

DRUG POLICY REFORM AND
ORGANIZED CRIME SERIES



**GLOBAL
INITIATIVE**
AGAINST TRANSNATIONAL
ORGANIZED CRIME

CANNABIS LEGALIZATION IN THAILAND

EXPLORING IMPACTS ON MARKETS
AND ORGANIZED CRIME

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FROM VISION TO ACTION: A DECADE OF ANALYSIS, DISRUPTION AND RESILIENCE

The Global Initiative Against Transnational Organized Crime was founded in 2013. Its vision was to mobilize a global strategic approach to tackling organized crime by strengthening political commitment to address the challenge, building the analytical evidence base on organized crime, disrupting criminal economies and developing networks of resilience in affected communities. Ten years on, the threat of organized crime is greater than ever before and it is critical that we continue to take action by building a coordinated global response to meet the challenge.

ACRONYMS

ATS	Amphetamine-type stimulants
CBD	Cannabidiol
DTAM	Department of Thai Traditional and Alternative Medicine
FDA	[Thai] Food and Drug Administration
INCB	International Narcotics Control Board
MOPH	Ministry of Public Health
NGO	Non-governmental organization
NIDA	National Institute of Development Administration
ONCB	Office of the Narcotics Control Board
THB	Thai baht
THC	Tetrahydrocannabinol
UNODC	United Nations Office on Drugs and Crime



EXECUTIVE SUMMARY

The movement towards cannabis reforms in Thailand started in 2016 when community groups organized advocacy events. Between 2018 and 2022, several legal amendments facilitated access to cannabis production, distribution and consumption. The cannabis-related reforms that led to the de facto legalization of cannabis and cannabis products in 2022 have attracted attention from a wide range of stakeholders, some hoping to capitalize on the nascent market, others working to undo the legal reforms and return to strict illegality, and yet others hoping to facilitate access to relief of pain and suffering for thousands of patients.

The policy reforms represent a sudden U-turn from previous hardline policy positions on drug control that emphasized zero tolerance, prohibition, harsh repression and disproportionate sentences. Thailand now hosts the most liberal cannabis market worldwide,¹ but tensions have been steadily mounting across the country, confusion has been spreading and the ultimate fate of the cannabis market remains unclear.

This report identifies some of the preliminary impacts of the reforms and examines the implications of those reforms from a political economy framework, with a particular focus on their consequences for the illicit market and organized criminal groups. The research findings allowed the GI-TOC to develop initial recommendations to guide the establishment of a safe, balanced and sustainable cannabis market in Thailand.

The GI-TOC research team collected data from 37 key informants through semi-structured interviews between December 2022 and May 2023. The team also developed and validated a comprehensive interview guide. The team pre-identified key stakeholders directly involved in the cannabis market and contacted them by email and phone to solicit inputs. Team members conducted interviews in Bangkok and Chiang Mai (major urban centres where the cannabis market flourishes) as well as in Mae Sot (a rural town on the Thai-Myanmar border) with people who use cannabis, cannabis vendors, law enforcement and public health representatives, workers from non-governmental organizations (NGO) and academics. Data was collected through one-on-one interviews, both face-to-face and online, as well as through on-site focus group discussions. Data from the interviews and focus group discussions was complemented with a thorough desk review of peer reviewed scientific literature – published both in English and in Thai – and an extensive analysis of media reports published in Thailand and abroad.

Elections in 2023 have brought a new government to power, headed by Prime Minister Srettha Thavisin, who declared in late September that his government intends to achieve in the next six months a partial reversal of the reforms, recriminalizing recreational use and leaving the medical market as the sole legal arena.²

The research identified the following key findings:

- There appear to be four distinct but interconnected cannabis markets in Thailand:
 - the local illicit market, established even before the passage of the 1934 cannabis act, which was the main market for cannabis products until the 2022 reforms;
 - the international illicit market, which is intrinsically linked to the local one, and through which cannabis products are smuggled across national boundaries;
 - the local medical cannabis market, established in 2019, which was initially dominated by state agencies and is integrated into the national health system; and
 - the local licit recreational cannabis market, recently established and liberalized in June 2022.
- The four interconnected markets 'bleed' into one another, converging on the recreational cannabis market: the medical cannabis market leaks a supply of cannabis disqualified for medical use; unlicensed local growers can easily sell their product to dispensaries; and vendors can purchase and sell cannabis smuggled into the country from abroad.
- The recreational cannabis market is particularly vulnerable to the influence of criminal actors. In addition, the legal confusion relating to cannabis in Thailand and the retreat of law enforcement may have further allowed criminal actors to strengthen their base position. In that sense, the resilience of the local illicit market is likely to have increased due to the June 2022 reforms. These reforms may even have created opportunities for criminal actors to operate cannabis dispensaries, thereby expanding their revenues, diversifying their holdings and reducing their operational risks while gaining legitimacy. It is possible that the financial gains and benefits in credibility that illicit actors enjoyed as a result of the loosely controlled licit market far outweigh the losses that these actors faced.



A marijuana retailer in Bangkok's Sukhumvit Road. Since policy reforms, Thailand has the most liberal cannabis market in the world. © Paul Lakatos/SOPA Images/LightRocket via Getty Images

- Some of the dispensary operators surveyed confirmed that they had been involved in the illicit cannabis market prior to the legal reforms that have allowed them to 'go legit'. As these actors gained formal footholds on the licit market, significant opportunities for laundering proceeds of crime are assumed to have been generated.
- There is limited data on how many inspections were performed in dispensaries or what criteria are being used to assess registered cannabis vendors. Very few of the dispensary operators surveyed indicated that their premises had been inspected by health officials. The system instead appears to operate on a presumption of compliance, which has created favourable conditions for illicit growers and vendors to purchase and sell cannabis smuggled from abroad.
- Licensed growers have also experienced confusion caused by inconsistent actions and statements from government officials, patchwork regulations and limited controls. The recreational cannabis cultivation market is also affected by oversupply and market overcrowding, placing downward pressure on prices. Licensed growers supplying the recreational cannabis market also face pressure from the encroaching illicit market.
- Many consumers continue to procure their cannabis from illicit and/or unregistered sources. Dispensary operators may be knowingly or inadvertently purchasing cannabis from local growers and vendors who are not registered, and/or smuggled cannabis from abroad.
- Public security agencies appear to have taken a backseat throughout the process, with a hands-off approach to policing the cannabis market. The limited controls deployed by the Ministry of Public Health (MOPH) and the passive public security response have also created favourable conditions for criminal actors to use the recent reforms for their own gains, with very limited risks.



BACKGROUND TO CANNABIS POLICY IN THAILAND

Most likely introduced through trade with India around the sixth century AD,³ cannabis has been used in Thailand for centuries. In 1934, the Thai government passed the Cannabis Act, thereby prohibiting the cultivation, possession, import, export, sale and distribution of any quantity or parts of the cannabis plant.⁴

In 1979, the Thai government enacted the Narcotics Act of Thailand – the country’s primary drug control policy – which classified both cannabis and hemp as category five narcotics, carrying criminal penalties for consumption, possession, production and trafficking. Distribution carried a maximum penalty of 15 years in prison and a fine of up to THB1.5 million (approximately US\$41 370⁵), with lesser penalties for manufacturing, importation or exportation, while cannabis use carried a maximum sentence of one year in prison and a maximum fine of THB20 000 (US\$550).⁶

Building on the Narcotics Act, Thailand’s national drug control framework was strengthened over decades, initially to address significant opium and heroin markets, and later to manage rapidly expanding markets for amphetamine-type stimulants (ATS). In 2003, Thailand launched an all-out war on drugs, relying on extrajudicial killings and other forms of extreme repression to eradicate the drug threat.⁷ Thailand’s war on drugs has continued since 2003, with less extreme implementation, but the government has often been criticized by international bodies for aggressive drug control measures that violate human rights, for disproportionate sentencing, for prison overcrowding directly related to the application of drug laws and repressive drug laws, and for policies that conflict with public health objectives.⁸

Overview of recent reforms

In February 2019, an amendment to the Narcotics Act legalized medical use of substances scheduled as category five narcotics (cannabis, hemp and kratom), making Thailand the first South East Asian country to do so.⁹ In the two years that followed, authorities approved licences to grow cannabis for the medical market exclusively to state agencies.¹⁰ In early 2021, revisions to existing regulations expanded licensing options beyond state agencies, and by the end of February 2021, authorities had granted 82 enterprises licences to grow cannabis for research and medical purposes.¹¹ In the months that followed, cannabis products were added to the National List of Essential Drugs, which identifies both modern medicines and herbal products deemed necessary for the prevention and treatment of major health problems in Thailand.¹²

On 8 February 2022, the Thai MOPH issued a ministerial decree (which would automatically enter into force 120 days later) that effectively removed cannabis flowers from the category five schedule, delisting the substance as a narcotic,¹³ essentially overriding the content of the Narcotics Act.¹⁴ Over the following months, a bill was drafted to regulate the cannabis market, particularly to control recreational cannabis use.¹⁵ On 8 June 2022, parliamentarians failed to reach an agreement on the content of this bill, yet the next day, without an explicit legal framework, cannabis was de facto legalized.¹⁶ In the following months, government officials mobilized several policy instruments to regulate the rapidly expanding market,¹⁷ often making conflicting and contradictory statements,¹⁸ fuelling confusion amid an increasingly polarized popular debate.

In mid-September 2022, the second reading of the Cannabis Bill again failed to produce an agreement in the house.¹⁹ By October, the tensions were running so high that Pheu Thai Party²⁰ representatives – then still in opposition – filed a petition to the Election Commission of Thailand for the dissolution of the Bhumjaithai Party²¹ over mismanagement of the cannabis policy.²² Moreover, in November, a group of lawmakers, allied with representatives from the Medical Council of Thailand, filed a lawsuit to revoke the MOPH's de-scheduling of cannabis from the official list of controlled substances.²³ But this did not stop Bhumjaithai Party representatives from pushing forward; the day after the lawsuit was filed, the MOPH announced revised rules in which only cannabis flowers were to be considered a controlled substance, with vendors being required to obtain a licence to sell.²⁴

In December 2022, further clarifications provided by the MOPH indicated that cannabis vendors would be required to collect personal data from customers and suppliers, and regularly share that data with the government, raising national and international privacy concerns.²⁵ A few days later, the second meeting of the House of Representatives for the second reading of the bill collapsed due to a lack of quorum.²⁶ In February 2023, the third meeting of the House of Representatives for the second reading of the cannabis bill failed to reach a conclusion due to disagreements between parliamentarians, though the house agreed to delay further readings until after the general elections.²⁷ Following the 2023 general elections, the status of the cannabis market remains unclear. Political parties disagree on the way forward and members of the ruling coalition have diametrically contradictory views on the issue. However, given tensions surrounding the formation of a new government and the value of democratic processes in Thailand, the discussions related to the cannabis market are now on the backburner.



Cannabis consumer products on display in a store in Thailand, January 2023. © Carola Frentzen/ picture alliance via Getty Images



THE THAI CANNABIS MARKET

Given a century of criminalization, available data on Thailand's drug markets and drug use is largely limited to anecdotal reports, with public health and public security data providing some insight into prevalence, demand for emergency and drug rehabilitation services, and arrest and seizure records. But these are just indicators offering an incomplete, often problematic though still informative picture.

Public health data shows that cannabis, together with kratom and methamphetamine (locally known as *yaba*) have been the most commonly used illicit drugs in Thailand since the early 2000s.²⁸ In addition, a national household survey conducted in 2019 showed that 1.7 million Thai people had used cannabis in their lifetime, representing 3.4% of the population aged 12–65 years and a tenfold increase compared to 2007, with marked increases in prevalence in the southern and north-eastern regions.²⁹ Separate survey results from 2020 showed that more than 660 000 people had used cannabis in the 12 months prior to the survey; that over 500 000 people had used cannabis in the past month; and that close to 150 000 people had consumed cannabis more than 20 times in the past month. Among those who had used cannabis in the past month, 60.8% had used the substance (presumably sourced illegally) for recreational purposes and 39.2% for medicinal purposes. Among the latter, only 10% had used prior to the introduction of the medical cannabis laws in 2019.³⁰

While survey data seems to suggest an increase in cannabis use in the recent past, data from drug rehabilitation centres shows a largely steady proportion of people affected by cannabis. National data shows that admissions to rehabilitation centres for cannabis-related concerns decreased from 7.2% in 2015³¹ to 4.2% in 2020.³² Survey data also shows that in 2019, only 10.5% of habitual cannabis users (15 480 out of 147 042 people) had accessed government-operated drug rehabilitation services, with only 24.5% of these being diagnosed as clinically dependent.³³ In addition, data published by the United Nations Office on Drugs and Crime (UNODC) shows that the average proportion of new admissions to rehabilitation centres related to cannabis for the period 2013–2018 was 6.7% (with a low of 4.9% in 2013 and a high of 8.8% in 2016)³⁴ and, out of all individuals who accessed drug rehabilitation services in 2019, 7.6% did so for cannabis-related issues.³⁵

There are significant barriers to using Thailand's public security data to assess the cannabis market. Such data is not always publicly available; there is limited reporting on the number and proportion of cannabis-related arrests, or whether arrests are for small quantities or production and trafficking.

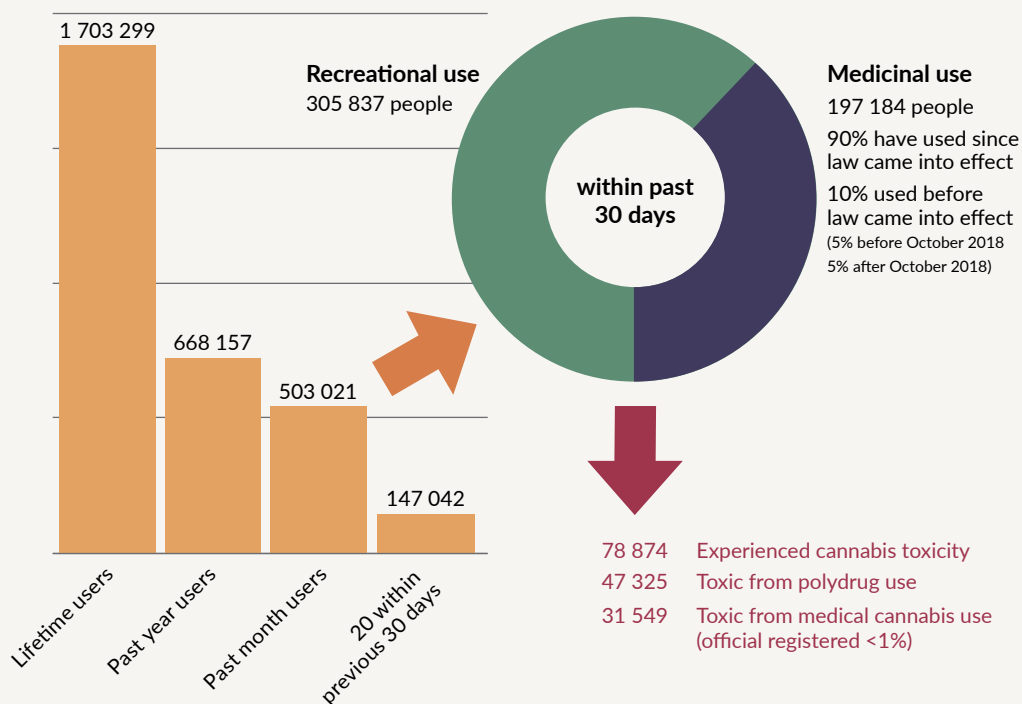


FIGURE 1 Estimated number of cannabis users in Thailand, 2019.

SOURCE: M. Kanato, P. Leyatikul and R. Wonguppa, Impacts of medical cannabis law in Thailand, *ONCB Journal*, 36, 2 (2020), 27–36, https://nctc.oncb.go.th/download/article/article_20200910112857.pdf

In addition, there is little information on the proportion of people agreeing to undergo drug rehabilitation as an alternative to prison upon a cannabis-related arrest. Publicly available data is also often contradictory, with limited options for validation. For example, official seizure data reported by the Office of the Narcotics Control Board (ONCB) indicates a largely steady and controlled cannabis market prior to the 2022 legal reforms in Thailand (see Figure 2). However, annual cannabis seizure data reported by the ONCB to the UNODC indicates that cannabis seizures steadily increased over the same period (likewise shown in Figure 2).

	2016	2017	2018	2019	2020
As reported by the ONCB	11.2	13.8	16.4	14.3	9.2
As reported by the ONCB to the UNODC	3.9	39.5	40.0	26.8	41.6

FIGURE 2 Annual cannabis seizures in Thailand (tonnes), as reported by the ONCB vs the UNODC.

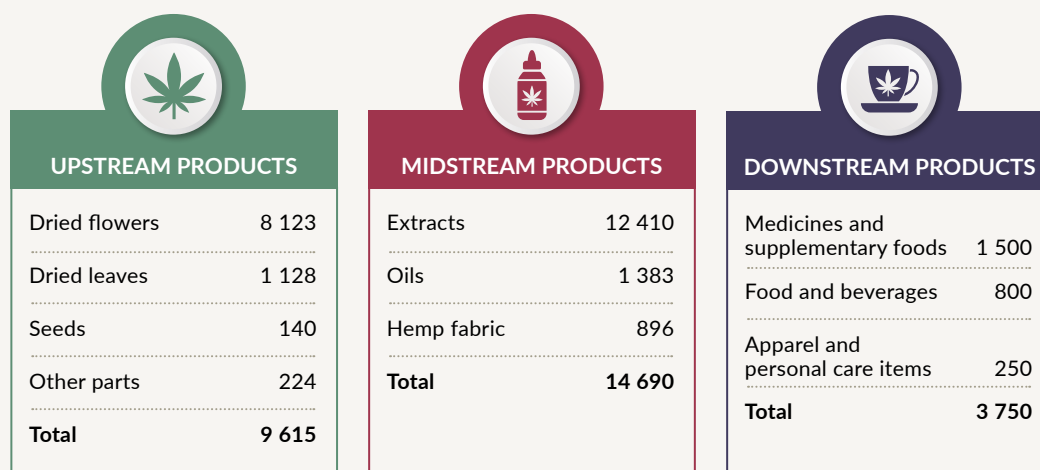
SOURCE: United Nations Office on Drugs and Crime, Thailand country profile, Data UNODC, <https://dataunodc.un.org/content/country-list>

While not comprehensive, available public health and public security data is, nevertheless, useful for providing baseline values to assess impacts of cannabis-related reforms in Thailand.

Impact of reforms

The cannabis reforms introduced on 9 June 2022 had immediate and visible effects across Thailand, but particularly in large cities. Cannabis dispensaries have mushroomed across major urban centres, offering dozens of strains of cannabis flowers, pre-rolled joints, bongs and other paraphernalia. Additional point-of-sale outlets have also diversified, with vending machines and cannabis trucks in strategic locations as well as online orders through popular chat apps. Cannabis-infused drinks are widely available in 7-Eleven shops and grocery stores, cannabis-infused beauty and health products are available in pharmacies and department stores and cannabis-enhanced dishes are sold in restaurants. Billboards and digital signage advertise cannabis products and clinics along Bangkok’s busy boulevards and highways, placards promoting dispensaries adorn the back of tuk-tuks in tourist areas, and Thailand’s famed tailors have joined in on the bonanza, offering suits covered with cannabis leaf prints. Even the Tourism Authority of Thailand has marketed cannabis tourism through guidebooks, offering packages to visit organic cannabis farms and promoting cannabis oil massages.³⁶ Specialized hotels have opened to host tourists who can smoke on their premises.

With a predicted value of US\$1.2 billion by 2025 and limited regulations to control production, sale and use, it is unsurprising that the cannabis market has exploded since the June 2022 reforms.³⁷ As early as March 2022, Thailand’s health minister announced that over THB7 billion (a little below US\$200 million) of revenue had been generated since cannabis was legalized for medical purposes in 2019.³⁸ Another estimate suggests that the global cannabis market will reach a value of US\$48 billion by 2027,³⁹ further underlining the potential earnings from the Thai cannabis industry.



Unit: million baht

FIGURE 3 Estimated value of the cannabis market (in million baht) in Thailand in 2022.

SOURCE: P. Arunmas, Cannabis valued at B43bn by 2025, *Bangkok Post*, 22 July 2022, <https://www.bangkokpost.com/business/2351196/cannabis-valued-at-b43bn-by-2025>

Impact on people who use cannabis

As a result of the visible changes in the market as well as the politization of the topic, many Thais (72% according to a nationwide poll in 2022) have expressed concern about the rapid expansion of the cannabis market, especially given the absence of clear regulations.⁴⁰

There is currently limited data about the prevalence of cannabis use since the 2019 legalization for medical purposes. While studies are likely to be underway, preliminary data provides an inconclusive picture of the situation. For example, one study indicates that by early 2020, almost one year after medical cannabis was legalized, there had been limited changes in consumption of medical cannabis in Thailand compared to the previous year.⁴¹ Additionally, another study⁴² published in 2022 by the Administrative Committee of the Substance Academic Network showed that 668 157 Thais aged 12–15 years had reported using cannabis in the past year (13.3 per 1 000), a 3.5-fold increase since 2016. A recent survey conducted by the National Institute of Development Administration (NIDA) revealed that 17% of the population regularly uses cannabis.⁴³ The NIDA poll showed that out of all people who use cannabis, 58.8% consumed for recreational purposes and 41.2% for medical purposes.⁴⁴

The very recent advent of the de facto legalization of recreational cannabis makes it impossible to draw firm conclusions about contemporary patterns of cannabis use in Thailand. Indeed, some surveys appear to conflate the 2019 and 2022 reforms, making it difficult to track sources of change. For example, a 2022 YouGov poll showed that 73% of Thai consumers know that cannabis products are commercially available, that almost 50% of respondents had used cannabis products in the past two years, and that approximately 62% were interested in consuming cannabis products in the next 12 months.⁴⁵ According to another nationwide survey of 1 215 people conducted in July 2022 – just one month after the reform came into force – 78% of consumers had yet to try cannabis products.⁴⁶

Qualitative data collected for this research indicated a limited increase in consumption following the reforms. Most people who use cannabis interviewed in Bangkok and Chiang Mai – all Thai citizens who are NGO clients and workers – reported no perceived significant increase in cannabis consumption within their personal networks.

The vast majority of respondents also reported avoiding dispensaries, primarily because cannabis flowers are very expensive – ‘more expensive than cannabis in coffeeshops in Amsterdam’⁴⁷ – and cost more than respondents are willing to pay.⁴⁸ Most respondents believed that dispensaries were designed to meet demand among foreigners, particularly tourists who can afford the higher prices, as well as more affluent Thais, including Thai tourists.⁴⁹ These perceptions were independently corroborated in one-on-one interviews with dispensary operators.⁵⁰ Dispensary operators in Bangkok and Chiang Mai confirmed that between 60% and 100% of their customers are foreigners, either expatriates living in Thailand or tourists.⁵¹

Most people who use cannabis interviewed for this project indicated that they now procure it from within their personal networks rather than from the illicit market, and that they do not buy cannabis in licensed stores or government operated clinics.⁵² This was also confirmed by a 2022 survey, which found that the majority of people reported purchasing their cannabis from the same sources as before the reforms – illicit dealers who have now become legal growers.⁵³ This may suggest that users are still sourcing their cannabis from the illicit market, since many of the respondents indicated that their

cannabis was procured from individuals who grow their own plants in their own homes, and none of the respondents could confirm whether their sources had registered as official growers with the Thai FDA.⁵⁴ Study data suggests that users also have a preference for cannabis purchased from the illicit market.⁵⁵ This was corroborated by statements from people who use cannabis – including people who use cannabis for medical purposes – in the course of this project, who also indicated that the cannabis flowers produced for the licit medical market have low potency limits in terms of THC content.⁵⁶

In terms of health impacts, the limited data presents a largely contradictory picture. In November 2022, a detailed scientific report by the Faculty of Medicine at Prince of Songkla University in southern Thailand showed that emergency room admissions related to cannabis use rose by 566% over a short period immediately following the reforms.⁵⁷ However, our respondents did not report any significant health problems or increase in emergencies related to cannabis in their personal networks, although two individuals reported at least one adverse event related to cannabis among their peers since the reforms.⁵⁸ There is currently no publicly available official data from drug rehabilitation centres to assess changes in cannabis related admissions, but interviews with public health representatives suggest a potential increase since the reforms, corroborating the Songkla study.⁵⁹

Interview respondents further suggested that the frequency and quality of their encounters with the police had not significantly changed since the cannabis reforms were introduced.⁶⁰ There was a general consensus among people who use cannabis that law enforcement had not been targeting or prioritizing the illicit cannabis market, their focus remaining on ATS instead.⁶¹ However, most people who use cannabis interviewed for this project reported feeling safer in their community and more comfortable being open about their cannabis use since the reforms.⁶² Despite the general improvement in societal attitudes, most of the respondents felt a lingering stigma, though none could describe a specific situation where they had been victims of discrimination as a result of their cannabis use.⁶³

The majority of people who use cannabis interviewed in the context of this project indicated a preference for cannabis to remain legal for recreational purposes, but the vast majority also agreed on the need for additional controls and safeguards to support a sustainable market.⁶⁴ The suggestion that additional public education was urgently needed to ensure that political, social and legal debates were grounded in evidence was repeated by several respondents across different groups, including people who use cannabis,⁶⁵ dispensary operators,⁶⁶ public health officials,⁶⁷ NGO representatives⁶⁸ and even public security representatives.⁶⁹



Cannabis 'dispensaries' in Thailand are perceived by local cannabis users as primarily targeting foreigners, particularly the tourist market. © Nathalie Jamois/SOPA Images/LightRocket via Getty Images

Impact on cannabis vendors

Between February 2019 – when medical cannabis was legalized – and February 2020, more than 11 250 health service providers (52.6% of whom were Western medicine professionals including medical doctors, pharmacists and dentists, and 47.4% of whom were traditional medicine practitioners) were trained and certified to dispense cannabis according to MOPH standards.⁷⁰ Data from June 2019 to February 2020 revealed, however, that only 10 230 patients consulted health service providers at cannabis clinics, and given the low availability of medical cannabis, only 6 452 prescriptions for cannabis-based medicinal products were filled.⁷¹ Later the same year, the MOPH reported that there were over 700 medical cannabis clinics operating nationwide,⁷² and a MOPH representative interviewed for this research project noted that all hospitals across the country now either have a medical cannabis clinic in place, or are in the process of establishing one. In addition, more than 2 200 registered health products now contain cannabis.⁷³ However, major bottlenecks in production resulting from standards that are difficult for local producers to meet have continued to limit the availability of medical grade cannabis across the network of medical outlets.⁷⁴ Meanwhile, a survey of 106 medical practitioners who attended MOPH trainings showed that only 11% of the respondents felt their patients had a sufficiently adequate understanding of cannabis products to safely use them for medical purposes.⁷⁵ Similarly, only 28% of patients participating in a study at the Siriraj Pain Clinic in 2020 believed they had enough understanding to safely use cannabis products.⁷⁶

In 2022, the reforms created a legal vacuum for cannabis vendors: while technically, cannabis flowers in dispensaries need to be sold to ‘patients’ for ‘medical purposes’, any observer can quickly refute this presumption – no prescriptions are required, despite cannabis flowers being considered a controlled substance since 11 November 2022.⁷⁷ Indeed, recreational cannabis is currently not formally illegal, since cannabis has been removed from the Narcotics Act, but there is also no legal text that specifically allows dispensaries to sell cannabis either. This loophole was meant to be filled by the Cannabis Bill, but opposition parties felt it did not provide sufficient safeguards to control recreational use, which – as described earlier – then resulted in cannabis being legalized on 9 June 2022 without clear regulatory controls.⁷⁸

Cannabis for medical use was legalized in Thailand in 2019. Since then, several thousand health service providers have been trained and certified to dispense cannabis. © Lauren DeCicca/Getty Images



As a result, cannabis outlets have multiplied since the introduction of the 2022 reforms. Indeed, overnight, thousands submitted applications to the Department of Thai Traditional and Alternative Medicine (DTAM) and the MOPH to become licensed vendors. Applications by Thai nationals and foreigners alike were reviewed over a period not exceeding 30 days, and successful applicants were granted a three-year licence upon paying the fees: THB20 000 (US\$550) for a licence to export to other countries, THB1 000 (US\$28) to conduct medical research, and THB3 200 (US\$90) for a retail licence.⁷⁹ Most dispensary operators noted that their licence application had cost nothing or involved only a minor processing fee.⁸⁰ Many complained about the absence of a clear regulatory framework and the piecemeal and reactionary response from authorities, causing uncertainty and confusion in the market.⁸¹ This sentiment has been echoed widely in the media.⁸²

By the end of 2022, media reports indicated that the MOPH had issued 5 000 licences for private cannabis vendors,⁸³ with 4 033 active dispensaries operating across Thailand⁸⁴ – in addition to vendors integrated into the national health system. Selling cannabis products without a licence can lead to a fine of up to THB300 000 (US\$8 280) and/or three years in prison.⁸⁵

Licensed vendors are required to purchase from licensed growers and verify their suppliers' licence number in the government database. However, there are limited ways to tell whether this is happening in practice. While the DTAM auditors are meant to inspect all hospitals across the country, media reports indicate a shortage of human resources to undertake auditing of all cannabis vendors.⁸⁶ There is also limited data on how many inspections were performed in dispensaries or what criteria are being used to assess cannabis vendors. Very few of the dispensary operators indicated that their premises had been inspected by health officials.⁸⁷ The system instead appears to operate on a presumption of compliance. This has created favourable conditions for vendors to purchase and sell smuggled cannabis from abroad.

The absence of a clear regulatory framework also means that the licensing process can offer legitimate positions to illicit actors in the reformed market. Several of the dispensary operators interviewed confirmed that they had been involved in the illicit cannabis market prior to the legal reforms, which allowed them to now 'go legit'.⁸⁸ When illicit actors gain formal footholds in the licit market, there is potential for them to gain credibility and engage in further criminal activities, the proceeds of which are then more easily laundered in the cannabis market and beyond. The widespread use of cash, continuous changes in cannabis price and the fact that product price is highly dependent on weight, strain, potency and quality generate further opportunities to launder proceeds stemming from smuggled cannabis as well as other criminal activities.

While legalization may have contracted the illicit market due to consumer displacement, it may also have expanded the reach of criminal actors by providing them with new channels into the formal economy. The opportunities created by the reforms may outweigh the loss of income to illicit actors resulting from consumer displacement into licit markets.

Impact on retail prices

Dispensary operators interviewed by the GI-TOC confirmed that since the June 2022 policy amendments, prices for cannabis products – particularly flowers – have been falling across the country's dispensaries.⁸⁹ This mirrors price contractions across the global market. For example, prices of CBD isolate (a form of cannabidiol) reached between US\$10 000 and US\$12 000 per kilogram in the United States in 2019, but the same product barely fetched US\$400 in August 2022.⁹⁰ Declining cannabis prices in the United States have been attributed to intense competition in the licit market and price

undercutting in the illicit market.⁹¹ The price of cannabis sold in Thai dispensaries immediately after the reforms is likely to have been inflated by the novelty of the product, and the price is now moving towards a new equilibrium as market competition places downward pressure on retail prices.

Despite the perceived boom, the explosive growth in the number of dispensary operators in Bangkok, Chiang Mai and Mae Sot highlights a fiercely competitive market.⁹² With prices dropping and growing competition, many dispensaries are likely to fold in the coming years. Many respondents were either young entrepreneurs, people who were previously involved in the illicit cannabis market, or both. Only a few dispensaries were operated by large businesses and conglomerates or by wealthy individuals. The majority of operators interviewed did not have clear business plans or strategies, nor significant administrative capacity or experience to navigate a legally complex, highly competitive and politically risky market.

Alongside fierce competition, pricing in the licit cannabis market is also likely to be systematically undermined by criminal actors who can avoid the cost of taxation and other overheads and administrative costs, although it is currently not clear, due to an absence of data, to what extent cannabis sales in Thailand are taxed. More importantly, dispensary operators reported that the licit retail market has been flooded with smuggled cannabis flowers, particularly from parts of the United States and Canada, where cannabis is grown legally. One dispensary operator in Bangkok noted with irony that 'Thailand was the exporter of the illegal weed into the United States and now the United States is the illegal exporter of weed into Thailand'.⁹³

Thai regulations require that cannabis plant products be procured from licensed growers in Thailand, so all imported flowers are illegal. Smuggled cannabis is reportedly sold to dispensary operators for lower prices, with very little risk to the buyer or seller, thereby significantly increasing the vendors' profit margins and allowing them to set lower prices. Even if illegal imports were to drop due to law enforcement interventions and multilateral collaboration, the local illicit market would also likely continue to undercut retail prices on the recreational cannabis market. As people who use cannabis noted, illegal cannabis prices were already well below prices in dispensaries after the reforms and before illegal cannabis from North America hit the Thai market.⁹⁴ Meanwhile, dispensary operators also reported recreational market saturation.⁹⁵ While demand peaked in the weeks after the reforms, supply has remained high from the various sources, creating a market glut.

Retail prices of cannabis products in Thailand are stabilizing as a result of market competition.

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Impact on cannabis growers

The current interior minister and deputy prime minister, Anutin Charnvirakul, initiated and shepherded the official cannabis reforms in his previous role as the health minister and deputy prime minister. He stated on several occasions that Thailand's well-established agricultural infrastructure and low operational costs – which made the country one of the world's top exporters of commodity crops⁹⁶ – positions it well to develop a vibrant cannabis market.⁹⁷ To stimulate the market, Charnvirakul launched a national campaign in which the Department of Agriculture distributed 1 million cannabis plants to private individuals over a six-month period starting in June 2022.⁹⁸ The reforms introduced in June 2022 allow individuals to grow up to six cannabis plants per household, provided they register with the Thai FDA. To claim their free plants, individuals needed to register through a simple process facilitated by a government application called Plook Ganja (literally 'plant cannabis'). The day after the initiative was announced, the Plook Ganja app crashed after receiving more than 9 million applications from people wanting to grow cannabis.⁹⁹

All growers – personal, commercial, medical or researchers – must register with the Thai FDA. When cannabis was decriminalized for medical purposes in February 2019, cultivation licences were only approved for state agencies or firms with a formal partnership with a state agency.¹⁰⁰ As mentioned, this created significant bottlenecks,¹⁰¹ chief among them a limited supply of medical-grade cannabis flowers. By the beginning of 2021, among the 443 licences approved by the MOPH, fewer than 50 were for cannabis cultivation.¹⁰² But in January 2021, revisions to the Hemp Bill removed the requirement for state agency involvement.¹⁰³ By the end of 2021, with the involvement of private parties, farmer-led community enterprises and large commercial firms, a total of 2 793 licences had been approved, including 343 cultivation permits.¹⁰⁴ In June 2022, more than 785 000 people had already applied for personal cannabis cultivation licences through the Plook Ganja portal, with the majority receiving favourable approvals.¹⁰⁵ By the end of 2022, more than 1 million people had been issued personal cultivation licences,¹⁰⁶ and by March 2023 official MOPH data indicated that 1.38 million individuals had been granted personal licences to grow cannabis.¹⁰⁷ Growing cannabis without a licence can lead to a fine of up to THB20 000 (US\$550).¹⁰⁸

Since the reforms, many of the same issues that affected cannabis vendors have also affected cannabis growers, notably confusion due to inconsistent actions and statements from government officials, patchwork regulations, limited controls and substantial competition from local and international illegal supply. The recreational cannabis cultivation market is also affected by oversupply and market overcrowding, placing downward pressure on prices. One news article reported that the original farmers who held government contracts when medical cannabis was decriminalized in 2019 have seen an 80% to 90% drop in the value of their crops.¹⁰⁹

Statements from study respondents point to concerns about potential encroachment from large agribusiness corporations,¹¹⁰ concerns that are echoed in the press.¹¹¹ In particular, growers are concerned that a contract farming model will be adopted, where individual farmers are contracted by large commercial firms to grow crops for a fixed return (below market price) determined by the size of their plot, independent of their crop yield.¹¹² While the Thai government enacted the Contract Farming Promotion and Development Act in 2017 to address some of the explicitly exploitative aspects of the model, some of those elements endure.¹¹³ Thai cannabis farmers have been mobilizing in parts of the country to form cooperatives that will have more bargaining power.¹¹⁴



A marijuana and hemp farm in Kanchanaburi. Agricultural production in the country has benefited from government stimulus. © Lauren DeCicca/Getty Images

At present, there are no good manufacturing practices to guide cultivation and to reduce health risks for consumers and growers.¹¹⁵ Although there is no official research on the chemical contents of cannabis plant products in Thailand, anecdotal evidence indicates that they may be contaminated with a wide variety of insecticides and fungicides containing toxins.¹¹⁶ Despite the risks, these concerns were not verbalized in any of the qualitative interviews that were conducted.

The majority (54%) of respondents to a recent poll conducted by the NIDA approved of the cultivation of cannabis on the basis of the potential economic benefits for Thai farmers.¹¹⁷ A recent cross-sectional study conducted in Bangkok, Chiang Mai, Khon Kaen and Songkhla among 485 Thai adults who had used cannabis for medical purposes in the past 12 months showed that 61.3% agreed or strongly agreed with policies related to homegrown cannabis for recreational purposes.¹¹⁸ None of the commercial firms involved in the Thai cannabis market responded to the GI-TOC's requests for interviews.

Impact on Thai government agencies

At present, the main government agency responsible for regulating the cannabis (and hemp) market is the DTAM, while cannabis products are regulated by the Thai FDA, all under the MOPH. The MOPH collaborates with the ONCB to review and approve new licences and provide oversight and post-marketing control in the local market.¹¹⁹ However, the ONCB – Thailand's main drug control body – was only marginally involved in the reform process, and some interview respondents indicated that tensions between the ONCB and the MOPH have risen in the past year, as the drug control agency was reportedly not meaningfully consulted or engaged in the cannabis reforms.¹²⁰

The failure to pass the Cannabis Bill or any other legislation or policy to regulate the cannabis market before the June 2022 reforms resulted in what some media agencies referred to as a 'free-for-all'. Public reactions from health agencies and professionals as well as from community groups, especially from Muslim communities in the south,¹²¹ were swift and condemnatory, even leading to lawsuits and other political manoeuvrings.¹²²

The public outcry, combined with the increasing availability of data showing a rise in adverse effects, spurred the MOPH into action. Shortly after the June 2022 reforms, the MOPH released a slew of decrees, regulations and amendments to establish some control over the rapidly expanding market. Legal instruments now require all growers and vendors to have licences, and to record and report quantities and types of products in stock and sold, as well as the personal information of every customer.

Beyond the legal licensing process, controls prohibit sales to people under the age of 20, pregnant women and breastfeeding mothers; cannabis products are banned from schools and universities; and vendors who sell cannabis products must display the THC content.¹²³ Vending machines, cannabis trucks and online sales have also been prohibited, while curbs have been placed on advertising¹²⁴ and smoking cannabis in public is criminalized. All products containing THC, other than cannabis plant products, may contain a maximum of 0.2% THC.¹²⁵ Smoking cannabis in a public place can result in a fine of THB25 000 (US\$690), a three-month jail sentence, or both, although there is no evidence that this legislation has been enforced since the reforms.¹²⁶

Enforcement of cannabis-related rules and regulations has been extremely limited. While the DTAM reportedly conducts random inspections, it is constrained by a lack of manpower and limited transparency around the assessment criteria and the results of those inspections.

Mobilization of the public security apparatus for controlling the local cannabis market has also been limited. On 1 June 2022, a few days before the June 2022 reforms were introduced, four police officers arrested a woman in Chonburi province with a cannabis plant in her apartment, and the repercussions exacerbated the tensions between public health and public security officials. The four officers were suspended,¹²⁷ and interviews with key stakeholders corroborate media reports that police have since been extremely cautious about enforcing cannabis laws and policies.¹²⁸ Specifically, the Royal Thai Police is reported to have declined to take action,¹²⁹ particularly given the lack of clarity regarding the legal status of different cannabis products.¹³⁰

The most visible impact of the reforms on the public security apparatus came through the Department of Corrections, which, on 9 June 2022, declared that it would immediately release 3 071 prisoners serving sentences for cannabis-related offences and that sentences would be reduced for an additional 1 004 prisoners. Reports indicate that prisoners convicted for illicit cannabis cultivation even had their seized equipment returned to them, implicitly encouraging them to go from behind bars back into the market.¹³¹ Criminal cases related to cannabis pending investigation have also reportedly been dropped, and arrest warrants issued for cannabis use have been revoked.¹³² Four out of every five prisoners in Thailand were incarcerated for drug-related crimes in 2020,¹³³ and the prison population was 339% above official capacity at the end of 2018.¹³⁴

The government's liberalization of recreational cannabis has been perceived by some as a positive sign that Thailand's drug policies are aligning with more evidence-informed and rights-based approaches. Some respondents – some Thai, most foreigners – saw the reforms as an incremental step forward for drug policy reform.¹³⁵ However, the majority of respondents for this research project did not perceive the cannabis reforms as being linked to or resulting from drug policy advocacy or efforts from drug policy reform advocates. One respondent found the suggestion preposterous, highlighting that the government's repressive approach to drugs remained in place.¹³⁶ Indeed, in January 2023, then Public Health Minister Charnvirakul proposed drastically reducing the possession threshold for being considered a dealer – with significant legal repercussions – from 15 to two *yaba* tablets.¹³⁷ On the eve of the 2023 general elections, virtually every political party in the running had publicly vowed to recriminalize cannabis if elected to power.¹³⁸

In fact, the government's stated objectives had been unclear and confusing from the outset. Representatives have presented the reforms as a primarily economic venture, with particular benefits for rural farmers and tourism,¹³⁹ and the vast majority of respondents perceived that economic objectives motivated the reforms. A nationwide survey reports that 80% of respondents agreed or strongly agreed that the cannabis industry would benefit the economy.¹⁴⁰ Many respondents also noted that the reforms were part of 'political games' to attract votes.

In parallel, MOPH representatives have touted public health benefits as a key goal. 'The main goal of weed legalization is still for medicinal benefits, to boost the economy and wellness,' the Prime Minister's spokesperson told reporters on 29 June 2022.¹⁴¹ Multiple interview respondents – particularly public health representatives and people who use cannabis – believed that the government's motivation was to improve public health and quality of life.¹⁴² However, market positioning, economic recovery post-COVID and economic interests are likely to have had a more significant impact on policy directions and decisions within the MOPH.

Government officials presented the reforms as a strategy to stimulate the economy, but then frowned upon a recreational market that is likely larger and more financially appealing than the medical cannabis market. Indeed, officials have been publicly ambivalent, failing to distinguish between medical tourism and recreational use.

A cannabis street vendor in Bangkok. Since the reform, moves by the Department of Thai Traditional and Alternative Medicine to regulate the rapidly growing market have been described as having limited impact. © Dimas Ardian/Bloomberg via Getty Images



Charnvirakul made clear statements discouraging recreational cannabis use: 'We legalized cannabis for medical use and for health, [and] usage beyond this are [sic] inappropriate [...] and we need laws to control it,' he declared in mid-June 2022.¹⁴³ Charnvirakul added: 'If [tourists] come for medical treatment or come for health-related products then it's not an issue but if you think that you want to come to Thailand just because you heard that cannabis or marijuana is legal ... [or] come to Thailand to smoke joints freely, that's wrong. Don't come. We won't welcome you if you just come to this country for that purpose.'¹⁴⁴ The dissonance between the stated goals of the reforms, the content of the policy instruments and the operations of the market are clear.

There are now fewer controls on the recreational market than on the medical cannabis market, exposing consumers to lower quality product and vendors and growers to chemical toxins. In addition, the medical cannabis market has to compete with the recreational cannabis market, driving down the value of products on both markets, and undercutting the profitability and sustainability of the medical market. More importantly, both these legal markets risk being undermined by the influence of criminal actors and illegally imported cannabis. While economic and health objectives may appear to be pulling the markets in different directions, they both require regulations to stifle and control the impact of the illicit cannabis market.

Neighbouring countries have viewed the cannabis reforms adopted in Thailand with caution.¹⁴⁵ Media reports indicate that the governments of China and Singapore have issued warnings to their citizens travelling to Thailand, advising them to avoid consuming cannabis while travelling and against bringing cannabis products home.¹⁴⁶ Inspections and drug testing have been scaled up at Singapore's Changi airport as a direct consequence of the cannabis reforms in Thailand,¹⁴⁷ including the introduction of state-of-the-art saliva test kits to better detect consumers.¹⁴⁸ However, other countries in the region, such as Hong Kong, Malaysia and South Korea, have stated their interest in importing medical cannabis once Thailand can export certified products.¹⁴⁹ In January 2023, Lao PDR decriminalized cannabis production for medical purposes, largely relying on the Thai model.¹⁵⁰



IMPACT ON ORGANIZED CRIME

The legislative reforms introduced in June 2022 have had an impact on the different actors involved in the cannabis market. Research findings suggest that the reforms have had a limited negative impact on the illicit market. Many consumers continue to procure from illicit and/or unregistered sources. Dispensary operators may be knowingly or inadvertently purchasing from unregistered local growers and vendors, and/or purchasing and selling illegally imported cannabis. Criminal actors appear to have benefited from greater opportunities to gain a formal foothold in the licit supply and retail market through the licensing process.

The analysis shows that there are four distinct but interconnected cannabis markets in Thailand:

- the local illicit market, which was established even before the passage of the 1934 Cannabis Act, and was the main market for cannabis product until the reforms;
- the international illegal market, which is intrinsically linked to the local one and through which cannabis products are traded across national boundaries;
- the local medical cannabis market, established in 2019, which was initially dominated by state agencies and is integrated into the national health system; and
- the local licit recreational cannabis market, recently established in June 2022.

The research further shows that the four markets 'bleed' into one another, converging on the recreational cannabis market: the medical cannabis market leaks a supply disqualified for medical use; unlicensed local growers can easily sell their product to dispensaries; and vendors can purchase illegally imported cannabis.

Given the level of integration within the national health system, stringent guidelines and quality standards, the medical cannabis market is likely to be more resilient to the influence of the other markets: illegal growers and vendors are likely to find it more difficult to supply hospital clinics. In contrast, there are few regulations to control the local recreational cannabis market and the limited public security enforcement has created further opportunities for illicit actors to operate registered dispensaries, potentially allowing them to expand their revenues, diversify their holdings and reduce their operational risks while gaining legitimacy.

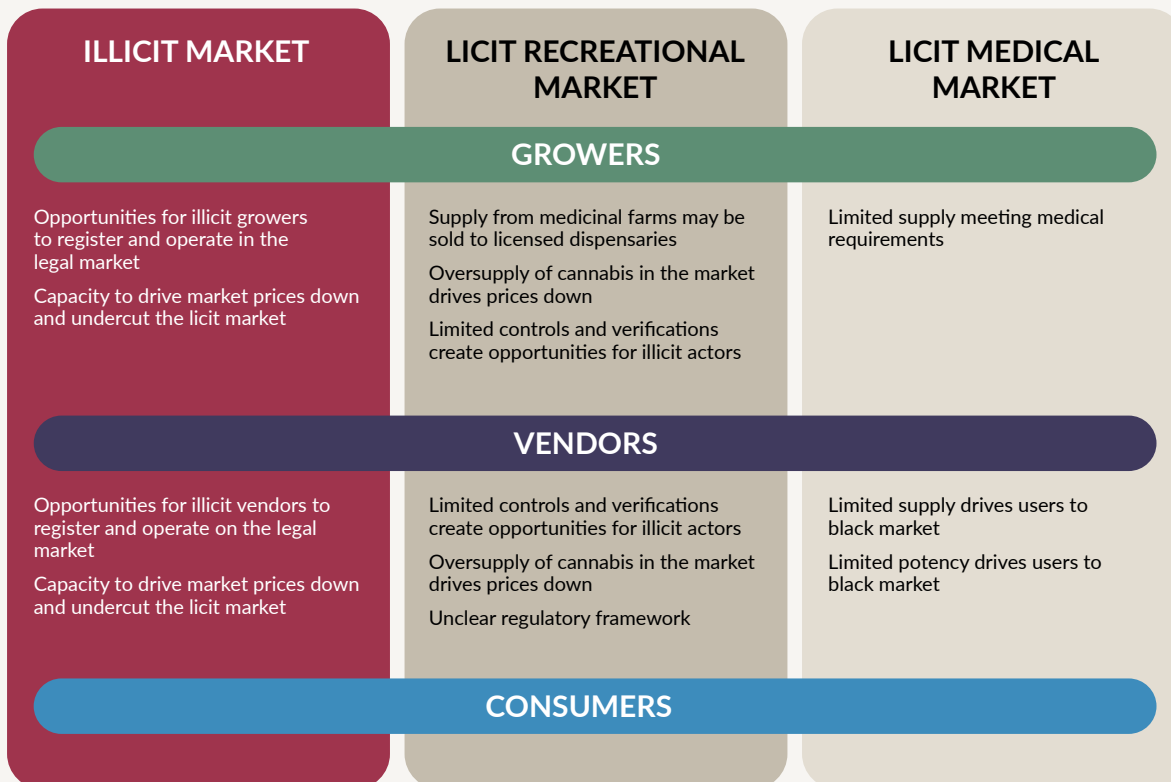


FIGURE 4 Thailand's cannabis markets remain poorly regulated.

Cannabis market liberalization requires the guiding hand of the Thai government. While many of the regulations and controls imposed by government agencies have focused on protecting public health by preventing access among certain potential consumer groups, findings from this research suggest that Thai authorities have, so far, paid little attention to the impact of the reforms on organized crime and criminal actors.

The missing objective

Throughout the reforms, the Thai government did not explicitly pursue specific or general objectives to control, reduce or eliminate the illicit cannabis market, or to regulate, exclude and punish illicit actors who undermine the licit markets. The objectives of the reforms – driven by a combination of economic, public health and political motivations – have been vague, fuelling confusion and dissonance across the local cannabis markets. With no clear overarching strategy to manage the markets, it is not surprising that there are few controls or regulations to effectively prevent encroachment of the illicit market.

Not a single respondent identified reducing or eliminating the illicit market or reducing the influence of criminal actors as goals of the reforms. Meanwhile, cannabis reforms in other jurisdictions have explicitly sought to address this issue as a priority. In Canada, one of the three priority objectives of the cannabis reforms was to keep profits out of the hands of criminal networks.¹⁵¹ In Colorado, the ultimate goal of the reforms was to reduce the influence of and eventually eradicate illicit actors

from the cannabis market.¹⁵² In the Netherlands, the ‘coffeeshops’ introduced decades ago were specifically designed to reduce cannabis consumers’ contact with organized crime and illicit actors, a strategy known as segregation of markets.¹⁵³ And in Uruguay, the main objective of the initial reforms was to reduce the influence of narcotraffickers on licit markets, as well as on government agencies.¹⁵⁴

Despite their efforts, authorities in those jurisdictions have not been able to achieve their goals: up to 40% of cannabis consumers in Canada,¹⁵⁵ 40% to 60% in Colorado,¹⁵⁶ and just below 80% in Uruguay¹⁵⁷ reportedly continue to purchase cannabis from the illicit market despite the presence of a well-established and regulated legal cannabis market. In the Netherlands, ‘coffeeshops’ continue to purchase their supply for legal sale from criminal actors (known as the backdoor problem).¹⁵⁸ The proportion of Thai cannabis consumers who continue to source plant products from the illicit market is unknown, and the current market structure – with the different cannabis markets bleeding into one another – is likely to make that assessment even more challenging.



The Thai government has not succeeded in controlling effectively the liberalized cannabis market since reforms, with risk that illicit market forces will encroach.

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CONCLUSION AND RECOMMENDATIONS

In the months after the Thai government introduced legal reforms in June 2022 that de facto legalized recreational cannabis, the proliferation of investors, growers, vendors and users in this market has been visible across Thailand. The rapid spread of cannabis retail outlets combined with piecemeal controls and regulations triggered public condemnation, although the debate about cannabis in Thailand has taken a backseat amid the formation of a new government.

The research for this paper showed that the licit and illicit cannabis markets bleed into each other and that limited safeguards and regulations were adopted by government authorities to control those interactions across the cannabis markets in Thailand. Analysis suggests that the controls implemented by Thai authorities have focused on controlling access to recreational cannabis, instead of controlling market dynamics. So far, little attention has been given to the implications for organized crime, and there appears to be significant dissonance between stated policy goals, policy content and policy operationalization. This has sowed confusion, but also opened opportunities for encroachment by illicit actors.

Vociferous critics are calling for the recriminalization of cannabis. However, Charnvirakul had indicated before ending his tenure at the health ministry that undoing the reforms would be problematic, if not impossible: 'If you ask me, I have to say it cannot be turned into an illegal drug again. There are too many businesses, farmers, consumers, medical patients, doctors and more relying on the plant for their health and their income.'¹⁵⁹

Reversing course would indeed be very challenging, but the risks of recriminalization are increasingly significant: during the first round of interviews in December 2022, the majority of respondents saw little likelihood of recriminalization, but the majority of interview respondents from April and May 2023 indicated that they were very concerned about this possibility. It appears increasingly likely that the new coalition government will attempt to reschedule cannabis under the Narcotics Act.¹⁶⁰ Incoming Prime Minister Srettha Thavisin's intervention in late September announcing that only the medical market should remain legal corroborates that expectation. However, given the nature of the incoming coalition and deep divisions across the political spectrum, the new government's ability to push this policy reversal through is questionable. It would be globally unprecedented for Thailand to walk back the cannabis reforms – no country has ever decriminalized a product and recriminalized it thereafter – and it would probably cause substantial negative economic ramifications.

Given the absence of a legal precedent, the exact consequences are difficult to anticipate. With the cannabis reforms, the Thai government essentially rolled out a red carpet for local and foreign businesses, growers and vendors to invest. That strategy worked; the market is in full bloom and thousands have invested in it.

The Thai government now sits on a gold mine of individual and organizational data, which raises concerns about how this data could be used to facilitate investigations, arrests and seizures in the event of recriminalization. Growers and vendors could lose their investments and wake up as criminals in the coming weeks or months. Consumers could once again end up behind bars for growing a few plants or for smoking a joint. Charnvirakul, in his new role heading the interior ministry, is aware of these implications.¹⁶¹

Given the legal status of recreational cannabis, this persisting uncertainty will clearly increase volatility across the cannabis markets in Thailand for the foreseeable future. Regardless of the views on the benefits and drawbacks of the use of cannabis for recreational purposes, there is a clear need to better understand the impact of the reforms on the illicit market and organized crime and to introduce regulations to manage as well as prevent identified risks.

Recommendations

The following recommendations have been drawn from the results of this research project to support, inform and guide relevant stakeholders – particularly Thai government representatives – as they discuss and plan the next steps to manage the cannabis markets in Thailand. They are aimed specifically at reducing the prevalence and impact of the illicit market.

- Develop an overarching cannabis market management strategy that recognizes and addresses the plurality of cannabis markets in Thailand. Include an explicit objective on reducing the illicit market and the influence of criminal actors in the national cannabis market management strategy.
- Conduct representative studies to identify where and how the different markets bleed into one another. Work with independent experts to conduct rigorous studies to explicitly document the impact of the reforms on the four cannabis markets, and how users, growers, vendors and illicit actors have been affected across these markets.
- Develop a differentiated strategy to monitor the cannabis market, with public health agencies supervising the operations of dispensaries and public security agencies working upstream to reduce the availability of illicitly imported cannabis products.
- Implement nationwide public education campaigns about cannabis to ensure a common understanding grounded in scientific evidence – as opposed to moral imperatives – and sustain effective debates about cannabis, drug use in general and harm reduction.
- Engage key stakeholders – government agencies, civil society organizations, academics, and corporate representatives from the public health, public security, agriculture and other relevant sectors – in dialogue and discussions about the future of cannabis in Thailand.
- Engage with representatives from other jurisdictions where cannabis reforms have been implemented to learn about the mechanisms and strategies that are designed to control, reduce and eliminate the influence of criminal actors and organized crime, and how to integrate those strategies in Thailand's cannabis management plan.



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