

National Food Committee Act 2008

BHUMIBOL ADULYADEJ, REX

Given on the 31st day of January B.E. 2551

Being the 63rd year of the Present Reign

By Royal Command of His Majesty King Bhumibol Adulyadej, it is necessary to enact a National Food Committee Act.

This Act contains provisions relating to the legal restriction of the rights and liberties of citizens as prescribed in Sections 29, 41 and 43 of the Constitution of the Kingdom of Thailand.

His Majesty, therefore, granted His Royal consent to enact a National Food Committee Act in accordance with the recommendations and consent of the National Legislative Assembly. This Act contains the following provisions.

Section 1. This Act shall be called the “National Food Committee Act B.E. 2551 (2008)”

Section 2. This Act shall come into force on and from the day following its publication in the Government Gazette.

Section 3. The terms and definitions in this Act are as follows.

“Food” means edible items as stated in the Food Law.

“Food Chain” refers to the food production cycle, which covers raw materials, production, cultivation, culture, cutting, harvesting, processing, transporting, cooking, assembly, packaging, storage, trade and the distribution of foods to consumers, including food import, transit and export.

“Food Quality” means food that has appropriate physical properties, composition and nutritional value.

“Food Safety” means the management process required to make food and agricultural products safe for consumption and without contamination, according to the Food Law and other relevant laws. Food products deemed unsafe are those that have the

following characteristics:

- (1) Foods containing pathogenic microorganisms or harmful material contamination.
- (2) Foods contaminated with chemical substances at harmful levels, as deemed by relevant laws, including those substances that may accumulate in the body, cause illness or lead to a deterioration in health.
- (3) Foods produced through unsanitary production methods, cooking, packaging, transport or storage practices.
- (4) Foods obtained from unhealthy animals or animal parts containing zoonotic diseases.
- (5) Foods produced, cooked or assembled from animals and plants, or their parts, that contain harmful levels of hazardous chemical substances, medicines or antibiotic residue.
- (6) Foods packed in containers made from materials hazardous to human health.

“Food Security” means that each citizen has access to an adequate supply of food that is safe and is nutritionally suitable for all ages. Food security also means that food supplies have suitable, balanced production cycles that are appropriate for the ecosystem and the natural resources needed for national food production under normal circumstances, as well as during natural disasters or terrorist attacks related to food.

“Food education” means researching, developing and promoting appropriate knowledge, awareness and behaviors associated with the food production chain and food consumption.

“Committee” means the National Food Committee.

Section 4. The National Food Committee shall be composed of the following persons and their positions.

- (1) The Prime Minister, or Deputy Prime Minister assigned by the Prime Minister, will serve as the Committee Chairperson.
- (2) The Committee will include the following members: Minister of Defense, Minister of Finance, Minister of Foreign Affairs, Minister of Social Development and Human Security of Thailand, Minister of Agriculture and Cooperatives, Minister of Commerce, Minister of Interior, Minister of Science and Technology, Minister of Education, Minister of Public Health, Minister of

Industry, Secretariat of the National Economic and Social Development Board, Secretariat of the National Security Council, Secretariat of the Consumer Protection Board and Secretariat of the National Health Committee.

(3) The Cabinet will appoint seven well-known and knowledgeable experts on food quality, food safety, food security, food education, law and other related issues. These experts will have over 10 years experience in their respective fields.

(4) The Secretariat of the Food and Drug Administration will serve as Assistant Secretary of the Committee. The Director of the National Bureau of Agricultural Commodity and Food Standards will serve on the Committee as Joint-Secretary.

One officer from the Ministry of Public Health, appointed by the Permanent Secretary of the Ministry of Public Health, as well as one officer from the Ministry of Agriculture and Cooperatives, appointed by the Permanent-Secretary of the Ministry of Agriculture and Cooperatives, will serve as Assistant Secretaries.

Section 5. Committee members noted in Section 4 (3) shall possess adequate qualifications and shall have the following characteristics:

- (1) possess Thai nationality;
- (2) not less than forty years of age;
- (3) not a political official, political position holder, councilor, local governmental official, committee member or administrator of a political party or officer of a political party;
- (4) not incompetent or a quasi-incompetent person;
- (5) not declared bankrupt or participated in bankruptcy fraud;
- (6) not been imprisoned by a final court judgment or is awaiting the serving of a sentence, except for offences concerning negligence or petty offences;

Section 6. Committee members noted in Section 4 (3) shall hold their positions for one four year term, starting from the date of appointment; they shall not hold their positions for more than two consecutive terms.

(3) has not been appointed, the retiring Committee member shall remain in position until a new member has assumed the position, but not for longer than 90 days since expiry of the out-going

Committee member's term. If a Committee member vacates his/her position before his/her term expires, a new appointment shall be made within 90 days of the vacancy. The new Committee member shall hold his/her position for a term equal to the remainder of the term of the vacated position. If the term of vacancy is less than 90 days, a new appointment may not be made, and the remaining Committee members shall continue the Committee's duties. Section 7. Apart from a term's expiry, a qualified member of the Committee shall vacate his/her position upon: (1) death; (2) resignation; (3) dismissal by the Minister; (4) not possessing adequate qualifications or those characteristics prescribed in Section 5. Section 8. Committee meetings shall be attended by not less than half of the total number of Committee members in order to form a quorum. If the Committee's Chairperson does not attend the meeting, or the Chairperson is unable to perform his/her duty, the Committee members present at the meeting shall elect one member to serve as Acting Chairperson for that meeting. Committee decisions will be made by majority vote. Each member shall have one vote. In the case of a tie, the Chairperson of the meeting shall have an additional casting vote. There shall be not less than two Commission meetings per year. Section 9. The Committee shall be empowered to appoint an Ad hoc Committee or one or more Sub-Committees to conduct any tasks as assigned by the Committee. The Ad hoc Committee shall be empowered to appoint a Sub-Committee or working group to conduct any tasks as assigned by the Ad hoc Committee.

The provisions under Section 8 above shall also apply to meetings of the Ad hoc Committee or Sub-committee mutatis mutandis.

Section 10. The Committee shall have the following powers and duties.

- (1) Authority to propose food quality, food safety, food security and food education policies and strategies, including emergency plans and a food alert system, to the Cabinet for approval and assignment of responsible agencies.
- (2) Create or promote the development of policies and strategies on food quality, food safety, food security and food education in an ongoing manner and with the participation of all involved sectors.
- (3) Provide advice on the Declaration according to Section 12.
- (4) Provide opinions and recommendations to other organizations in order to resolve issues related to food quality, food safety, food security and food education.
- (5) Control, monitor and evaluate the outcomes of policies and strategies prescribed in (1) above, and to administrate, to solve problems and to report to the Cabinet on operational issues according to the laws or regulations of respective government organizations concerned with food quality, food safety, food security and food education.
- (6) Implement other actions as prescribed in this Act, other laws or those assigned

by the Prime Minister or Cabinet.

Section 11. To conduct the duties prescribed in Section 10, the Committee shall have the power to request Ministries, Bureaus, Departments, Local Governmental Organizations, State Enterprises, Juristic Persons or any person to provide academic, statistical, management or other information assistance related to creating food quality, food safety, food security and food education policies and strategies. The Committee also shall have the power to issue a written order summoning any person to give facts, statements or opinions for consideration, as necessary.

Section 12. During serious and emergency situations including disasters, public endangerment or terrorist activities related to food, the Prime Minister, with recommendations from the Committee and the consent of the Cabinet, shall have the power to declare any given area as a temporally restricted area for food security purposes, as well as the power to specify regulations, procedures and conditions on utilizing that area. The Declaration will contain a map of the restricted area.

The Declaration shall be undertaken as necessary to achieve specific objectives, but with the least amount of adverse impact to the owner, tenant or user(s) of that area.

The Declaration shall be in force for not more than one year after the date of its enactment, and it shall be extended for not more than one year at a time in cases where serious and emergency threats persist. The Declaration shall be posted at the following locations.

(1) Office of the organization prescribed in Section 15 paragraph 3.

(2) The Bangkok Metropolitan Administration, District Office, Branch District Office, City Hall, Office of the Sub-district Headman, Office of the Village Headman where the declared restricted area is located, whichever the case may be.

(3) The Bangkok Metropolitan Land Office and Bangkok Metropolitan Land Branch Office or the Provincial Land Office and Provincial Land Branch Office and the District Land office where the declared restricted area is located, whichever the case may be.

Section 13. In a restricted area as described in Section 12, all persons are prohibited from utilizing the area or conducting any activities in the area that violate the regulations,

procedures and conditions prescribed in the Declaration.

Section 14. Whoever violates Section 13 shall be punished by imprisonment for not more than two years or a fine of not more than forty thousand baht, or both.

Section 15. Within a period of ninety days from the date of this Act's enforcement, the Committee prescribed in Section 4 (4) shall choose candidates who possess suitable qualifications and shall not possess the prohibited characteristics as prescribed in Section 5. In order to become Committee members as prescribed in Section 4 (3), candidates will be wellknown, knowledgeable and have over 10 years experience in the areas of food quality, food safety, food security, food education, law or other related fields. The candidate list shall have twice the number of persons to the number of Committee member positions as prescribed in Section 4 (3). The Committee Chairperson will submit the candidate list to the Cabinet for selection and appointment to the Committee as prescribed in Section 4 (3) afterward.

The provisions in the first paragraph shall apply in cases when terms expire as noted in Section 4 (3) or become vacant before term expiration mutatis mutandis.

When the Committee Secretary is absent, the Food and Drug Administration or another organization assigned by the Cabinet shall act as Secretary to the Committee, Ad hoc Committee, Sub-Committee and working group until the Secretary is available.

Section 16. The Prime Minister shall be in charge of and control this Act and shall have the power to prescribe ministerial orders and notifications for the purposes of enforcing the provisions of this Act.

Ministerial orders and notifications shall come into force upon their publication in the Government Gazette.

Countersigned by General Surayud Chulanontas as Prime Minister