

**Section 32.** A licensee must display the following details in an open and conspicuous place at a medical facility:

- (1) name of the medical facility;

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(2)<sup>5</sup> list of details related to professionals in a medicine, nursing, midwifery, dentistry, pharmacy, physical therapy, technological medicine, traditional Thai medicine, or an applied traditional Thai medicine professions; or a healing arts practitioner practising their professions in the medical facilities; and,

(3) medical treatment rates, service fees, and patient rights that must be displayed according to paragraph one of section 33.

Display of details under paragraph one shall be subject to the criteria, methods, and conditions prescribed in a ministerial regulation.

**Section 33.** The Minister, with the advice and recommendation of the Committee, shall have power to prescribe types or categories of medical treatment, other services of a medical facility and patient rights in which a licensee must display according to section 32 (3).

The licensee shall not charge, or consent to have medical treatment fees or other service fees charged exceeding the rates that he displays, and the licensee shall provide services to patients according to their rights that he displays.

**Section 34.** A manager has duties and responsibilities as follows:

(1) to control and supervise professional practitioners in a medical facility not to practise a profession in a type, category, or plan notified to the grantor in the application for the licence; or to prevent other persons who are not professional practitioners to practise a profession in a medical facility;

(2)<sup>6</sup> to control and supervise professional practitioners in a medical facility to perform duties under the law on healing arts practices, the law on medicine profession, the law on nursing and midwifery profession, the law on dental profession, the law on pharmacy, the law on physical therapy profession, the law on technological medicine profession, or the law on traditional Thai medicine profession, as the case may be;

(3) to control and supervise so that there are no patient admissions for overnight stays exceeding the number of hospital beds specified in the licence except in an emergency when no admission may result in harm to the patients; and,

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<sup>5</sup> Section 32 (2) is amended by the Medical Facilities Act (No. 3), B.E. 2555.

<sup>6</sup> Section 34 (2) is amended by the Medical Facilities Act (No. 3), B.E. 2555.

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(4) to control and supervise so that a medical facility is clean, tidy, safe, and with characteristics suitable for being used as a medical facility.

**Section 35.** A licensee and a manager shall have joint duties and responsibilities as follows:

(1) to arrange to have professional practitioners in a medical facility according to each professions and in the number prescribed in a ministerial regulation throughout business hours;

(2) to arrange to have necessary equipment, tools, medicines, and medical products at a s medical facility subject to the categories prescribed in a ministerial regulation;

(3) to arrange to have evidential reports related to professional practitioners in a medical facility and patients, and other documents related to medical treatment according to the rules, procedure, and conditions prescribed in a ministerial regulation; These items must be maintained in an examinable condition for not less than five years from the date of arrangement; and,

(4) to control and supervise the operation of a medical facility to be in accordance with the standards of services prescribed by the Minister under section 15.

**Section 36.** A licensee and a manger of a medical facility must control and supervise so that there is assistance and treatment, according to professional standards and types of a medical facility, for patients who are in critical condition and need a medical treatment urgently for their safety.

Upon assistance and treatment under paragraph one, if there is a need to transfer the patient or the patient wishes to receive medical treatment at another medical facility, the licensee and the manager must arrange to do so as deemed appropriate.

**Section 37.** A licensee and a manager must control and supervise to prevent the use of or the consent to use a medical facility by other persons differing from type or service characteristics specified in the licence.

**Section 38.** No licensee nor manager shall advertise or announce or consent other persons thereto, by any means, the name, the location, the operation of a medical facility, or qualifications or abilities of professional practitioners in a medical facility,

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in order to persuade other persons to ask for services from the medical facility by using false or exaggerated texts or texts that are likely to cause substantially misunderstanding to the operation of the medical facility.

The grantor may prescribe rules, procedure, and conditions for the advertisement under the provision of paragraph one.

**Section 39.** In case there is advertisement or announcement contravening section 38, the grantor shall have the power to order, in writing, the advertiser or announcer to cease the advertisement or the announcement.

**Section 40.** In case a licensee wishes to change the type of the operation of a medical facility from that specified in the licence or to construct a new building or alter a building differing from that prescribed in a ministerial regulation for use in the operation of the medical facility, this may be conducted upon permission from a grantor.

The application and permission shall be in accordance with the rules, procedure, and conditions prescribed in a ministerial regulation.

**Section 41.** In case a licensee wishes to move a medical facility to operate at another location, the application shall be made as if the licensee applies for a licence to a new medical facility.

**Section 42.** When there is a change of professional practitioners in a medical facility under section 28 (4), a licensee must notify a grantor, in writing, of this within thirty days from the day of that change.

**Section 43.** Subject to section 18 (5), change of the medical facility's name must be made by permission of a grantor.

**Section 44.** A licensee who wishes to cease a medical facility business must notify a grantor of this in writing, and prepare a report on actions to be taken with patients and send it to the grantor not less than fifteen days in advanced. Provided that it shall be in accordance with the rules and procedure prescribed in a ministerial regulation.

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Upon notification under paragraph one, the grantor shall have the power to order the licensee to take any actions by considering the benefits and the interests of the patients in that medical facility as the primary concern.

**Section 45.** A grantor shall arrange to have competent officials to regularly check characteristics and operations of a medical facility to comply with this Act. In this case, if it appears that the medical facility including its equipment, tools, medicines, and medical products, have characteristics that may harm any persons thereat or any nearby persons, the grantor shall have the power to issue an order on the licensee to improve them appropriately within a specified time period.

In this regard, the provisions of section 53 and section 55 shall apply *mutatis mutandis*.

### Chapter 3 Competent Officials

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**Section 46.** In performing duties, a competent official shall have the powers as follows:

- (1) to enter into a building or a vehicle that a competent official has a reasonable ground to suspect that it is a non-licensed medical facility under this Act;
- (2) to enter into a medical facility during business hours to inspect and control it for the compliance with this Act;
- (3) to issue a letter summoning a licensee, a manager, a professional practitioner in a medical facility, or a staff of the medical facility to provide a statement or to submit relevant documents or evidence to the competent official for consideration; and,
- (4) to seize or confiscate any documents or items relevant to offences under this Act as evidence to take legal action.

The licensee, the manager, the professional practitioner, the staff, or the persons in the medical facility shall facilitate the competent official who is performing duties under paragraph one.

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**Section 47.** In performing duties, a competent official shall produce an identification card.

The identification card of the competent official shall be in the form prescribed in a ministerial regulation.

**Section 48.** In the execution of this Act, the competent official shall be the official under the Penal Code.

## Chapter 4

### Closure of Medical Facilities and Revocation of Licences

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**Section 49.** When it appears that a licensee or a manager fails to comply with this Act, a competent official shall have the power to order the licensee or the manager, as the case may be, to cease the wrongful action or to correct it so as to comply with this Act within an appropriate period, but this shall not eradicate offences under this Act.

**Section 50.** In case a licensee or a manager conducts or omits to conduct any act in which it causes harm, damage, or serious trouble to any person at a medical facility or a nearby place; or fails to obey the order of the grantor under section 45; or fails to obey the order of the competent official under section 49; the grantor shall have the power to issue an order suspending the medical facility business until compliance is acted within a specified time period.

When the licensee or the manager acts in compliance with the specified time period, the grantor shall revoke the order of closure of the medical facility.

**Section 51.** In case a licensee or a manager lacks the qualifications or has prohibited characters under section 17 or section 25, as the case may be; or if the licensee or the manager fails to make a correction within the specified time period under section 50, a grantor, with recommendation of the Committee, shall have the power to issue an order revoking the licence to operate medical facility business.

If the licensee or the manager is subject to a final judgment that he commits an offence under this Act and the grantor considers that it is a serious case, which may impact

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upon medical treatment for patients, the grantor, with the recommendation of the Committee, shall have the power to issue an order revoking the licence of that person.

**Section 52.** For the benefits of protection and care for patients in a medical facility in a case that:

(1) a licensee dies and there is no one who expresses an intention to continue operating the business, or the person who expresses an intention lacks the qualifications or has the prohibited characters under section 22; and,

(2) a grantor has an order of suspension of a medical facility under section 50, or has an order of revocation of the licence under section 51;

The grantor shall issue an order having the medical facility to be under supervision of the Committee for any actions as appropriate.

**Section 53.** The order of the competent official under section 49, or of a grantor under section 50 or section 51, shall be in writing to be sent via a registered mail to a licensee or a manager at a domicile of that person, as the case may be. If the licensee or the manager cannot be found or refuses to accept the order, it shall display the order at an open and a conspicuous place of the medical facility, and it shall be deemed that the person acknowledges the order as from the day the order is displayed.

The order of the grantor under paragraph one may also be advertised in a newspaper or by any other means.

**Section 54.** A person whose licence is revoked shall not re-apply for the licence before the period of two years from the date of its revocation has elapsed.

**Section 55.** In case of an order of a competent official under section 49, or of a grantor under section 50 or section 51, the person to whom the order is issued shall have the right to appeal to the Minister within thirty days from the date of its acknowledgement.

A decision of the Minister shall be final.

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## Chapter 5 Penalties

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**Section 56.** A person who fails to comply with the order of the Committee or the sub-committee under section 13 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding two thousand Baht or to both.

**Section 57.** A person who violates paragraph one of section 16, or paragraph one of section 24 shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand Baht or to both, and a court shall also order the confiscation of any items used in the operation of the medical facility business.

**Section 58.** A person who fails to comply with the order of a grantor under section 39 or section 45, or an order of the competent official under section 49 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht or to both.

**Section 59.** A licensee who fails to comply with section 21, section 31, section 32, section 40, or section 43 shall be liable to a fine not exceeding ten thousand Baht.

**Section 60.** A licensee who operates medical facility business without having a manager under section 23 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both.

**Section 61.** A person who has the duty to notify a grantor fails to notify there to within the specified time period under section 26, section 30, section 42, or paragraph one of section 44 shall be liable to a fine not exceeding ten thousand Baht.

**Section 62.** A person who violates paragraph two of section 33 shall be liable to a fine not exceeding twenty thousand Baht.

**Section 63.** A manager who fails to perform his duties under section 34 (1) shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both.

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**Section 64.** A manager who fails to perform his duties under section 34 (3) or (4) shall be liable to a fine not exceeding ten thousand Baht.

**Section 65.** A licensee or a manager who violates or fails to comply with section 34 (2) or section 35 shall be liable to imprisonment not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

**Section 66.** A licensee or a manager who violates section 36 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both.

**Section 67.** A licensee or a manager who violates section 37 shall be liable to a fine not exceeding twenty thousand Baht.

**Section 68.** A licensee or a manager who violates section 38 shall be liable to a fine not exceeding twenty thousand Baht and a fine per day not exceeding ten thousand Baht from the day of contravention until cessation of the advertisement.

**Section 69.** A licensee who fails to comply with the order of a grantor under paragraph two of section 44 shall be liable to imprisonment not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

**Section 70.** A licensee, a manager, a professional practitioner in a medical facility, a medical facility staff, or any person in a medical facility who fails to facilitate the competent official who performs his duties under section 46 shall be liable to a fine not exceeding two thousand Baht.

**Section 71.** A person who operates a medical facility business during the time the medical facility is under an order of suspension under section 50 shall be liable to imprisonment not exceeding two years or to a fine not exceeding forty thousand Baht or to both, and a fine per day not exceeding ten thousand Baht during the time of contravention.

**Section 72.** A person who obstructs or fails to facilitate the Committee in the execution of section 52 shall be liable to imprisonment not exceeding one month or to a fine not exceeding two thousand Baht or to both.

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**Section 73.** A licensee, a manager, a professional practitioner in a medical facility, or a medical facility staff who produces or consents another person to produce false evidence related to medical treatment fees, service charges for documents detailing medical examination, documents detailing medical results, or other documents related to medical treatment of the medical facility, shall be liable to imprisonment not exceeding two years or to a fine not exceeding forty thousand Baht or to both.

**Section 74.** In case an offender liable to penalties under this Act is a juristic person, its general manager or representative shall also be liable to the same penalties for the offence except such person can prove that the juristic person committed the offence without his knowledge or consent.

**Section 75.** The Minister shall have the power to appoint a committee on case settlement in Bangkok Metropolitan or provincial areas, as appropriate, comprising three qualified members with at least one of them shall be appointed from qualified persons in laws.

Any offences under this Act shall be punishable only to a fine or to imprisonment not exceeding on year shall be settled by the committee on case settlement if it considers that the offender should not be sued or imprisoned. In regard to an offence punishable only to a fine, the committee may entrust the competent official to settle the case on its behalf as deemed appropriate.

If the offender pays the fine for settlement within thirty days from the day of settlement, the case is deemed to be settled under the Criminal Procedure Code.

In case the inquiry official finds that any offender commits an offence liable to the penalties under paragraph two, and the offender agrees to have the case settled, the inquiry official shall forward the matter to the committee on case settlement within seven days from the day the offender expresses his intention to settle the case.

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## Transitory Provisions

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**Section 76.** A licence to establish a medical facility, and a licence to manage a medical facility issued under the Medical Facilities Act B.E. 2504 shall be deemed as a licence to operate a medical facility business, or a licence to manage a medical facility issued under this Act; and they shall be valid until the last day of a calendar year that this Act comes into force.

**Section 77.** All ministerial regulations or notifications issued under the Medical Facilities Act B.E. 2504 being effective on the day this Act comes into force shall continue to be in force insofar as they are not contrary to or inconsistent with the provisions of this Act, provided that they are replaced by ministerial regulations or notifications issued under this Act.

### Countersigned by

Chuan Leekpai  
Prime Minister

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## Rates of Fees

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- |   |                        |
|---|------------------------|
| (1) Licence to operate medical facility business<br>Non-overnight stay type | 1,000 Baht each        |
| (2) Licence to operate medical facility business<br>Overnight stay type     |                        |
| (a) Not exceeding 10 beds   | 2,000 Baht each;       |
| (b) Exceeding 10 but not exceeding 25 beds                                  | 5,000 Baht each;       |
| (c) Exceeding 25 but not exceeding 50 beds                                  | 10,000 Baht each;      |
| (d) Exceeding 50 but not exceeding 100 beds                                 | 20,000 Baht each; and, |
| (e) Exceeding 100 beds  | 20,000 Baht each; and  |
| Additional fee for extra beds 100 Baht per bed                              |                        |
| (3) Licence to manage a medical facility<br>Non-overnight stay type         | 500 Baht each;         |
| (4) Licence to manage a medical facility<br>Overnight stay type             |                        |
| (a) Not exceeding 10 beds   | 1,000 Baht each;       |
| (b) Exceeding 10 but not exceeding 25 beds                                  | 2,500 Baht each;       |
| (c) Exceeding 25 but not exceeding 50 beds                                  | 5,000 Baht each;       |
| (d) Exceeding 50 but not exceeding 100 beds                                 | 10,000 Baht each;      |
| (e) Exceeding 100 beds  | 10,000 Baht each; and  |
| Additional fee for extra beds 50 Baht per bed                               |                        |
| (5) Licence renewal fees are equal to a licence fee of its type each;       |                        |
| (6) Licence substitute  | 200 Baht each;         |
| (7) Licence amendments  | 100 Baht per amendment |
| (8) Medical facility business fee   | 10,000 Baht per year   |

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# MEDICAL ESTABLISHMENTS ACT (NO. 4), B.E. 2559 (2016)

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His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun

Given on the 18<sup>th</sup> Day of December B.E. 2559;

Being the 1<sup>st</sup> Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that:

Whereas it is expedient to amend the law on medical establishments;

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

**Section 1.** This Act is called the “Medical Establishments Act (No. 4), B.E. 2559 (2016)”.

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

**Section 3.** The provision of the definition of “medical establishment” in section 4 of the Medical Establishments Act, B.E. 2541 (1998) as amended by the Medical Establishments Act (No. 3), B.E. 2555 (2012) shall be repealed and replaced by the following:

““medical establishment” means a place including a vehicle provided for healing arts practices under the law on healing arts practices, practices of medical profession under

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\* This translation has been reviewed by the Office of the Council of State based on a prior draft prepared by Ms. Arriya Phasee under contract for the Office of the Council of State of Thailand’s law translation project.

<sup>1</sup> Published in the Government Gazette, Vol. 133, Part 107a, page 41, dated 20<sup>th</sup> December 2559 (2016).

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the law on medical profession, practices of nursing and midwifery profession under the law on nursing and midwifery profession, practices of dental profession under the law on dental profession, practices of physiotherapy profession under the law on physiotherapy profession, practices of medical technology profession under the law on medical technology profession, practices of Thai traditional medicine profession and practices of applied Thai traditional medicine profession under the law on Thai traditional medicine profession or practices of any other medical and public health profession under the laws applicable to it, in which it is normally conducted regardless of whether or not a consideration is received;”

**Section 4.** The provision of the definition of “professional practitioner” in section 4 of the Medical Establishments Act, B.E. 2541 (1998) as amended by the Medical Establishments Act (No. 3), B.E. 2555 (2012) shall be repealed and replaced by the following:

““professional practitioner” means a healing arts practitioner, a medical practitioner, a nursing and midwifery practitioner, a dental practitioner, a pharmaceutical practitioner, a physiotherapy practitioner, a medical technology practitioner, a Thai traditional medicine practitioner, an applied Thai traditional medicine practitioner or any other medical and public health practitioner under the laws applicable to it, and shall include a person under section 31 of the law on healing arts practices;”

**Section 5.** The provision of the definition of “licensor” in section 4 of the Medical Establishments Act, B.E. 2541 (1998) shall be repealed and replaced by the following:

““licensor” means the Director-General of the Department of Health Service Support or a person entrusted by the Director-General of the Department of Health Service Support;”

**Section 6.** The provision of section 5 of the Medical Establishments Act, B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 5. This Act shall not apply to medical establishments operated by a ministry, a sub-ministry, a department, a municipal government, a State enterprise, a State educational institution, any other administrative agency, the Red Cross Society, and other medical establishments as prescribed in a Notification by the Minister.

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The medical establishment which is exempted under paragraph one shall have medical establishment characteristics and standards in accordance with the criteria, procedures and conditions as prescribed in a Notification by the Minister, by and with the advice of the Committee, except the medical establishments whose quality has been certified by the agency prescribed by the licensor.

For the purpose of consumer protection in health service systems, the Minister, by and with the advice of the Committee, shall inform the medical establishment under paragraph one which fails to comply with the criteria, procedures and conditions under paragraph two to implement improvement or remedial actions within a prescribed period of time.”

**Section 7.** The provisions of section 7 and section 8 of the Medical Establishments Act, B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 7. There shall be a committee called the “Medical Establishment Committee”, consisting of the Permanent Secretary of Ministry of Public Health as Chairperson; a Director-General or head of a government agency called otherwise having the status of Department that is affiliated with the Ministry of Public Health, a representative of the Ministry of Defence, a representative of the Ministry of Interior, a representative of the Office of the Council of State, a representative of the Office of the Consumer Protection Board and a representative of the Healthcare Accreditation Institute (Public Organisation) as *ex officio* members; and qualified members appointed by the Minister from the following persons:

(1) Two healing arts practitioners by and with the advice of the Committee on Healing Arts Practices, and six professional practitioners by and with the advice of the professional councils established by the laws that control the practices of such professions, namely a representative of the Medical Council of Thailand, a representative of Thailand Nursing and Midwifery Council, a representative of the Pharmacy Council of Thailand, a representative of the Dental Council of Thailand, one each from each council, and two representatives of other professional councils to be selected amongst themselves in accordance with the criteria, procedures and conditions as prescribed in a Notification by the Minister;

(2) Other five qualified members appointed from two operators, one dean of a faculty of medicine of an institution of higher education, one representative of the Private Hospital Association and one representative of a private organisation conducting

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consumer protection activities, in accordance with the criteria, procedures and conditions as prescribed in a Notification by the Minister.

The Deputy Director-General entrusted by the Director-General of the Department of Health Service Support shall be a member and secretary and the Director of the Bureau of Sanatorium and Art of Healing, Department of Health Service Support shall be a member and assistant secretary.

Section 8. A qualified member under section 7 shall hold office for a term of three years. A qualified member who vacates office on the expiration of term may be reappointed, but may not hold office for more than two consecutive terms.

In the case where a qualified member vacates office on the expiration of term, but a new qualified member has not yet been appointed, such qualified member shall continue to perform his or her duties until a new qualified member has been appointed.”

**Section 8.** The provision of paragraph two section 9 of the Medical Establishments Act, B.E. 2541 (1998) shall be repealed and replaced by the following:

“In the case where a qualified member vacates office prior to the expiration of his or her term, the Minister shall appoint another person to replace him or her, and the appointed member shall be in office for the remaining term of the member whom he or she replaces, but if the remaining term of office is less than ninety days, the appointment may not be made. In this regard, the Committee shall consist of all existing members.”

**Section 9.** The provision of section 11 of the Medical Establishments Act, B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 11. The Committee shall have a duty to provide advice, opinions and suggestions to the Minister or the licensor in the following matters:

- (1) Issuance of Ministerial Regulations or Notifications for the execution of this Act;
- (2) Permission for engagement in medical establishment business, operation of medical establishments, closure of medical establishments or revocation of licences;
- (3) Promotion of the development of service quality of medical establishments;
- (4) Control or consideration of complaints regarding the operation of medical establishments;

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(5) Determination of characteristics and standards or quality accreditation for the medical establishments exempted under section 5, paragraph one, and notification for improvement or remedial actions for such medical establishments;

(6) Determination of emergency patients under the law on emergency medicine, dangerous communicable diseases, communicable diseases under surveillance or epidemics under the law on communicable diseases, or public disasters under the law on public disaster prevention and mitigation, in respect of which the patients need to receive urgent medical treatment from a medical establishment, and determination of criteria for taking action in such cases;

(7) Other matters as assigned by the Minister or the licensor.”

**Section 10.** The following provision shall be added as section 14/1 of the Medical Establishments Act, B.E. 2541 (1998):

“Section 14/1. A medical establishment may provide education and training, conduct research in medicine and public health or collaborate with administrative agencies, State enterprises or private organisations in technology transfer that is appropriate and related to healing arts practices or medical and public health practices in order to promote and improve the quality of the medical establishment, in accordance with the laws applicable to it and the criteria, procedures and conditions prescribed in Ministerial Regulations.”

**Section 11.** The provision of (1) of section 25 of the Medical Establishments Act, B.E. 2541 (1998) as amended by the Medical Establishments Act (No. 3), B.E. 2555 (2012) shall be repealed and replaced by the following:

“(1) is a professional practitioner, but the type of operation or the type of medical services in a medical establishment for which he or she will be licensed shall be as prescribed in Ministerial Regulations;”

**Section 12.** The provision of section 32 of the Medical Establishments Act, B.E. 2541 (1998) as amended by the Medical Establishments Act (No. 3), B.E. 2555 (2012) shall be repealed and replaced by the following:

“Section 32. A licensee must present the following details at the medical establishment:

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- (1) Name of the medical establishment;
- (2) List of the professional practitioners in the medical establishment;
- (3) Rates of medical treatment fees, medicine and medical supplies expenses, medical service fees, other service fees, and patient rights, which must be displayed by a medical establishment according to section 33, paragraph one.

The details under paragraph one must be presented in accordance with the criteria, procedures and conditions prescribed in Ministerial Regulations.”

**Section 13.** The provision of section 33 of the Medical Establishments Act, B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 33. The Minister, by and with the advice of the Committee, shall have power to prescribe by Notification types or categories of the medical treatments, medicines and medical supplies, medical services or other services of a medical establishment and patient rights, which must be displayed by the licensee according to section 32 (3).

A licensee shall not charge, or consent to have medical treatment fees, medicine and medical supplies expenses, medical service fees or other service fees charged in excess of the rates displayed, and must provide services to patients according to their rights displayed.”

**Section 14.** The following provision shall be added as section 33/1 of the Medical Establishments Act, B.E. 2541 (1998):

“Section 33/1. For the purpose of protection of the health of people, the Minister, by and with the advice of the Committee, shall have power to prescribe by Notification emergency patients under the law on emergency medicine, dangerous communicable diseases, communicable diseases under surveillance or epidemics under the law on communicable diseases, or public disasters under the law on public disaster prevention and mitigation, in respect of which the patients need to receive urgent medical treatment from a medical establishment according to section 36.”

**Section 15.** The provision of section 34 of the Medical Establishments Act, B.E. 2541 (1998) as amended by the Medical Establishments Act (No. 3), B.E. 2555 (2012) shall be repealed and replaced by the following:

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“Section 34. An operator shall have duties and responsibilities as follows:

(1) To control and monitor that professional practitioners in a medical establishment do not practise a profession in a sector, category or field different than that notified by the licensee in the application for the licence; or that no person who is not a professional practitioner practises a profession in a medical establishment;

(2) To control and monitor that professional practitioners in a medical establishment perform duties in accordance with the laws related to their professional practices;

(3) To control and monitor that there are no patient admissions for overnight stays exceeding the number of hospital beds prescribed in the licence, except in an emergency where patients may be at harm if they are not admitted;

(4) To control and monitor so that a medical establishment is clean, tidy, safe and has characteristics suitable for being used as a medical establishment.”

**Section 16.** The provision of section 36 of the Medical Establishments Act, B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 36. The licensee and operator of a medical establishment must control and monitor so that assistance and treatment are provided for the patients under section 33/1 who are in critical condition and need urgent medical treatment in order to save them from harm in accordance with the professional standards and types of such medical establishment.

For public interest, the medical establishment, in taking action under paragraph one, shall have duties to mobilise resources and take part in the assistance and treatment or take actions as appropriate and necessary.

The actions under paragraph one and paragraph two shall be carried out in accordance with the criteria, procedures and conditions as prescribed in a Notification by the Minister, by and with the advice of the Committee.

When the assistance and treatment has been provided to the patient under paragraph one, if there is a need to transfer the patient or the patient wishes to receive medical treatment at another medical establishment, the licensee and operator must arrange for the transfer to such other medical establishment to take place as appropriate, in accordance with the criteria, procedures and conditions as prescribed in a Notification by the Minister, by and with the advice of the Committee.

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Expenses for the carrying out of the actions under paragraph one, paragraph two and paragraph four shall be in accordance with the criteria, procedures and conditions as prescribed by the Council of Ministers.”

**Section 17.** The provision of section 38 of the Medical Establishments Act, B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 38. Any person who wishes to make an advertisement or announcement, by any means, in relation to the business operation of a medical establishment other than the name and location of the medical establishment appearing in the licence, shall obtain an approval for the statements, sounds or pictures used in the advertisement or announcement from the licensor, in accordance with the criteria, procedures, conditions and expenses as prescribed in a Notification by the licensor.

An advertisement or announcement, by any means, of the name, location or business of a medical establishment or the qualifications or abilities of professional practitioners in a medical establishment, which is made to persuade other persons to request services from the medical establishment using a statement, sound or picture which is false or exaggerated or likely to cause material misunderstanding as to the business operation of the medical establishment, shall be prohibited.

The expenses received under paragraph one shall be remitted to the Treasury as State revenue.”

**Section 18.** The provision of section 57 of the Medical Establishments Act, B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 57. Any person who violates section 16, paragraph one or section 24, paragraph one shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both, and the court may order forfeiture of all articles used in the operation of the medical establishment business.”

**Section 19.** The provision of section 62 of the Medical Establishments Act, B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 62. Any licensee who violates section 33, paragraph two shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.”

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**Section 20.** The provision of section 68 of the Medical Establishments Act, B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 68. Any person who fails to comply with section 38, paragraph one shall be liable to a fine not exceeding twenty thousand baht and to additional fine at a daily rate not exceeding ten thousand baht from the date on which a breach of an order of suspension of the advertisement or announcement has occurred until such advertisement or announcement has been suspended.

Any person who violates section 38, paragraph two shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both and to additional fine at a daily rate not exceeding ten thousand baht from the date on which a breach of an order of suspension of the advertisement or announcement has occurred until such advertisement or announcement has been suspended.”

**Section 21.** The provision of section 74 of the Medical Establishments Act, B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 74. In the case where the offender is a juristic person, if the offence of such juristic person was caused by an order or act of the director, manager or any person responsible for the operation of such juristic person, or where such person has a duty to order or act, but fails to order or fails to act to the extent causing such juristic person to have committed the offence, that person shall also be liable for the punishment prescribed for such offence.”

**Section 22.** The provision of paragraph one of section 75 of the Medical Establishments Act, B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 75. There shall be a committee on case settlement:

(1) in Bangkok, consisting of the Director-General of the Department of Health Service Support as Chairperson; the Director of the Bureau of Sanatorium and Art of Healing, Department of Health Service Support and a representative of the Office of the Attorney General as members; and the Director-General of the Department of Health Service Support shall appoint one public official of the Department of Health Service Support as secretary and not more than two public officials of the Department of Health Service Support as assistant secretaries:

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(2) in other provinces, consisting of the Provincial Governor as Chairperson; a provincial prosecutor and a provincial public health official as members; and the provincial public health official shall appoint one public official of the Provincial Public Health Office as secretary and not more than two public officials of the Provincial Public Health Office as assistant secretaries.”

**Section 23.** A member of the Medical Establishment Committee who holds office prior to the date on which this Act comes into force shall continue to hold office until the Medical Establishment Committee under the Medical Establishments Act, B.E. 2541 (1998) as amended by this Act is appointed, but not more than one hundred and twenty days from the date on which this Act comes into force.

**Section 24.** The licensee or operator who makes an advertisement or announcement, by any means, in relation to a medical establishment prior to the date on which this Act comes into force must apply for an approval for the advertisement or announcement from the licensor within ninety days from the date on which the Notification issued under section 38, paragraph one of the Medical Establishments Act, B.E. 2541 (1998) as amended by this Act comes into force, and when the application for approval has been filed, such action may continue until notice is obtained from the licensor.

**Section 25.** All Ministerial Regulations or Notifications issued under the Medical Establishments Act, B.E. 2541 (1998) in effect prior to the date on which this Act comes into force shall continue in force insofar as they are not in conflict or inconsistent with the Medical Establishments Act, B.E. 2541 (1998) as amended by this Act until the Ministerial Regulations or Notifications issued under the Medical Establishments Act, B.E. 2541 (1998) as amended by this Act come into force.

The issuance of Ministerial Regulations or Notifications under paragraph one shall be completed within one year from the date on which this Act comes into force. In case of failure to do so, the Minister shall report the reason thereof to the Council of Ministers.

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**Section 26.** The Minister of Public Health shall have charge and control over the execution of this Act.

**Countersigned by:**

General Prayut Chan-o-cha  
Prime Minister





HEALTH BUSINESS ESTABLISHMENTS ACT,  
B.E. 2559 (2016)  
and additional amendments







# HEALTH BUSINESS ESTABLISHMENTS ACT, B.E. 2559 (2016)

BHUMIBOL ADULYADEJ, REX.

Given on the 30<sup>th</sup> Day of March, B.E. 2559;

Being the 71<sup>st</sup> Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:  
Whereas it is expedient to have a law on health business establishments;  
Be it, therefore, enacted by the King, by and with the advice and consent of  
the National Legislative Assembly, as follows.

**Section 1.** This Act is called the “Health Business Establishments Act, B.E. 2559 (2016)”.

**Section 2.** This Act shall come into force after the expiration of one hundred and eighty days from the date of its publication in the Government Gazette.<sup>1</sup>

**Section 3.** In this Act:

“health business establishment” means a place established for operation of the following businesses:

(1) spa business, viz. a service involving care and revitalisation of health primarily by way of hydrotherapy and body massage, together with at least three other services prescribed by Ministerial Regulation, except those provided in a medical establishment under the law on medical establishments, or bath, massage or body steam service provided in a place for bathing, massaging or body steaming under the law on service establishments;

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\* This translation has been reviewed by the Office of the Council of State based on aprior draft submitted by the Public Health Committee of the National Legislative Assembly.

<sup>1</sup> Published in the Government Gazette, Vol.133, Part 30a, Page 10, date 31<sup>st</sup> March B.E. 2559.

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(2) massage business for health or beautification, except massage for health or beautification provided in a medical establishment under the law on medical establishments or in a public health service unit of a State agency, or massage service provided in a place for bathing, massaging or body steaming under the law on service establishments;

(3) other businesses prescribed by Ministerial Regulation;

“Grantor” means the Director-General or a person entrusted thereby;

“licensee” means a person who has obtained a licence to operate a health business establishment;

“administrator” means a person who has obtained a licence to manage a health business establishment;

“service provider” means a person registered to perform a health service in a health business establishment;

“Committee” means the Health Business Establishment Committee;

“competent official” means a civil official or a State official holding a position that is not lower than a practitioner level ordinary civil official or equivalent, who is appointed by the Minister for the execution of this Act;

“Director-General” means the Director-General of the Department of Health Service Support;

“Permanent Secretary” means the Permanent Secretary for Public Health;

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

**Section 4.** The Minister of Public Health shall have charge and control of the execution of this Act, and shall have the power to appoint competent officials, and to issue Ministerial Regulations prescribing fees not exceeding the rates annexed to this Act, reducing or exempting fees and prescribing other acts for the execution of this Act.

The fees under paragraph one may be prescribed differently, having regard to the categories and sizes of health business establishments as prescribed in the licence.

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

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## CHAPTER I

### HEALTH BUSINESS ESTABLISHMENT COMMITTEE

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- (3) other businesses prescribed by Ministerial Regulation;

**Section 5.** There shall be a committee called the “Health Business Establishment Committee” consisting of:

- (1) Permanent Secretary for Public Health, as Chairperson;
- (2) *ex officio* members, viz. the Director-General of the Department of Tourism, Director-General of the Department of Provincial Administration, Director-General of the Department for Development of Thai Traditional and Alternative Medicine, Director-General of the Department of Health Service Support, Secretary-General of the Consumer Protection Board, Secretary-General of the Food and Drug Administration, and Governor of the Tourism Authority of Thailand;

- (3) four qualified members appointed by the Minister from persons having knowledge and competency in the field of health service.

The Director-General shall appoint one official of the Department of Health Service Support as secretary and no more than two officials of the Department of Health Service Support as assistant secretaries.

**Section 6.** A qualified member shall hold office for a term of three years.

Upon the expiration of the term of office under paragraph one, if a new qualified member has not yet been appointed, the qualified member who vacates office upon the expiration of term shall remain in office to continue to perform works until a newly appointed qualified member assumes duties.

A qualified member who vacates office upon the expiration of the term may be reappointed, but may not be appointed for more than two consecutive terms.

**Section 7.** In addition to vacating office upon the expiration of term, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being bankrupt;

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- (4) being a person of unsound mind, incompetent person or quasi-incompetent person;
- (5) being imprisoned by a final judgment to a term of imprisonment;
- (6) being dismissed by the Minister due to neglect of duty, disgraceful behaviour or incapability.

**Section 8.** In the case where a qualified member vacates office before the expiration of the term, the Minister shall appoint another person to hold the office in place thereof. However, where the remaining term of office of the qualified member is less than ninety days, the appointment of a replacement qualified member is not required. The person appointed to fill such vacant position shall be in office for the remaining term of office of the qualified members already appointed.

In the case where a qualified member vacates office before the expiration of term, the Committee shall consist of all existing members until there is an appointment of a qualified member under paragraph one.

**Section 9.** The Committee has the following powers and duties:

- (1) to propose policies, plans and strategies in relation to the operation of health business establishments to the Minister;
- (2) to prescribe measures to promote the attainment of standards of health business establishments and to promote access to and acquisition of benefits for every relevant groups of personnel;
- (3) to prescribe rules for accreditation of diplomas and certificates obtained by administrators or service providers from educational institutions, agencies or organisations;
- (4) to prescribe rules for examination and assessment of knowledge and competencies of administrators;
- (5) to provide advice to the Minister in the issuance of Ministerial Regulations under this Act;
- (6) to perform any other acts as prescribed by law to be powers and duties of the Committee or as entrusted by the Minister.

**Section 10.** At a meeting of the Committee, the presence of not less than one-half of members is required to constitute a quorum.

At a meeting of the Committee, if the Chairperson does not attend the meeting or is unable to perform duties, the meeting shall elect one member to preside over the meeting.

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A decision of the meeting shall be made by a majority of votes. Each 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 11.** The Committee has the power to appoint a sub-committee to consider any matter or perform any act on behalf of the Committee or as entrusted by the Committee.

The provisions of section 10 shall apply to a meeting of the sub-committee *mutatis mutandis*.

## CHAPTER II LICENCES AND REGISTRATION

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**Section 12.** Any person who wishes to operate a health business establishment must obtain a licence to operate a health business establishment from the Grantor.

An application for licence, issuance of licence, form of licence, issuance of licence replacement and payment of licence fee shall be in the form and in accordance with the rules, procedures and conditions prescribed by Ministerial Regulation.

In the Ministerial Regulation under paragraph two, the Minister may differentiate the licences in accordance with the categories or sizes of health business establishments.

**Section 13.** A person applying for a health business establishment licence must be no less than twenty years of age and must not be under any of the following prohibitions:

- (1) being a bankrupt;
- (2) being a person of unsound mind, an incompetent person or a quasi-incompetent person;
- (3) being a person who had been convicted by a final judgment for a sexual offence under the Penal Code, an offence under the law on narcotics, an offence under the law on prevention and suppression of human trafficking or an offence under the law on prevention and suppression of prostitution;
- (4) being a person who suffers from a communicable disease regarded as abhorrent to the society, alcoholism, or narcotics addiction;

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(5) being a person whose licence to operate a health business establishment is under suspension;

(6) being a person whose licence to operate a health business establishment has been revoked, and a period of two years to the date of submission of the application for a licence to operate a health business establishment has not yet lapsed.

In the case where a juristic person applies for a licence to operate a health business establishment, the person authorised to act on behalf of such juristic person must have the qualifications and not be under any of the prohibitions under the provisions in paragraph one.

**Section 14.** A licence to operate a health business establishment shall be valid for five years from the date of issuance.

When renewing a licence, the licensee shall submit an application before the licence expiration date. Upon submission of such application, the licensee may continue to operate that health business establishment until notice of an order denying the renewal of licence from the Grantor is received.

An application for renewal of licence and grant of renewal of licence shall be in accordance with the rules, procedures and conditions, and subject to the payment of fee, prescribed by Ministerial Regulation.

**Section 15.** A licensee shall pay an annual fee for operating a health business establishment in accordance with the rates, rules, procedures and conditions, and within the period, prescribed by Ministerial Regulation.

Where a licensee fails to pay the fee under paragraph one within the prescribed period, the Grantor shall order a suspension of the licence to operate a health business establishment held by such person until the fee is paid.

In the case where a licensee whose licence is suspended by an order under paragraph two fails to pay the fee within six months from the date of suspension order, the Grantor shall order the revocation of the licence.

**Section 16.** A licence to operate a health business establishment is terminated when the licensee:

(1) dies, except where actions have been taken as provided under section 18, or the juristic personality of the licensee terminates;

(2) ceases business operations pursuant to section 19;

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(3) is subject to a revocation of licence to operate a health business establishment pursuant to section 15 paragraph three or section 32 (1), (2) or (3) or paragraph three.

**Section 17.** A transfer of licence to operate a health business establishment to a person having the qualifications and not being under any of the prohibitions under section 13 may be done upon obtaining permission from the Grantor.

An application for licence transfer and permission thereof shall be in accordance with the rules, procedures and conditions prescribed by Ministerial Regulation.

**Section 18.** In the case where a licensee dies and the heir wishes to continue operating the health business establishment, the estate administrator or the heir who has the qualifications and is not under any of the prohibitions under section 13, or in case of several heirs, one heir who is selected upon agreement of the heirs and has the qualifications and is not under any of the prohibitions under section 13, shall submit an application to the Grantor for receiving a licence transfer within ninety days from the date of death of the licensee. If an application is not submitted within such period, the licence to operate a health business establishment shall be deemed terminated.

During the period under paragraph one, the estate administrator or the heir who has submitted an application for receiving a licence transfer shall operate the health business establishment with the same duties and responsibilities as the licensee, until the Grantor issues a denial order.

If the result of examination indicates that the applicant has the qualifications and is not under any of the prohibitions under section 13, the Grantor shall issue an order granting permission to the applicant.

An application for receiving a transfer and permission thereof shall be in accordance with the rules, procedures and conditions prescribed by Ministerial Regulation.

**Section 19.** A licensee who wishes to cease business operations shall notify the Grantor, and return the licence to operate a health business establishment to the Grantor within fifteen days from the date of cessation of business operations.

The cessation of business operations shall not be a ground for relieving the licensee of the liabilities under this Act.

**Section 20.** Any person who wishes to perform duties as an administrator of a health business establishment must obtain an administrator's licence from the Grantor.

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An application for licence, issuance of licence, form of licence, issuance of licence replacement and payment of licence fee shall be in the form and in accordance with the rules, procedures and conditions prescribed by the Ministerial Regulations.

**Section 21.** An applicant for a licence to be an administrator of a health business establishment must have the qualifications and not be under any of the prohibitions as follows:

- a. qualifications:
  - (1) being not less than twenty years of age;
  - (2) having obtained a diploma or a certificate in health service which is accredited by the Department of Health Service Support;
  - (3) having passed the test and assessment of knowledge and competency from the Department of Health Service Support;
- b. prohibitions:
  - (1) being a person of unsound mind, an incompetent person or a quasi-incompetent person;
  - (2) being a person who had been convicted by a final judgment for a sexual offence or an offence against property under the Penal Code, an offence under the law on narcotics, an offence under the law on prevention and suppression of human trafficking or an offence under the law on prevention and suppression of prostitution;
  - (3) being a person who suffers from a communicable disease regarded as abhorrent to the society, alcoholism, or narcotics addiction;
  - (4) being a person whose administrator's licence is under suspension;
  - (5) being a person whose administrator's licence has been revoked, and a period of one year to the date of submission of the application for an administrator's licence has not yet lapsed.

**Section 22.** Any person who wishes to perform duties as a service provider in a health business establishment shall submit an application for registration as a service provider to the Grantor.

Registration under paragraph one shall be in accordance with the rules, procedures and conditions prescribed by Ministerial Regulation.

**Section 23.** An applicant for registration as a service provider must have the qualifications and not be under any of the prohibitions as follows:

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- a. qualifications:
  - (1) being not less than eighteen years of age;
  - (2) having obtained a diploma or a certificate in health service which is accredited by the Department of Health Service Support;
- b. prohibitions:
  - (1) being a person of unsound mind, an incompetent person or a quasi-incompetent person;
  - (2)<sup>2</sup> (*repealed*)
  - (3) being a person who suffers from a communicable disease regarded as abhorrent to the society, alcoholism, or narcotics addiction.

### CHAPTER III

#### DUTIES OF LICENSEES AND OPERATORS

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**Section 24.** A licensee must operate the business in conformity with the category of health business establishment specified in the licence to operate a health business establishment.

**Section 25.** The use of name of a health business establishment shall be in accordance with the rules prescribed by notification of the Director-General.

**Section 26.** The standards of premises, safety and service provision in each category of health business establishments shall be as prescribed by Ministerial Regulation.

**Section 27.** Categories of health business establishments requiring an administrator shall be in accordance with the rules prescribed by notification by the Director-General.

**Section 28.** A licensee has the following duties:

- (1) to display the licence to operate a health business establishment in an open and conspicuous place at the health business establishment specified in the licence;

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<sup>2</sup> Section 23 b. (2) was repealed by the Health Business Establishments Act (No. 2), B.E. 2562 (2019).

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(2) to designate an administrator to position at the health business establishment at all time during operating hours, and to display the name of the administrator in an open and conspicuous place;

(3) to keep personnel records of administrators and service providers;

(4) to maintain standards of premises, safety and service provision to conform with the licence granted;

(5) to accept only persons registered as service providers under section 22 to work in the health business establishment;

(6) not to advertise the provision of health service in the following manners:

(a) using false or exaggerated advertising statements;

(b) exaggerating the benefits of health services or equipment, products and apparatuses used in providing the service in order to claim an ability to treat, cure or prevent diseases, or using any other statement of a similar meaning;

(c) advertising in a manner that is likely to cause fundamental misunderstanding as to the provision of health services;

(d) advertising in a manner that appears to be lewd or obscene;

(7) to exercise control and supervision in order to prevent the health business establishment from causing nuisance to residents in the vicinity;

(8) to prohibit the arrangement of venue or any other facility for the display of service providers to enable the exercise of choice of service provider;

(9) to exercise control and supervision in order to prevent clandestine prostitution or commission of prostitution, or commission of an act or service that is contrary to the laws, public order and good morals in the health business establishment;

(10) to not allow or give consent to or fail to exercise due care in allowing distribution or consumption of alcoholic beverage or tobacco products in the health business establishment;

(11) to not allow or give consent to or fail to exercise due care in allowing the commission of an offence related to narcotics in the health business establishment;

(12) to not allow or give consent to or fail to exercise due care in allowing an intoxicated person who behaves riotously or loses control of his or her faculties to enter into the health business establishment during the operating hours;

(13) to not allow or give consent to or fail to exercise due care in allowing a weapon to be brought into the health business establishment.

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**Section 29.** An administrator has the following duties:

(1) to prepare operational manuals for services or manuals for using equipment, products and apparatuses, and to coach the service providers to be able to provide services in accordance with the manuals prepared;

(2) to exercise control and supervision over the services, equipment, products and apparatuses to ensure their conformity with standards, hygienic conditions and use safety;

(3) to inquire and record basic health information, and to screen service receivers in order to provide services that are suitable to the service receivers;

(4) to exercise control and supervision to ensure that the service providers strictly adhere to the operational manuals, and to exercise control and supervision to prevent the service providers from providing services outside the health business establishment during the working hours;

(5) to adopt measures for work safety, and to prevent service receivers, service providers and persons working in the health business establishment from being sexually assaulted.

Apart from the duties prescribed in paragraph one, an administrator shall also have the duties under section 28 (9), (10), (11), (12) and (13).

## CHAPTER IV SUSPENSION OF LICENCES, REVOCATION OF LICENCES AND DEREGISTRATION

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**Section 30.** Where it appears to a competent official that a licensee violates or fails to comply with a duty provided in section 28 (1), (2), (3), (4), (5), (6), (7) or (8), Ministerial Regulation or Notification issued under this Act, the competent official shall have the power to order the licensee to rectify the non-compliance within a specified period of time.

If the licensee fails to rectify the non-compliance within the period of time specified by the competent official under paragraph one, the competent official shall submit a report to the Grantor for consideration. In this regard, the Grantor shall have the power to order the suspension of the licence to operate a health business establishment until

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the non-compliance is rectified. When the licensee has rectified the non-compliance, the Grantor shall order the revocation of that suspension order.

A licensee whose licence is suspended must cease operations of business as ordered by the suspension order.

**Section 31.** Where it appears to a competent official that an administrator violates or fails to comply with a duty provided in section 29 paragraph one, Ministerial Regulation or Notification issued under this Act, the competent official shall have the power to order the administrator to rectify the non-compliance within a specified period of time.

If the administrator fails to rectify the non-compliance within the period of time specified by the competent official under paragraph one, the competent official shall submit a report to the Grantor for consideration. In this regard, the Grantor shall have the power to order the suspension of the licence to be an administrator of a health business establishment until the non-compliance is rectified. When the administrator has rectified the non-compliance, the Grantor shall order the revocation of that suspension order.

An administrator whose licence is suspended must cease the performance of duties as ordered by the suspension order.

**Section 32.** The Director-General has the power to order the revocation of a licence when it appears that:

(1) a licensee is disqualified or is under any of the prohibitions under section 13 (1), (2), (3), (4) or (6);

(2) a licensee violates or fails to comply with a duty provided in section 28 (9), (10), (11), (12) or (13);

(3) a licensee violates a suspension order under section 30;

(4) an administrator is disqualified under section 21 a. (1), (2) or (3) or is under any of the prohibitions under section 21 b. (1), (2), (3) or (5);

(5) an administrator violates or fails to comply with a duty provided in section 29 paragraph two;

(6) an administrator violates a suspension order under section 31.

In the case where a licensee is a natural person, if the Director-General issues a revocation order under (1), the licensee may continue with the operation of the health business establishment for sixty days from the date on which the Director-General issues the revocation order.

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In the case where a licensee is a juristic person and it appears to the Grantor that the person authorised to act on behalf of the juristic person is disqualified or is under any of the prohibitions under section 13 (1), (2), (3), (4) or (6), the Grantor shall notify the licensee to appoint another person as a replacement in that position within thirty days from the date on which the notification is received. If the licensee fails to act within such period of time, the Director-General shall issue an order to revoke the licence.

**Section 33.** In the case where it appears that a service provider is disqualified or is under any of the prohibitions prescribed in section 23, the Grantor shall deregister that service provider from the register.

**Section 34.** A suspension order, revocation order and deregistration order shall be made as a written notice to the licensee, operator or service provider, as the case may be.

The chapter on notifications under the law on administrative procedures shall apply *mutatis mutandis* to the notification of an order under paragraph one.

## CHAPTER V COMPETENT OFFICIAL

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**Section 35.** When performing duties, a competent official shall have the following powers:

- (1) to enter a health business establishment during the operating hours of such place for inspection or control to ensure compliance with this Act;
- (2) to collect samples of equipment, products and apparatuses used for providing health service in reasonable quantities for examination or analysis;
- (3) to seize or garnish equipment, products and apparatuses as well as containers, packages, labels and tags, and any documents or objects which are reasonably believed to be related to commission of an offence;
- (4) to issue a letter to summon a relevant person to give statement or deliver necessary document or evidence for supplementing the consideration of the competent official.

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A licensee, administrator, service provider or person who is an officer or employee of that health business establishment shall provide reasonable facilitation.

**Section 36.** When performing duties, a competent official must produce a competent official identity card to the relevant persons.

A competent official identity card shall be in the form prescribed by notification of the Director-General.

**Section 37.** When performing duties, a competent official shall be an official under the Penal Code.

## CHAPTER VI

### APPEAL

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**Section 38.** In the case where the Grantor denies the issuance of licence, the renewal of licence, the transfer of licence or the registration of a service provider, the applicant for licence, applicant for licence renewal, applicant for licence transfer or applicant for registration shall have the right to file an appeal in writing to the Permanent Secretary within thirty days from the date of receipt of the notification denying the issuance of licence, the renewal of licence, the transfer of licence or the registration, as the case may be.

**Section 39.** A licensee, administrator or service provider whose licence is suspended or revoked, or who is deregistered, has the right to file an appeal in writing to the Permanent Secretary within thirty days from the date of receipt of the suspension or revocation order, or deregistration order, as the case may be.

An appeal under paragraph one shall not be the ground for staying the execution of the suspension order, the revocation order or the deregistration order.

**Section 40.** When considering an appeal under section 38 or section 39, the Permanent Secretary shall complete the consideration of the appeal within thirty days from the date of receipt of the appeal. If, due to a necessary cause, consideration cannot be completed within such period of time, the appellant shall be notified in writing prior to

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the expiration of such period. In this regard, the period for consideration of the appeal shall be extended for no more than thirty days from the date on which such period has expired.

The decision of the Permanent Secretary shall be final.

## CHAPTER VII

### PENALTIES

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**Section 41.** Any person who uses as the name or adopts as a trade name, the words “health business establishment”, “spa business”, “massage for health or beautification” or other business as prescribed by a Ministerial Regulation issued by virtue of (3) of the definition of “health business establishment” under section 3, or any other words of the same meaning, in a manner which may lead the public into understanding that it is a health business establishment, without being a licensee under this Act, shall be liable to a fine not exceeding forty thousand baht.

**Section 42.** Any person who violates section 12 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand baht or to both.

**Section 43.** Any person who violates section 20 shall be liable to a fine not exceeding twenty thousand baht.

**Section 44.** Any licensee who violates section 24 shall be liable to a fine not exceeding forty thousand baht.

**Section 45.** Any licensee who violates or fails to comply with section 28 (9), (10), (11), (12) or (13), or any operator who violates or fails to comply with section 29 paragraph two, shall be liable to a fine not exceeding thirty thousand baht.

**Section 46.** Any person who violates or fails to comply with section 35 paragraph two shall be liable to a fine not exceeding ten thousand baht.

**Remark:** This translation is provided by the Office of the Council of State for information purposes only. Whilst the Office of the Council of State has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.



**Section 47.** In the case where the offender is a juristic person, if the commission of the offence of that juristic person is caused by an order or an act of a person, or a failure to order or a failure to perform a mandatory duty of a managing director or a person responsible for the operation of the juristic person, such person shall also be liable to the penalty provided for that offence.

**Section 48.** All offences under this Act may be settled by the Grantor by way of payment of a fine in accordance with the rules prescribed by notification of the Director-General.

When the suspect has paid a fine of the settled amount within the specified period of time, the case shall be deemed terminated under the provisions of the Criminal Procedure Code.

**Remark:** This translation is provided by the Office of the Council of State for information purposes only. Whilst the Office of the Council of State has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

## TRANSITORY PROVISION

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**Section 49.** Business operators, administrators and service providers in health or cosmetic establishments accredited under the Notification of the Ministry of Public Health, Re: Prescription of Health or Cosmetic Establishments, Standards of Premises, Services and Service Providers, and Rules and Procedures of Examination for the Accreditation of Standardised Health or Cosmetic Establishments under the Service Establishment Act, B.E. 2509 (1966), B.E. 2551 (2008), on the date prior to the date this Act comes into force, shall submit an application for an operating licence, an application for administrator’s licence or an application for registration as a service provider to the Grantor, within one hundred and eighty days from the date this Act comes into force, and upon submission of the licence application or registration application, may continue the operation of business, administration or provision of service until notice of an order denying the issuance of licence or denying registration from the Grantor, as the case may be, is received.

### Countersigned by

General Prayut Chan-o-cha  
Prime Minister

### Certified Translation



(Mrs. Phongsaward Guyaroonsuith)  
Deputy Secretary-General  
Acting Secretary-General of the Council of State

## RATES OF FEES

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- |  |                   |
|--|-------------------|
| (1) Licence to operate a health business establishment   | 1,000 Baht each   |
| (2) Licence to be an administrator   | 1,500 baht each   |
| (3) Upon renewal of a licence to operate a health business establishment, the applicable fee shall be equal to the licensing fee for each category and size. |                   |
| (4) Licence replacement  | 500 Baht each     |
| (5) Changes to entries on a licence  | 500 Baht each     |
| (6) Annual fee for operating a health business establishment   | 1,000bahtperannum |

**Remark:** This translation is provided by the Office of the Council of State for information purposes only. Whilst the Office of the Council of State has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.



HEALING ARTS PRACTICES ACT,  
B.E. 2542 (1999)  
and additional amendments





# HEALING ARTS PRACTICES ACT, B.E. 2542 (1999)<sup>1</sup>

BHUMIBOL ADULYADEJ, REX;

Given on the 10<sup>th</sup> Day of May B.E. 2542;

Being the 54<sup>th</sup> Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is appropriate to improve the law on control of healing arts practices;

This Act contains certain provisions related to the limitation of rights and liberty of persons in which Section 29 together with Section 35, Section 36, Section 39, Section 48, and Section 50 of the Constitution of the Kingdom of Thailand permits to do by virtue of the law;

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

**Section 1.** This Act is called the “Healing Arts Practices Act B.E. 2542”

**Section 2.**<sup>2</sup> This Act comes into force as from the day following the date of its publication in the Government Gazette.

**Section 3.** The following Acts are repealed:

- (1) Control of Healing Arts Practices Act B.E. 2479;
- (2) Control of Healing Arts Practices (No. 2) B.E. 2480;

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<sup>1</sup> Translated by Mr. Watthana Suksiripakonchai under contract for the Office of the Council of State of Thailand’s Law for ASEAN project.- Initial version- pending review and approval.

<sup>2</sup> Published in the Government Gazette Vol. 116, Part 39a, Page 28, 19<sup>th</sup> May B.E. 2542 (1999).

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- (3) Control of Healing Arts Practices (NO. 3) B.E. 2483;
- (4) Control of Healing Arts Practices (NO. 4) B.E. 2490;
- (5) Control of Healing Arts Practices (NO. 5) B.E. 2490;
- (6) Control of Healing Arts Practices (NO. 6) B.E. 2504;
- (7) Control of Healing Arts Practices (NO. 7) B.E. 2509;
- (8) Control of Healing Arts Practices (NO. 8) B.E. 2511;
- (9) Council for Governance Reform Order No 38 dated 21 October B.E 2519;
- (10) Control of Heal Arts Practice (No. 9) B.E. 2530

**Section 4.** In this Act:

“Healing arts practice” means a professional practice, which is performed or intended to perform on human beings related to medical examination, diagnosis, treatment, prevention, health promotion and rehabilitation, midwifery but not including practices of other medical and health professions under the laws on those professions;

“Traditional Thai medicine” <sup>3</sup> (repealed);

“Thai medicine” <sup>4</sup> (repealed);

“Thai pharmacy” <sup>5</sup> (repealed);

“Thai midwifery” <sup>6</sup> (repealed);

“Applied traditional Thai medicine” <sup>7</sup> (repealed);

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<sup>3</sup> Section 4, the definition of “Thai traditional medicine” is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>4</sup> Section 4, the definition of “Thai medicine” is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>5</sup> Section 4, the definition of “Thai pharmacy” is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>6</sup> Section 4, the definition of “Thai midwifery” is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>7</sup> Section 4, the definition of “Applied traditional Thai medicine” is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

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“Physical therapy”<sup>8</sup> (repealed);

“Medical technology”<sup>9</sup> (repealed);

“Occupational therapy”<sup>10</sup> means an act related to an ability of persons with physical and psychological disorders; learning and development related to children by means of examination, assessment, preventive treatment, and rehabilitation so that such persons may conduct any activities and live their life according to their performances by using appropriate activities, methods, and equipment as methods of treatment;

“Communication disorder treatment”<sup>11</sup> means a speech therapy and hearing therapy;

“Speech therapy”<sup>12</sup> means an act conducted on human beings related to medical examination, diagnosis, and treatment for aphasia and communication disorders; health promotion; prevention; treatment and rehabilitation for speech and communication abilities by means of speech therapy, or equipment or tools used in speech therapy including result follow-ups;

“Hearing therapy”<sup>13</sup> means an act conducted on a human being related to medical examination; diagnosis; and treatment for hearing disorders, feelings of disorders related to hearing; promotion; prevention, treatment and rehabilitation for hearing by means of hearing therapy, or equipment or tools used in audiology including result follow-ups;

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<sup>8</sup> Section 4, the definition of “Thai medicine” is repealed under the Healing Arts Practices Act (No. 2) B.E. 2547

<sup>9</sup> Section 4, the definition of “Thai medicine” is repealed under the Healing Arts Practices Act (No. 2) B.E. 2547

<sup>10</sup> Section 4, the definition of “Thai medicine” is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>11</sup> Section 4, the definition of “correction of communication disorder” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>12</sup> Section 4, the definition of “speech therapy” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>13</sup> Section 4, the definition of “hearing therapy” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

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“Cardio and thoracic technology”<sup>14</sup> means an act conducted on human beings related to uses of medical equipment and tools related to hearts and lungs; and the uses of other equipment and tools related to supporting functions of the cardiovascular system to be in a normal state during a hearts and chest surgery including the uses of equipment and tools to care for severe patients and patients in an emergency unit;

“Radiological technology”<sup>15</sup> means an act conducted on human beings using radiation or various medical radioactive substances in order to assist with diagnosis; treatment; or research by means of radiology, or uses of any other equipment and tools that the Minister announces as radiological equipment or tools;

“Clinical psychology”<sup>16</sup> means an act conducted on human beings related to medical examination, diagnosis, and treatment for psychological disorders which are resulted from a psychological condition, personality, intelligence level, temper, behaviour, adaptation, stress, or nervous system pathology. It includes research, promotion, and psychological condition assessment by a method specific to psychological clinic, or uses of equipment or an assessment tool for clinical psychology that the Minister announces as equipment or a tool for clinical psychology;

“Prosthesis”<sup>17</sup> means an act conducted on human beings related to examination, disability assessment, manufacture of splints or external prostheses for use to replace missing or non-functional body parts related to the nervous system, muscles, and bones according to the diagnosis for treatment of a medical profession practitioner;

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<sup>14</sup> Section 4, the definition of “radiological technology” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>15</sup> Section 4, the definition of “cardio and thoracic technology” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>16</sup> Section 4, the definition of “clinical psychology” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>17</sup> Section 4, the definition of “prosthesis” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

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“Chinese medicine”<sup>18</sup> means an act conducted or intended to conduct on human beings related to medical examination, diagnosis, treatment, disease prevention, promotion, and rehabilitation by using the knowledge according to Chinese medicine;

“Healing arts practitioner” means a person who is registered and licensed as a healing arts practitioner from the Profession Committee;

“Licence” means a licence to be a healing arts practitioner;

“Committee” means the Committee on Healing Arts Practices;

“Member” means a member of the Committee on Healing Arts Practices;

“Sub-committee” means the Sub-committee on Healing Arts Practices;

“Sub-committee member” means a member of the Sub-committee on Healing

“Officer” means a person appointed by the Minister appoints to act under this Act;

“Minister” means the Minister administering this Act.

**Section 5.**<sup>19</sup> Healing arts practices under this Act are divided into the following branches:

- (1) Occupational therapy;
- (2) Communication disorder treatment;
- (3) Cardio and thoracic technology branch;
- (4) Radiological technology branch;
- (5) Clinical psychology branch;
- (6) Prosthesis branch;
- (7) Chinese medicine branch; and,
- (8) Other branches as prescribed in a Royal Decree.

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<sup>18</sup> Section 4, the definition of “Chinese medicine” is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>19</sup> Section 5 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

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**Section 6.** In case that the provisions in any law refer to healing arts practices or healing arts practitioners which are related to the provisions under this Act, they are deemed to mean as references to the healing arts practices or healing arts practitioners under this Act.

**Section 7.** The Minister for Health has the power to administer this Act; and may have the power to appoint officers, make the Ministerial Regulation on Rates of Fees not exceeding the rates attached in this Act, and prescribe any other activities including making rules and announcements in order to comply with this Act.

Ministerial regulations, rules, and announcements may come into force when they are published in the Government Gazette.

## Chapter 1

### Committee on Healing Arts Practices

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**Section 8.**<sup>20</sup> There may be the Committee on Healing Arts Practices comprising the Permanent Secretary of the Ministry of Health as the chairperson, the Director General of the Department of Health Service Support as the vice-chairperson, and other members as follows:

(1) One representative member from each of the of the followings: the Ministry of Defence, the Office of the Higher Committee, the Department of Medical Services, the Department for Development of Thai Traditional and Alternative Medicine, the Department of Medical Sciences, the Department of Mental Health, the Food and Drug Administration, the National Health Security Office, the Medical Council, the Dental Council, the Nursing and Midwifery Council, the Pharmacy Council, the Physical Therapy Council, the Medical Technology Council, and the Traditional Thai Medicine Council; and one representative member from each of the Committee on Professions of each branch under this Act; and,

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<sup>20</sup> Section 9 is amended under the Healing Arts Practices Act (No. 4) B.E. 2556.

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(2) Up to five members who are eminent persons appointed by the Minister. A Deputy Director General delegated by the Director General of the Department of Health Service Support may be a secretary; and the Director of the Bureau of Sanatorium and Arts of Healing, Department of Health Service Support shall be a member as well as a secretary assistant.

**Section 9.**<sup>21</sup> (Repealed)

**Section 10.** The members under Section 8 (1) must be with the qualifications and without the prohibited characters as follows:

(1)<sup>22</sup> Being a healing arts practitioner, a medicine practitioner, a nursing and midwifery practitioner, a pharmacy practitioner, a dental practitioner, physical therapy practitioner, medical technology practitioner, a traditional Thai medicine practitioner, or an applied traditional Thai medicine practitioner according to that law;

(2)<sup>23</sup> Not being a person whose licence is suspended or revoked under this Act; or the law on the control of healing arts practices, the law on medicine profession, the law on nursing and midwifery profession, the law on pharmacy profession, the law on dental profession, the law on physical therapy profession, the law on medical technology profession, and the law on traditional Thai medicine depending on each case; and,

(3) Not being a bankrupt.

**Section 11.** The eminent members under Section 8 (2) may be in the position for the term of two years and may be re-appointed.

In case an eminent member terminates the position before his or her term is up, or in case the Minister appoints an additional eminent member during the period when the existing eminent member is still in the position, the person who is appointed to be in the replacement position or to be an additional eminent member may be in the position for the remaining term of the former appointed eminent member.

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<sup>21</sup> Section 9 is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>22</sup> Section 10 (1) is amended under the Healing Arts Practices (No. 4) B.E. 2556.

<sup>23</sup> Section 10 (2) is amended under the Healing Arts Act (No. 4) B.E. 2556.

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**Section 12.** Other than the termination of position as per the term, the member appointed by the Minister under Section 8 (2) may terminate the position upon:

- (1) Death;
- (2) Resignation; and,
- (3) Termination by the Minister.

**Section 13.** The Committee has the powers and duties as follows:

(1) To recommend the Minister about setting up policies, plans, and procedures for regulating healing arts practices;

(2) To advise or recommend the Minister about adding types and branches of healing arts practices, or make any ministerial regulations, rules and announcements;

(3) To notify or advertise news by any means the Committee considers appropriate in order to not have other persons misunderstand in which it may be dangerous as a result from practising healing arts;

(4) To provide consultation and advise the Committee on Professions;

(5) To consider, and appeal an order of the Committee on Professions under Section 53 and Section 54;

(6) To expedite officers, government agencies, or the Committee on Professions to exercise powers and perform duties as prescribed by the law;

(7) To appoint a sub-committee in order to conduct any action within the powers and duties of the Committee;

(8) To take any action as prescribed by the law to be the powers and duties of the Committee; and,

(9) To consider or take action in any other matters as assigned by the Minister.

## Chapter 2

### Committee on Professions

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**Section 14.**<sup>24</sup> There may be a Committee for the follow professions:

- (1) Committee on the Occupational Therapy Profession;

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<sup>24</sup> Section 14 is amended under the Healing Arts Practices Act (No. 4) B.E 2556.

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- (2) Committee on the Communication Disorder Treatment Profession;
- (3) Committee on the Cardio and Thoracic Technology Profession;
- (4) Committee on the Radiological Technology Profession;
- (5) Committee on the Clinical Psychology Profession;
- (6) Committee on the Prosthesis Profession;
- (7) Committee on the Chinese Medicine Profession; and,
- (8) Committee on Other Professions as prescribed by a Royal Decree issued under Section 5 (8).

**Section 14/1.**<sup>25</sup> There may be the Committee on the Occupational Therapy, which comprises the followings:

(1) Professional members who are a representative from the Department of Medical Services, a representative from the Department for Development of Thai Traditional and Alternative Medicine, and a representative from the Department Health Service Support;

(2) The Dean from the Faculty of Occupational Therapy or a head of an agency using another name, which is in the equivalent level as the Faculty; or a head of a department; or a head of an agency, within a government educational institution and a private educational institution established under the law on private education institution, that produces graduates in the branch of occupational therapy in which they may, among themselves, elect three persons;

(3) Three professional members who are eminent persons appointed by the Minister, and at least one of these appointed members must be a representative from the Occupational Therapy Association of Thailand; and,

(4) The number of the professional members elected by healing arts practitioners from the occupational therapy branch may be equivalent to the number of all the professional members appointed under (1), (2), and (3) for each election.

The Director of the Bureau of Sanatorium and Arts of Healing may be a member and a secretary.

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<sup>25</sup> Section 14/1 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

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**Section 14/2.**<sup>26</sup> There may be the Committee on the Communication Disorder Treatment Profession, which comprises the followings:

(1) Professional members who are a representative from the Department of Medical Services, and a representative from the Department of Health Service Support;

(2) The Dean from the Faculty of Communication Disorder Treatment or a head of an agency using another name, which is in the equivalent level as the Faculty; or a head of a department; or a head of an agency, within a government educational institution and a private educational institution established under the law on private education institution, that produces graduates in the branch of communication disorder treatment in which they may, among themselves, elect three persons;

(3) Three professional members who are eminent persons appointed by the Minister, and at least one of these appointed members must be a representative from the Thai-Speech Language and Hearing Association; and,

(4) The number of the professional members elected by healing arts practitioners from the communication disorder treatment branch may be equivalent to the number of all the professional members appointed under (1), (2), and (3) for each election.

The Director of the Bureau of Sanatorium and Arts of Healing may be a member and a secretary.

**Section 14/3.**<sup>27</sup> There may be the Committee on the Cardio and Thoracic Technology Profession, which comprises the followings:

(1) Professional members who are a representative from the Department of Medical Services, and a representative from the Department of Health Service Support;

(2) The Dean from the Faculty of Cardio and Thoracic Technology or a head of an agency using another name, which is in the equivalent level as the Faculty; or a head of a department; or a head of an agency, within a government educational institution and a private educational institution established under the law on private education institution, that produces graduates in the branch of cardio and thoracic technology in which they may, among themselves, elect three persons;

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<sup>26</sup> Section 14/2 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>27</sup> Section 14/3 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

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(3) Three professional members who are eminent persons appointed by the Minister, and at least one of these appointed members must be a representative from the Society of the Thoracic Surgeons of Thailand; and,

(4) The number of the professional members elected by healing arts practitioners from the cardio and thoracic technology branch may be equivalent to the number of all the professional members appointed under (1), (2), and (3) for each election.

The Director of the Bureau of Sanatorium and Arts of Healing may be a member and a secretary.

**Section 14/4.**<sup>28</sup> There may be the Committee on the Radiological Technology Profession, which comprises the followings:

(1) Professional members who are a representative from the Department of Medical Sciences, and a representative from the Department of Health Service Support;

(2) The Dean from the Faculty of Radiological Technology or a head of an agency using another name, which is in the equivalent level as the Faculty; or a head of a department; or a head of an agency, within a government educational institution and a private educational institution established under the law on private education institution, that produces graduates in the branch of radiological technology in which they may, among themselves, elect three persons;

(3) Three professional members who are eminent persons appointed by the Minister, and at least one of these appointed members must be a representative from the Thai Society of Radiological Technologists; and,

(4) The number of the professional members elected by healing arts practitioners from the radiological technology branch may be equivalent to the number of all the professional members appointed under (1), (2), and (3) for each election.

The Director of the Bureau of Sanatorium and Arts of Healing may be a member and a secretary.

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<sup>28</sup> Section 14/4 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

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**Section 14/5.**<sup>29</sup> There may be the Committee on the Clinical Psychology Profession, which comprises the followings:

(1) Professional members who are a representative from the Department of Health Service Support, and a representative from the Department of Mental Health;

(2) The Dean from the Faculty of Clinical Psychology or a head of an agency using another name, which is in the equivalent level as the Faculty; or a head of the department; or a head of an agency, within a government educational institution and a private educational institution established under the law on private education institution, that produces graduates in the branch of clinical psychology in which they shall, among themselves, elect three persons;

(3) Three professional members who are eminent persons appointed by the Minister, and from these appointed members at least one must be a representative from the Royal College of Psychiatrists of Thailand and one from the Thai Clinical Psychologist Association; and,

(4) The number of the professional members elected by healing arts practitioners from the clinical psychology branch may be equivalent to the number of all the professional members appointed under (1), (2), and (3) for each election.

The Director of the Bureau of Sanatorium and Arts of Healing may be a member and a secretary.

**Section 14/6.**<sup>30</sup> There may be the Committee on the Prosthesis Profession, which comprises the followings:

(1) Professional members who are a representative from the Department of Medical Services, and a representative from the Department of Health Service Support;

(2) The Dean from the Faculty of Prosthesis or a head of an agency using another name, which is in the equivalent level as the Faculty; or a head of the department; or a head of an agency, within a government educational institution and a private educational institution established under the law on private education institution, that produces graduates in the branch of prosthesis in which they may, among themselves, elect three persons;

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<sup>29</sup> Section 14/5 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>30</sup> Section 14/6 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

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(3) Three professional members who are eminent persons appointed by the Minister, and from these appointed members at least one must be a representative from the Royal College of Psychiatrists of Thailand and one from the Royal College of Orthopaedic Surgeons of Thailand; and,

(4) The number of the professional members elected by healing arts practitioners from the prosthesis branch may be equivalent to the number of all the professional members appointed under (1), (2), and (3) for each election.

The Director of the Bureau of Sanatorium and Arts of Healing may be a member and a secretary.

**Section 14/7.**<sup>31</sup> There may be the Committee on the Chinese Medicine Profession, which comprises the followings:

(1) Professional Members who are a representative from the Department for Development of Thai Traditional and Alternative Medicine, a representative from the Department of Medical Sciences, a representative from the Department of Health Service Support, and a representative from the Food and Drug Administration;

(2) The Dean from the Faculty of Chinese Medicine or a head of an agency, using another name, which is in the equivalent level as the Faculty; or a head of a department; or a head of an agency, within a government educational institution and a private educational institution established under the law on private education institution, that produces graduates in the branch of Chinese medicine in which they may, among themselves, elect three persons;

(3) Three professional members who are eminent persons appointed by the Minister, and at least one of these appointed members must be a representative from an association or a foundation related to Chinese medicine located in Thailand; and,

(4) The number of the professional members elected by healing arts practitioners from the Chinese medicine may be equivalent to the number of all the professional members appointed under (1), (2), and (3) for each election.

The Director of the Bureau of Sanatorium and Arts of Healing may be a member and a secretary.

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<sup>31</sup> Section 14/7 is added under the Healing Arts Practices Act (No. 4) B.E. 2556.

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Section 15.<sup>32</sup> (Repealed).

Section 16.<sup>33</sup> (Repealed).

Section 17.<sup>34</sup> (Repealed).

Section 18.<sup>35</sup> (Repealed).

Section 19.<sup>36</sup> The composition, powers and duties, and operations of the Committees on various professions under Section 14 (8) including the qualifications, and prohibited characters of professions members of the Committee on Other Professions may be in according with the Royal Decree issued under Section 5 (8).

Section 20.<sup>37</sup> Within thirty days from the day of the election for the professional members under Section 14/1 (4), Section 14/2 (4), Section 14/3 (4), Section 14/4 (4), Section 14/5 (4), Section 14/6 (4), and Section 14/7 (4), the Committee on each profession may select one member to be the chairperson, and one member to be the vice-chairperson.

Section 21.<sup>38</sup> A selection, an appointment, and an election of the professional members under Section 14/1 (2), (3) or (4); Section 14/2 (2), (3), or (4); Section 14/3 (2), (3), or (4); Section 14/4 (2), (3), or (4); Section 14/5 (2), (3), or (4); Section 14/6 (2), (3) or (4); Section 14/7 (2), (3) or (4); and the selection of the professional members to be the chairperson, and a vice-chairperson under Section 20 may be subject to the rule prescribed by the Minister.

In case the number of the members under Section 14/1 (2), Section 14/2 (2), Section 14/3 (2), Section 14/4 (2), Section 14/5 (2), Section 14/6 (2), and Section 14/7 (2) is less than three persons, the Committee of that profession may be deemed to comprise the existing composition.

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<sup>32</sup> Section 15 is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>33</sup> Section 16 is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>34</sup> Section 17 is repealed under the Healing Arts Practices Act (No. 2) B.E. 2547.

<sup>35</sup> Section 18 is repealed under the Healing Arts Practices Act (No. 2) B.E. 2547.

<sup>36</sup> Section 19 is amended under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>37</sup> Section 20 is amended under the Healing Arts Practices Act (No. 4) B.E. 2556.

<sup>38</sup> Section 21 is amended under the Healing Arts Practices Act (No. 4) B.E. 2556.

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**Section 22.**<sup>39</sup> The professional members from the selection, appointment, and election under Section 14/1 (2), (3) or (4); Section 14/2 (2), (3) or (4); Section 14/3 (2), (3), or (4); Section 14/4 (2), (3), or (4); Section 14/5 (2), (3), or (4); Section 14/6 (2), (3) or (4); Section 14/7 (2), (3) or (4) may be in office for the term of four years, and may be re-selected or re-appointed depending on the case, but they may not be in office for more than two years consecutively.

**Section 23.** The Committee for each branch has powers and duties as follows:

- (1) To accept registration and issue a licence for a person applying to be a healing arts practitioner of that branch;
- (2) To revoke a licence if a healing arts practitioner of that branch lacks qualifications;
- (3) To suggest the Committee to exercise the power under Section 13 (2);
- (4) To exercise the power under Section 44 if a healing arts practitioner misbehaves against the ethics of that profession;
- (5) To advise and recommend an educational institution about a curriculum on the study of healing arts practices in that branch;
- (6) To notify or advertise news by any means the Committee considers appropriate in order to not have other persons misunderstand in which it may be dangerous as a result from practising healing arts in that branch;
- (7) To promote, develop, and set standards of the healing arts practice in that branch;
- (8) To issue a letter of knowledge and expertise in the healing arts practices in that branch;
- (9) To consider and propose a name of a representative for the Committee on the profession in that branch to be a member of healing arts practices;
- (10) To appoint a sub-committee on professions to act in any matter within the powers and duties of the Committee on the profession in that branch;
- (11) To take other actions as the law prescribes to the powers and duties of the Committee on the profession in that branch; and,
- (12) To consider or manage other matters assigned by the Minister or the Committee.

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<sup>39</sup> Section 22 is amended under the Healing Arts Practices Act (No. 4) B.E. 2556.

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## Chapter 3

### Conducts of the Committee on Healing Arts Practices and the Committee on Professions

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**Section 24.** Not less than half of all the members must attend a committee meeting to constitute the quorum.

A decision of the meeting must be from the majority votes. One member may cast one vote and if the votes are even on both sides, the chairperson may cast an additional vote to be the final vote.

**Section 25.** In a meeting, if the chairperson is absent or is unable to perform the duty, the vice-chairperson may perform the duty of the chairperson. If the vice-chairperson is absent or unable to perform the duty, the meeting may select one member to perform the duty of the chairperson.

**Section 26.** For a sub-committee meeting, a Committee on Professions meeting, or a sub-committee on professions, the provisions under Section 24, and Section 25 may be used to enforce *mutatis mutandis*.

**Section 27.** In performing duties under this Act, the members, sub-members, professional members, or sub-professional members are considered officers under the Criminal Code.

**Section 28.** The Committee, and the Committee on Professions may have the powers to summon a person to provide a statement, or to notify a person to send documents or items necessary for their management according to the powers and duties.

A letter sommoning a person to provide a statement or a letter notifying a person to send documents or items under paragraph one must specify the matters of which the person is to provide a statement, or send documents or items.

**Section 29.** The members, sub-members, professional members, and sub-professional members may obtain a meeting attendance allowance or other benefits subject to the rule prescribed by the Minister with the consent of the Ministry of Finance.

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## Chapter 4

### Control of Healing Arts Practices

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**Section 30.** No person may perform healing arts practices, or perform any act that may make other people understand that he has the right to perform healing arts practices without being registered and licenced except in the case of one of the followings:

- (1) The healing arts practices are performed on himself;
- (2) It is an assistance or treatment for a patient according to the duty, the law, or the ethics without receiving any benefits;
- (3) A pupil, a student, or a trainee who is practising or training under the supervision of a healing arts practitioner who is an educator or a trainer in accordance with the criteria, processes, and conditions as prescribed by the Committee on Professions;
- (4) <sup>40</sup> (Repealed);
- (5) A person whom a ministry, a department, Bangkok, the City of Pattaya, a provincial administrative organisation, a municipality office, a sanitation office, other a local administrative organisation as prescribed by the Minister; or the Thai Red Cross Society assigns to perform healing arts practices under the control of an officer who is a healing arts practitioner or a medical practitioner but this is subject to the rule prescribed by the Minister;
- (6) A person who performs duties in a sanatorium under the law on sanatorium and performs healing arts practices under the control of a healing arts practitioner but this is to be in accordance with the rule prescribed by the Minister; and,
- (7) Healing arts practices by an advisor or an expert of the government, or an educator in an educational institution who has a licence to practise healing arts practices from a foreign country but this is with an approval from the Committee on Professions and must conform to the conditions imposed by the Committee Professions.

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<sup>40</sup> Section 30 (4) is repealed under the Healing Arts Practices Act (No. 4) B.E. 2556.

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**Section 31.** The Minister, with the recommendation of the Committee, may have the powers to permit a person to work in a profession performed on human beings or intended to perform on human beings related to medical examination, treatment, disease prevention, promotion and rehabilitation, and midwifery by applying science or knowledge from a foreign country in which the profession does not have any law on that in Thailand, but it is subject to the criteria, processes, and conditions prescribed by the Minister.

**Section 32.** A person applying to be registered and obtain a licence to be a healing arts practitioner must be with the qualifications and be without the prohibited characters as follows:

- (1) Being a person of not less than twenty years of age;
- (2) Being a person with the professional knowledge under Section 33;
- (3) Not being a person with misbehaviour in which the Committee on Professions considers that it may bring dishonour to the profession;
- (4) Having never been imprisoned by the final judgment in the case in which the Committee on Professions considers that it may bring dishonour to the profession;
- (5) Not being a drug addict;
- (6)<sup>41</sup> Not being with a disease that the Committee on Professions announces as inappropriate to practise healing arts; and,
- (7) Not being a person of unsound or frantic mind.

**Section 33.**<sup>42</sup> A person applying to be registered and obtain a licence to be a healing arts practitioner of each branch must have the professional knowledge as follows:

- (1) The occupational therapy branch, the person must have the professional knowledge by being a person who has obtained an academic degree or a certificate equivalent to the academic degree in the occupational therapy branch from an educational institution certified by the Committee on the Occupational Therapy Profession; and must

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<sup>41</sup> Section 32 (6) is amended under the Healing Arts Practices Act (No. 3) B.E. 2550.

<sup>42</sup> Section 33 is amended under the Healing Arts Practices Act (No. 4) B.E. 2556.

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take a knowledge test according to the criteria, professions, and conditions imposed by the Committee on the Occupation Therapy Profession. For a person with a qualification from a foreign country who does not hold a Thai citizen, a licence to practise healing arts from the country where such person completes the qualification must be obtained;

(2) The communication disorder treatment branch, the person must have the professional knowledge by being a person who has obtained a an academic degree or a certificate equivalent to the academic degree in the communication disorder treatment branch from an educational institution certified by the Committee on the Communication Disorder Treatment Profession; and must take a knowledge test according to the criteria, professions, and conditions imposed by the Committee on the Communication Disorder Treatment Profession. For a person with a qualification from a foreign country who does not hold a Thai citizen, a licence to practise healing arts from the country where such person completes the qualification must be obtained;

(3) The cardio and thoracic Technology branch, the person must have the professional knowledge by being a person who has obtained a an academic degree or a certificate equivalent to the academic degree in the cardio and thoracic technology branch from an educational institution certified by the Committee on the Cardio and Thoracic Technology Profession; and must take a knowledge test according to the criteria, professions, and conditions imposed by the Committee on the Cardio and Thoracic Technology Profession. For a person with a qualification from a foreign country who does not hold a Thai citizen, a licence to practise healing arts from the country where such person completes the qualification must be obtained;

(4) The radiological technology branch, the person must have the professional knowledge by being a person who has obtained a an academic degree or a certificate equivalent to the academic degree in the radiological technology branch from an educational institution certified by the Committee on the Radiological Technology Profession; and must take a knowledge test according to the criteria, professions, and conditions imposed by the Committee on the Radiological Technology Profession. For a person with a qualification from a foreign country who does not hold a Thai citizen, a licence to practise healing arts from the country where such person completes the qualification must be obtained;

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(5) The clinical psychology branch, the person must have the professional knowledge by being a person who has obtained a an academic degree or a certificate equivalent to the academic degree in the clinical psychology branch from an educational institution certified by the Committee on the Clinical Psychology Profession; and must take a knowledge test according to the criteria, professes, and conditions imposed by the Committee on the Clinical Psychology Profession. For a person with a qualification from a foreign country who does not hold a Thai citizen, a licence to practise healing arts from the country where such person completes the qualification must be obtained;

(6) The prosthesis branch, the person must have the professional knowledge by being a person who has obtained a an academic degree or a certificate equivalent to the academic degree in the prosthesis branch from an educational institution certified by the Committee on the Prosthesis Profession; and must take a knowledge test according to the criteria, professes, and conditions imposed by the Committee on the Prosthesis Profession. For a person with a qualification from a foreign country who does not hold a Thai citizen, a licence to practise healing arts from the country where such person completes the qualification must be obtained;

(7) The Chinese medicine branch, the person must have the professional knowledge by being a person who has obtained a an academic degree or a certificate equivalent to the academic degree in the Chinese medicine branch from an educational institution certified by the Committee on the Chinese Medicine Profession; and must take a knowledge test according to the criteria, professes, and conditions imposed by the Committee on the Chinese Medicine Profession. For a person with a qualification from a foreign country who does not hold a Thai citizen, a licence to practise healing arts from the country where such person completes the qualification must be obtained; and,

(8) Other branches according to a royal decree issued under Section 5 (8) must have the knowledge according to that royal decree.

**Section 34.** A process to be registered and obtain a licence, issuance of the licence, issuance of a letter of knowledge and expertise in healing arts practices, a request for a licence duplicate, and issuance of the licence duplicate may be subject to the criteria, processes, and conditions prescribed in a ministerial regulation.

In making the ministerial regulation under paragraph one, the validity period for the licence and the renewal process may also be prescribed.

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**Section 35.** No healing arts practitioner of a particular branch may practise healing arts practices of other branches that he is not registered and licenced.

**Section 36.** A healing arts practitioner has a duty to inform the methods of performing healing arts practices to patients, and the patients may have the right to choose the methods to be applied to them except in an emergency case.

**Section 37.** A healing arts practitioner must perform healing arts practices under the control and limitations subject to the rule prescribed by the Minister.

**Section 38.** A healing arts practitioner must maintain ethics of the profession subject to the rule prescribed by the Minister.

A healing arts practitioner must not advertise, employ, ask, or consent to have another person advertise the healing arts practices, knowledge and expertise in healing arts practices for him except when it is an advertisement related to showing the works as parts of his duties, academic purposes, or educational purposes; academic conferences; benevolent acts; and announcements of honour, which may be conducted, but it is to be in accordance with the criteria and processes prescribed in the rule on maintenance of the professional eithics under paragraph one.

**Section 39.** A person may have the right to accuse a healing arts practitioner by lodging the accusation with the Committee on Professions when the person has been damaged because the healing arts practitioner contravenes Section 36, or breaches the limitations or conditions for healing arts practices under Section 37, or misbehaves against the professional ethics under Section 38.

A professional member or other persons may have the right to impeach the healing arts practitioner by lodging the impeachment with the Committee on Professions when they find or know that a healing arts practitioner contravenes Section 36, or breaches the limitations or conditions for healing arts practices under Section 37, or misbehaves the professional ethics under Section 38.

The right of accusation under paragraph one or the right of impeachment under paragraph two become terminated when one year passes from the day the damaged person or the impeacher becomes aware and knows who the breaching person is but not more than three years from the day the breach is constituted.

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Withdrawing the accusation or the impeachment that has been lodged may not be the cause of stopping the implementation under this Act.

**Section 40.** When the Committee on Professions receives the accusation or impeachment under Section 39 and considers that there are grounds of action, the matter may be forwarded to the sub-committee on professions that the Committee on Professions appoints under Section 23 (10) to investigate the offence under this Act. This is to investigate and summarise the investigation in order to present to records together with the recommendation to the Committee on Professions for consideration under Section 44.

**Section 41.** In performing the duty of the sub-committee on professions under Section 40, which is to investigate, the provision under Section 28 may be used to enforce.

**Section 42.** The chairperson of the sub-committee on professions who conducts the investigation may write a letter, together with their copies, notifying the accused person or the impeached person of the accusation or the impeachment not less than fifteen days before the investigation begins.

The accused person or the impeached person may have the right to provide an explanation or evidence to present to the sub-committee on professions that conducts the investigation.

The explanation or evidence may be submitted to the chairperson of the sub-committee on professions who conducts the investigation within fifteen days from the day receiving the notification from the chairperson of the professional sub-committee who conducts the investigation or within the time the sub-committee on professions who conducts the investigation prescribes for extension.

**Section 43.** The criteria and processes for the accusation, impeachment, or investigation may be subject to the rule prescribed by the Minister.

**Section 44.** When the Committee on Professions receives the record and recommendation from the professional sub-committee that conducts the investigation, the Professional Committee may consider the case as follows:

(1) Remove the accusation or impeachment in case the healing arts practitioner does not commit the offence in the accusation or the impeachment; or,

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(2) Punish with one of the followings in case the healing arts practitioner commits an offence in the accusation or the impeachment:

- (a) Warning;
- (b) Putting on probation;
- (c) Suspending the licence for an appropriate period but not more than two
- (d) Revoking the licence.

The judgment of the Committee on Professions under paragraph one may be in a form of letter and signed by the professional member who judges the accusation or the impeachment, and must contain the reasons. The reasons must, at least, contain essential facts, reference to relevant law, matters of consideration, and matters of support used for the judgment.

**Section 45.** The Director of the Bureau of Sanatorium and Arts of Healing may forward the letter notifying the judgment of the Committee on Professions under Section 44 to the members, and the accused person or the impeached person within seven days from the day of the judgment, and the record of the judgment may be saved on file in the registration of the healing arts practitioner.

In case the accused person or the impeached person cannot be found, or the accused person or the impeached person refuses to accept the notification of judgment under paragraph one, the judgment may be displayed in a public place at the workplace or the birthplace of that person, and that person is deemed to have acknowledged the judgment from the day the notification is displayed.

The Director of the Bureau of Sanatorium and Arts of Healing may produce an essence of the judgment of the Committee on Professions for publication except if it is confidential information related to the safety of the country or the public benefits, which should not be disclosed.

[The term “Director of the Bureau of Sanatorium and Arts of Healing” is amended under Section 15 of the Healing Arts Practices (No. 4) B.E. 2556].

**Section 46.** In case it appears to the Committee on Professions that a healing arts practitioner lacks the qualifications under Section 32 or disobeys the order to suspend the licence, the Committee on Professions may revoke the licence of that practitioner and applying Section 45 paragraph one and paragraph two *mutatis mutandis*.

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Before issuing the order to revoke the licence under paragraph one, the Committee on Professions may appoint a sub-committee on professions to investigate the facts and prepare a report together with the recommendation to the Committee on Professions for consideration.

**Section 47.** Under Section 30, no healing arts practitioner, during the time whose licence is suspended or revoked, may practise healing arts or perform an act that leads other people to understand that he or she has the right to practise healing arts from the day he acknowledges the order to suspend or revoke the licence.

**Section 48.** A healing arts practitioner who disobeys the order to suspend the licence and the court orders the punishment under Section 58 when the case is final, the Committee on Professions may revoke the licence of that practitioner in which it may take effect from the day the court makes its final judgment.

**Section 49.** A healing arts practitioner whose licence is revoked may re-apply for the licence after two years from the day the licence is revoked. However, when the Committee on Professions considers the application and rejects it, the healing arts practitioner may re-apply for the licence after one year from the day the Committee on Professions rejects the application for the licence. If the Committee on Professions rejects the application for the licence for the second time, the healing arts practitioner may write an appeal letter to the Committee under Section 53.

If the Committee has an opinion in accord with the Committee on Professions, the healing arts practitioner no longer has the right to apply for the licence.

## Chapter 5

### Officers

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**Section 50.** In performing their duties, the Officers have the duties and powers as follows:

(1) To enter into the premises of a healing arts practitioner during business hours to check or control the operations to be in accordance with this Act;

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(2) To enter into the premises with a reasonable ground that there is an offence under this Act during the sunrise until the sunset; or during the business hours of the premises in order to check documents, evidence, items that may be used in examining the facts or taking legal action according to the offence under this Act except:

(a) After having entered into and conducted the check during the day and the actions are not completed, the actions may be carried on into the night or after business hours; or,

(b) In case of an urgent emergency, the check may be conducted at night or after business hours.

(3) To confiscate or seize documents, evidence, or items relate to the offences under this Act for the interest of examining the facts or taking legal action.

In performing the duties of the Officers under paragraph one, a person who is in the premises shall facilitate the officers as appropriate.

**Section 51.** In performing their duties, the officers must display their identification cards.

The identification cards may be in accordance with the form prescribed by the Minister.

**Section 52.** In performing their duties under this Act, the Officers may be officers under the Criminal Code.

## Chapter 6

### Appeal

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**Section 53.** In the case that the Committee on Professions issues an order rejecting the registration and the licence to a person applying to be a healing arts practitioner, or rejecting the issuance of the licence for a healing arts practitioner whose licence is revoked under Section 49, the healing arts practitioner may have the right to appealing in writing to the Committee within thirty days from the day he or she receives a letter notifying the denial for the registration or the issuance of the licence, or the rejection for the issuance of the licence depending on the case.

The decision of the Committee is considered final.

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**Section 54.** A healing arts practitioner whose licence is suspended or revoked may have the right to appeal in writing to the Committee within thirty days from the day he or she acknowledges the order.

The appeal under paragraph one does not suspend the execution of the order to suspend or revoke the licence.

The decision of the Committee is considered final.

**Section 55.** The criteria and processes to lodge an appeal and the consideration for the appeal under Section 53 and Section 54 may be in accordance with the rule prescribed by the Committee.

## Chapter 7

### Penalties Provision

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**Section 56.** A person who fails to follow the summon letter or the notification letter issued under Section 28 or Section 41 may be subject to imprisonment of not more than one month or a fine of not more than one thousand Baht or both.

**Section 57.** A person who is not a healing arts practitioner but practises healing arts contravenes Section 30 and may be subject to imprisonment of not more than three years or a fine of not more than thirty thousand Baht or both.

A person who is not a healing arts practitioner but acts in any way to have other persons understand that he has the right to practise healing arts contravenes Section 30 and may be subject to imprisonment of not more than two years or a fine of not more than twenty thousand Baht or both.

**Section 58.** A healing arts practitioner who contravenes Section 35 or a healing arts practitioner whose licence is in the period of suspension or revocation who practises healing arts contravenes Section 47 and may be subject to imprisonment of not more than two years or a fine of not more than twenty thousand Baht or both.

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A healing arts practitioner whose licence is in the period of suspension or revocation who acts in any way to have other people understand that he has to the right to practise healing arts contravenes Section 47 and may be subject to imprisonment of not more than one year or a fine of not more than ten thousand Baht or both.

**Section 59.** A person who fails to facilitate an officer under Section 50 paragraph two may be subject to a fine of not more than two thousand Baht.

## Transitory Provision

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**Section 60.** A person who holds the position of a member of the Committee on the Control of Healing Arts Practices under the Healing Arts Practices Act B.E. 2479 on the day this Act is published in the Government Gazette may continue to perform his or her duties until there is a new Committee on Healing Arts Practices under this Act but it may not be more than one hundred and eighty days from the day this Act is enforced.

**Section 61.** In the initial stage when there is not yet an election of healing arts practitioners to be professional members under Section 15 (3), Section 16 (3), Section 17 (3), or Section 18 (3), the Minister may appoint healing arts practitioners of that branch in the number prescribed under that Section to be professional members.

The professional members appointed by the Minister under paragraph one may perform the duties of the professional members under this Act until the professional members elected under this Act starts their duties.

The election process of healing arts practitioners to become professional members under Section 15 (3), Section 16 (3), Section 17 (3), or Section 18 (3) may be completed within one hundred and eighty days from the day this Act is enforced, and the professional members who are elected under this Section terminate the position at the same time as the term of the professional members appointed by the Minister under Section 15 (2), Section 16 (2), Section 17 (2), or Section 18 (2) depending on the case.

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**Section 62.** A person who is registered and licenced as a healing arts practitioner under the Control of Healing Arts Practices Act B.E. 2479, and the licence is still valid on the day this Act is published in the Government Gazette, the registered and licenced person is considered a healing arts practitioner under this Act as follows:

(1) A person who is registered and licenced as a healing arts practitioner of conventional medicine in the occupational therapy branch may be deemed as the person registered and licenced as the healing arts practitioner of the occupational therapy;

(2) A person who is registered and licenced as a healing arts practitioner of conventional medicine in the medical technology branch may be deemed as the person registered and licenced as the healing arts practitioner of the medical technology;

(3) A person who is registered and licenced as a healing arts practitioner of general traditional medicine in the medical branch may be considered as the person registered and licenced as the healing arts practitioner of the traditional Thai medicine, Thai medical type;

(4) A person who is registered and licenced as a healing arts practitioner of general traditional medicine in the pharmacy branch may be deemed as the person registered and licenced as the healing arts practitioner of the traditional Thai medicine, Thai pharmacy type;

(5) A person who is registered and licenced as a healing arts practitioner of general traditional medicine in the midwifery branch may be deemed as the person registered and licenced as the healing arts practitioner of the traditional Thai medicine, Thai midwifery type; and,

(6) A person who is registered and licenced as a healing arts practitioner of applied traditional medicine may be deemed as the person registered and licenced as the healing arts practitioner of the applied Thai traditional medicine.

**Section 63.** A person who is registered and licenced as a healing arts practitioner of conventional medicine, second class medicine branch under the Healing Arts Practices Act B.E. 2497, and the licence is still valid on the day this Act is published in the Government Gazette, the parson may have the right to continue practising healing arts subject to the limitations and conditions as well as maintaining professional etiquette subject to the provision of that law.

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The Committee may have the authority to suspend or revoke the licence to be a healing arts practitioner of conventional medicine, second class medicine, when it appears that the person contravenes the provision under paragraph one.

**Section 64.** An application to register and obtain a licence to be a healing arts practitioner, and the request to amend or add texts that are already registered and submitted under the Healing Arts Practices Act B.E. 2479 before the day this Act is published in the Government Gazette, the followings may be abided by:

(1) If the Committee on Control of the Healing Arts Practices under the Control of Healing Arts Practices Act B.E. 2479 has not had any order related to the request, the request may be the request submitted under this Act and it may be administered accordingly under this Act; and,

(2) If the Committee on Control of the Healing Arts Practices under the Control of Healing Arts Practices Act B.E. 2497 has issued an order related to the request, the administration related to the request may continue to be under the control of the Control of Healing Arts Practices B.E. 2497 until the end.

**Section 65.** An examination and the consideration to decide the suspension of the licence to be a healing arts practitioner or revocation of the licence to be a healing arts practitioner, which are under the process under the Control of Healing Arts Practices Act B.E. 2497 on the day this Act is published in the Government Gazette, the implementation may be in accordance with this Act except:

(1) In case the Committee on Control of the Healing Arts Practices has forwarded the matter to the sub-committee on examination for examination before this Act is published in the Government Gazette and the examination is yet to be completed, the examination under the Control of Healing Arts Practices Act B.E. may be continued and when the examination is completed, it may be summarised, and the record of examination together with the recommendation may be presented to the Committee on Professions under Section 15 or Section 16 or Section 17 or Section 18 depending on the case in order to further consider the matter under the Control of Healing Arts Practices B.E. 2497 until the end;

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(2) In case there has been correct examination or consideration under the Control of Healing Arts Practices B.E. 2497 and it is completed before the day this Act is published in the Government Gazette, the examination or the consideration may be valid depending on the case; and,

(3) In case there has been a presentation of the matter or the examination record to the Committee on Control of the Healing Arts Practices correctly under the Control of Healing Arts Practices Act B.E. 2497 and the Committee on Control of the Healing Arts Practices has not completed the consideration of the matter, the Committee on Professions under Section 14 or Section 16 or Section 17 or Section 18 depending on the case may continue to consider that matter under the Control of Healing Arts Practices Act B.E. 2479 until the end.

**Section 66.** An action under the process under the Control of Healing Arts Practices Act B.E. 2497 on the day this Act is published in the Government Gazette, the administration of that action may continue as prescribed by the Committee.

**Section 67.** The ministerial regulations, rules, or announcements made by virtue of the Healing Arts Practices Act B.E. 2497 may continue to be used as long as they do not contradict with this Act, but this is until there are ministerial regulations, rules, or announcements made by virtue of this Act.

**Countersigned by**

Chuan Leekpai  
Prime Minister

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## Rate of Fees

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(1) Fee for the registration and licence for a healing arts practitioner	3,000 Baht per copy
(2) Fee for the licence renewal	1,000 Baht per copy
(3) Fee for amending or adding the registration and licence	500 Baht per copy
(4) Fee for the certification letter for registration to be a healing arts practitioner and other certification letters	500 Baht per copy
(5) Fee for the knowledge test for the applicant for the registration and obtaining a licence to be a healing arts practitioner	2,000 Baht per copy
(6) Fee for the approval letter of knowledge and expertise in healing arts practices	1,000 Baht per copy
(7) Fee for the licence duplicate	300 Baht per copy
(8) Fee for translation of the licence of a healing arts practitioner to a foreign language	1,000 Baht per copy
(9) Other requests	50 Baht per copy

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PROTECTION OF A CHILD BORN BY  
MEDICALLY ASSISTED REPRODUCTIVE  
TECHNOLOGY ACT, B.E. 2558 (2015)





# PROTECTION OF A CHILD BORN BY MEDICALLY ASSISTED REPRODUCTIVE TECHNOLOGY ACT, B.E. 2558 (2015)

BHUMIBOL ADULYADEJ, REX.

Given on the 28<sup>th</sup> Day of April B.E. 2558;

Being the 70<sup>th</sup> Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on protection of a child born by medically assisted reproductive technology;

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

**Section 1.** This Act is called the “Protection of a Child Born by Medically Assisted Reproductive Technology Act, B.E. 2558 (2015)”.

**Section 2.** This Act shall come into force after the expiration of ninety days from the date of its publication in the Government Gazette.<sup>1</sup>

**Section 3.** In this Act:

“sperm” means gametes of a man;

“oocyte” means gametes of a woman;

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\* Translated by Ms. Pataraporn Kasetsara, and reviewed by Professor Pichaisak Horayangkura 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.

<sup>1</sup> Published in the Government Gazette, Vol. 132, Part 38a, page 1, dated 1st May B.E.

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“medically assisted reproductive technology” means any procedure of medical science that takes sperm and an oocyte from human body for procuring artificial pregnancy including artificial insemination;

“artificial insemination” means transfer of sperm into a sex organ of a woman for pregnancy without having sexual intercourse;

“surrogacy” means pregnancy by the medically assisted reproductive technology provided that a surrogate mother enters into a written arrangement with lawful husband and wife prior to the pregnancy that a foetus is a child of such lawful husband and wife;

“embryo” means fusion of human sperm and a human oocyte which cause fertilisation till eight weeks;

“baby” means a foetus of human over eight weeks of age inside or outside human uterus;

“sell” means dispose, distribute, give away, exchange, or give for commercial benefits or any other unjust benefits for oneself or other persons and including proposing to sell;

“Committee” means a Committee of the Protection of a Child Born by Medically Assisted Reproductive Technology;

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

**Section 4.** The court having the power to adjudicate the juvenile and family case under the law on the juvenile and family court and the juvenile and family procedure shall have jurisdiction to adjudicate the case under this Act only in a case concerning parentage of a person born by medically assisted reproductive technology under this Act.

**Section 5.** The Minister of Social Development and Human Security and the Minister of Public Health shall have charge and control of the execution of this Act and shall have the power to issue Notifications for the execution of this Act; provided, with regards to the public service of such Ministry.

Such Notifications shall come into force upon their publication in the Government Gazette.

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CHAPTER I  
THE COMMITTEE FOR THE PROTECTION OF A CHILD BORN  
BY MEDICALLY ASSISTED REPRODUCTIVE TECHNOLOGY

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**Section 6.** There shall be a committee called the “Committee for the Protection of a Child Born by Medically Assisted Reproductive Technology” or “a Committee of PMRT” in brief, consisting of the Permanent Secretary Ministry of Public Health as Chairperson, the President of the Medical Council of Thailand as Vice-Chairperson, representative from the Ministry of Social Development and Human Security, representative from the Department of Health, representative from the Committee for National Children Protection, the President of the Royal College of Pediatricians of Thailand, the President of the Royal College of Psychiatrists of Thailand, the President of the Royal Thai College of Obstetricians and Gynaecologists as ex officio members, and six qualified members appointed by the Minister of Social Development and Human Security from the persons having knowledge, skill and explicit experience in the field of law, women rights and children rights; one person from each field, and appointed by the Minister of Public Health from the persons having knowledge, skill and explicit experience in the field of assisted reproductive technology, medical genetics and research; one person from each field as members.

The Director-General of the Department of Health Service Support shall be member and secretary, and the Director-General of the Department of Health Service Support shall appoint not more than two government officials in the Department of Health Service Support to be assistant secretary.

**Section 7.** The Committee shall have the following powers and duties:

- (1) to submit opinions to the Ministers for setting policy for the protection of a child born by medically assisted reproductive technology;
- (2) to submit opinions to the Ministers for developing or resolving problems relating to medically assisted reproductive technology;

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(3) to submit opinions or provide advice to the Ministers for issuing Notifications for the execution of this Act;

(4) to notify and prescribe rules, procedures, and conditions for applying for permission and granting permission relating to an operation of surrogacy under section 23;

(5) to consider on permission relating to the operation of surrogacy under section 23;

(6) to notify prescribed rules, procedures, and conditions for applying for permission and permission relating to usage of a leftover embryo from infertility treatment of lawful husband and wife for a conduct of research under section 37;

(7) to grant the permission relating to usage of a leftover embryo from infertility treatment of lawful husband and wife for a conduct of research under section 37;

(8) to approve issuance of the Medical Council of Thailand's Notifications relating to a service of medically assisted reproductive technology under this Act; provided that such Notifications shall come into force when it is published in the Government Gazette;

(9) to control, examine or supervise the service relating to medically assisted reproductive technology to be in accordance with this Act;

(10) to promote and support the study and research in ethics, law or culture relating to medically assisted reproductive technology;

(11) to prepare a report on result of undertaking under this Act to be submitted to the Ministers at least once a year;

(12) to perform other acts as entrusted by the Ministers or the Council of Ministers.

**Section 8.** A qualified member shall hold office for a term of four years.

A qualified member who vacates office upon the expiration of the term may be reappointed, but may not hold office more than two consecutive terms.

**Section 9.** In addition to vacating office on the expiration of term, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being bankrupt;

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- (4) being an incompetent person or a quasi-incompetent person;
- (5) being imprisoned due to a final judgment to a term of imprisonment except for an offence committed through negligence or a petty offence;
- (6) being dismissed by the Minister of Social Development and Human Security or the Minister of Public Health, as the case may be, due to inappropriate behavior by the proposal of the Committee; provided that the resolution of the Committee for dismissal shall not be less than two-third of existing members.

**Section 10.** In the case where a qualified member vacates office before the expiration of the term, the Minister of Social Development and Human Security or the Minister of Public Health, as the case may be, shall appoint a person having knowledge, skill and explicit experience in the same field as the qualified member to replace the vacated qualified member, and the person appointed to replace the vacated member shall be in office for the unexpired term of office of the qualified member already appointed. However, if the remaining term of the qualified member is less than ninety days, there may not be proceedings for appointing the replacing qualified member.

In the case where a qualified member vacates office before the expiration of the term, the Committee shall consist of existing members until the appointment of a qualified member under paragraph one is made.

**Section 11.** When a qualified member vacates office upon the expiration of the term, a new qualified member shall be appointed within ninety days. While a new qualified member has not yet been appointed, the qualified member whose term of office has expired shall be in office to perform his or her duties until a new qualified member has been appointed.

**Section 12.** At a meeting of the Committee, the presence of not less than one-half of members is required to constitute a quorum.

At a meeting of the Committee, the Chairperson shall preside over the meeting. If the Chairperson does not attend or may not perform the duties, the Vice-Chairperson shall preside over the meeting. If the Chairperson and the Vice-Chairperson do not attend the meeting or may not perform the duties, the meeting shall elect one among themselves to preside over such meeting.

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A decision of the meeting, unless otherwise provided, shall be made by a majority of votes. In casting a vote, each 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 13.** The Committee may appoint a sub-committee for considering and submitting opinions in any matter or performing any act as entrusted by the Committee.

The provisions of section 12 shall apply to the meeting of the sub-committee *mutatis mutandis*.

**Section 14.** The Department of Health Service Support, Ministry of Public Health shall have the duties to support the undertakings of the Committee and shall have the following powers and duties:

- (1) to perform generally administrative works of the Committee;
- (2) to coordinate and cooperate with government sector, state and private agencies concerned for the undertakings relating to medically assisted reproductive technology that is under the duties of the Committee;
- (3) to prepare records of agencies or organizations undertaking the medically assisted reproductive technology and records of service applicants;
- (4) to undertake gathering of information and result of research and to analyze information relating to the undertakings under the medically assisted reproductive technology;
- (5) to perform other acts as entrusted by the Committee.

## CHAPTER II

### SERVICE RELATING TO THE MEDICALLY ASSISTED REPRODUCTIVE TECHNOLOGY

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**Section 15.** A medical practitioner, who is a service provider relating to the medically assisted reproductive technology under this Act, shall have qualifications and not be under the prohibitions and shall also comply with standard of service relating to the medically assisted reproductive technology as prescribed by the Notifications of the Medical Council of Thailand with the approval of the Committee.

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**Section 16.** Prior to providing the service relating to the medically assisted reproductive technology, the service provider relating to the medically assisted reproductive technology shall provide an examination and an assessment of readiness of physical, mind, and environment of the service applicant, the surrogate mother and a donor of sperm or oocyte which will be used in the operation including prevention of diseases which may affect a baby as per the rules, procedures, and conditions prescribed by the Medical Council of Thailand with the approval of the Committee.

**Section 17.** Forming, storing, using an embryo or removing an embryo shall comply with the rules, procedures, and conditions prescribed by the Medical Council of Thailand with the approval of the Committee, but there shall not prescribe to store or use an embryo over fourteen days of age as from the date of fertilization; provided that duration of embryo cryopreservation shall not be counted in the age of an embryo.

**Section 18.** In providing the service relating to the medically assisted reproductive technology, the service provider relating to the medically assisted reproductive technology may necessarily and appropriately examine and diagnose a genetic disease in an embryo which may occur; provided that there shall not be an act understanding as sex selection.

The examination and the diagnosis under paragraph one shall comply with the rules, procedures, and conditions prescribed by the Medical Council of Thailand with the approval of the Committee.

**Section 19.** Subject to section 15 and section 16, only a woman having lawful husband shall undergo artificial insemination and the artificial insemination shall comply with the standard of service relating to the artificial insemination as prescribed by the Medical Council of Thailand with the approval of the Committee.

**Section 20.** Artificial insemination by using a donor sperm shall receive written consent from lawful husband and wife intending to undergo the artificial insemination.

The consent under paragraph one shall comply with the rules, procedures, and conditions prescribed by the Medical Council of Thailand with the approval of the Committee.

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## CHAPTER III

### SURROGACY

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**Section 21.** Subject to section 15, section 16 and section 18, an operation of surrogacy shall at least comply with the following conditions;

(1) lawful husband and wife, when a wife is unable to carry pregnancy, intending to have a child by surrogacy, shall hold Thai nationality. In the case where a husband or a wife does not hold Thai nationality, the registration of their marriage shall not be less than three years;

(2) a surrogate mother shall not be an ascendant or a descendant of the lawful husband and wife under (1);

(3) a surrogate mother shall be blood relative of the lawful husband or wife under (1), in the case where there are no blood relative of the lawful husband or wife, other woman may undergo the surrogacy, as prescribed by the rules, procedures, and conditions of the Minister of Public Health with the advice of the Committee;

(4) a surrogate mother must have previously given birth to a child. If such surrogate mother has lawful husband or cohabits with a man as husband and wife, consent must be obtained from such lawful husband or such man.

**Section 22.** An operation of surrogacy under this Act may proceed with these two following methods;

(1) to use an embryo formed from sperm of lawful husband and an oocyte of lawful wife intending to undertake the surrogacy;

(2) to use an embryo formed from sperm of lawful husband or an oocyte of lawful wife intending to undertake the surrogacy and other person's oocyte or sperm; provided that an oocyte of a surrogate mother shall not be used.

**Section 23.** The service provider relating to the medically assisted reproductive technology may operate the surrogacy under this Act to any husband and wife under section 21 (1), when the Committee grants permission to operate the surrogacy to such husband and wife.

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Rules, procedures, and conditions for applying for the permission and the granting of permission shall be prescribed by the Committee and published in the Government Gazette.

**Section 24.** No person shall operate the surrogacy for commercial benefits.

**Section 25.** The Minister of Public Health with advice of the Committee shall prescribe the rules, procedures and conditions relating to surrogacy arrangement and expense for keeping surrogate mother's health in good condition during pregnancy, an abortion instead of childbearing and after giving birth including expense for postnatal care of a child born by the surrogacy for a term not less than thirty days.

**Section 26.** An abortion of the surrogacy shall be done by a medical practitioner and upon receiving written consent from lawful husband and wife intending to undertake the surrogacy and a surrogate mother; except in the case where the surrogate mother does not agree, the surrogacy arrangement under section 25 shall be terminated and the surrogate mother shall not pay expenses under such arrangement.

An abortion of the surrogacy under paragraph one shall comply with the rules, procedures, and conditions prescribed by the Medical Council of Thailand with the approval of the Committee.

**Section 27.** No person shall act as an intermediary or an agent and demand, accept or agree to accept any property or benefit as a remuneration for arranging or suggesting to undertake the surrogacy.

**Section 28.** No person shall advertise or circulate by any act relating to the surrogacy that there is a woman willing to act as a surrogate mother or there is a person willing to procure other woman to act as a surrogate mother regardless of committing for a commercial benefit or not.

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CHAPTER IV  
PARENTAGE OF A CHILD AND PROTECTION OF A CHILD BORN BY MEDICALLY  
ASSISTED REPRODUCTIVE TECHNOLOGY

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**Section 29.** A child, born by sperm, an oocyte or an embryo of a donor as the case may be by the medically assisted reproductive technology under this Act irrespective of pregnancy by a lawful wife of a husband intending to have a child or surrogacy by other woman, shall be a legitimate child of lawful husband and wife intending to have a child; provided that even if lawful husband or wife intending to have a child dies before the child was born.

A man or a woman donating sperm or an oocyte which is used for fertilization of an embryo for pregnancy or a donor of an embryo and a child born by sperm, an oocyte or an embryo which is donated shall not have rights and duties between each other under the Civil and Commercial Code on family and succession.

**Section 30.** In the case where lawful husband and wife intending to undertake the surrogacy die before a child was born, a surrogate mother shall be a guardian of such child until a new guardian is appointed; provided that a surrogate mother, an official under the law on children protection, an interested person or a public prosecutor shall have the power to request to the court to appoint a guardian and for appointing such guardian, the court shall highly consider prosperity and benefit of such child.

**Section 31.** When a surrogate mother starts having antenatal care or giving birth at any hospital, an arrangement under section 25 shall be presented to a doctor who provides the antenatal care or a person who delivers a baby at such hospital as evidence for issuing a child's certificate of birth and notification of birth accordingly.

**Section 32.** lawful Husband and wife intending to undertake the surrogacy shall have the duty to notify birth of a child born by the surrogacy to the registrar under the law on civil registration.

In the case where the lawful husband and wife intending to undertake the surrogacy die before a child was born, do not live in Thailand, or do not appear after giving birth, a surrogate mother shall notify birth of a child born by such surrogacy.

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Birth notification of a child born by the surrogacy shall comply with the rules, procedures and conditions prescribed by the director of central registration under the law on civil registration.

**Section 33.** Lawful husband and wife or lawful husband or wife intending to have a child by the surrogacy shall be prohibited from refusing acceptance a child born by such surrogacy.

**Section 34.** The provisions under the Civil and Commercial Code on family and succession shall apply *mutatis mutandis* and apply to such an extent as not contrary to or inconsistent with the provisions of this Act.

## CHAPTER V

### CONTROL OF OPERATION RELATING TO MEDICALLY ASSISTED REPRODUCTIVE TECHNOLOGY

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**Section 35.** No person who is not a medical practitioner shall provide service relating to medically assisted reproductive technology including undertaking deposit, donation, utilizing sperm, an oocyte or an embryo or terminating an embryo.

**Section 36.** No person shall form an embryo for using in any affair except for using in infertility treatment of lawful husband and wife.

**Section 37.** A medical practitioner who intends to use a leftover embryo from infertility treatment of lawful husband and wife for a conduct of research shall receive permission from the Committee.

Rules, procedures, and conditions for applying for permission and the granting of permission shall be as prescribed by the Committee through publication in the Government Gazette.

Researching an embryo over fourteen days of age from the date of fertilization shall not be done; provided that duration of embryo cryopreservation shall not be counted in the age of the embryo.

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**Section 38.** No person shall carry out any act for the purpose of creating human being by other method in addition to the fertilization between sperm and an oocyte.

**Section 39.** No person shall transfer sperm, an oocyte, an embryo or any part of such cell into animal body or transfer gametes of an animal, cell formed by fertilization of gametes of an animal into human body.

**Section 40.** No person shall form, store, sell, import, export or use an embryo having human's genetic materials of more than two persons or an embryo having cell or an element of human's cell with other species being included.

**Section 41.** No person shall purchase, propose to purchase, sell, import or export sperm, an oocyte or an embryo.

**Section 42.** The deposit, donation, usage from sperm or an oocyte or an embryo which is deposited or donated because of the operation of the medically assisted reproductive technology or termination of an embryo deposited or donated shall comply with the rules, procedures, and conditions prescribed by the Medical Council of Thailand with the approval of the Committee.

**Section 43.** A service relating to the medically assisted reproductive technology to lawful husband or wife, if an owner of sperm, an oocyte, or an embryo deposited with a depository under section 42 dies, such sperm, oocyte or embryo shall not be used; except receiving written consent before death. And the usage of sperm, an oocyte or an embryo shall only be used for the infertility treatment of such husband or wife who is still alive.

The consent under paragraph one shall comply with the rules, procedures, and conditions prescribed by the Medical Council of Thailand with the approval of the Committee.

**Section 44.** Any medical practitioner being a service provider relating to the medically assisted reproductive technology fails to comply with the standard of service relating to the medically assisted reproductive technology under section 15, it shall be deemed that such person violates ethics of medical profession under the law on medical profession.

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**Section 45.** Any medical practitioner who fails to comply with section 16, section 17, section 18, section 19, section 20, section 21, section 22, section 26, section 37, or section 42 shall be deemed a violation of ethics of medical profession under the law on medical profession.

## CHAPTER VI PENALTIES

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**Section 46.** Any medical practitioner having no qualifications or being under the prohibitions according to section 15 provides a service relating to the medically assisted reproductive technology, such person shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

**Section 47.** Any medical practitioner who fails to comply with section 23 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

**Section 48.** Any person who violates section 24 shall be liable to imprisonment for a term not exceeding ten years and to a fine not exceeding two hundred thousand baht.

**Section 49.** Any person who violates section 27, section 28, section 33 or section 40 shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding one hundred thousand baht or to both.

**Section 50.** Any person who violates section 35 shall be liable to imprisonment for a term not exceeding ten years and to a fine not exceeding two hundred thousand baht or to both.

**Section 51.** Any person who violates section 36, section 41, or section 43 shall be liable to imprisonment for a term not exceeding three years and to a fine not exceeding sixty thousand baht or to both.

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**Section 52.** Any person not being a medical practitioner conducts a research under section 37, such person shall be liable to imprisonment for a term not exceeding three years and to a fine not exceeding sixty thousand baht or to both.

**Section 53.** Any person who violates section 38 or section 39 shall be liable to imprisonment for a term of three years to ten years and to a fine of sixty thousand baht to two hundred thousand baht.

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## TRANSITORY PROVISIONS

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**Section 54.** A medical practitioner, being responsible for or providing service relating to medically assisted reproductive technology under the Notifications of the Medical Council of Thailand on standard of service relating to assisted reproductive technology prior to the date when this Act comes into force and upon notifying to The Royal Thai College of Obstetricians and Gynaecologists within ninety days from the date when this Act comes into force, may continue to proceed until the Notifications of the Medical Council of Thailand with the approval of the Committee relating to qualifications and prohibitions and standard of service relating to the medically assisted reproductive technology under section 15 comes into force.

**Section 55.** Regulations, rules or, notifications of the Medical Council of Thailand relating to service of medically assisted reproductive technology which are still in force on the date when this Act comes into force, shall continue to be in force to the extent as not contrary to or inconsistent with this Act; provided that until the issuance of the Notifications under this Act.

**Section 56.** A person born by the surrogacy prior to the entry into force of this Act whether there is a written arrangement, husband or wife undertaking the surrogacy or a public prosecutor shall have rights to submit a petition to the court to issue an order stating that the person born by the surrogacy prior to the entry into force of this Act is a legitimate child of the husband and the wife undertaking the surrogacy as from the date when such person was born; provided that whether the husband and the wife undertaking the surrogacy are lawful husband and wife. However, that it may not be referred to the prejudice of the rights of third persons acting in good faith during the time when the child was born until the time when the court issue orders of filiation.

### Countersigned by

General Prayut Chan-o-cha  
Prime Minister

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