

ANIMAL FEED QUALITY CONTROL ACT
B.E. 2558

BHUMIBOL ADULYADEJ REX.

Given on the 3rd Day of March 2015

Being the 70th year of the present reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that,
Whereas it is deemed expedient to revise the law on animal feed quality control,
His Majesty the King has this act decreed with the advice and consent of the National
Assembly as follows:

Section 1 This Act is called the “Animal Feed Quality control Act, B.E. 2558”.

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

Section 3 The following acts shall be repealed:

- (1) The Animal Feed Quality Control Act, B.E. 2525
- (2) The Animal Feed Quality Control Act (No. 2), B.E. 2542

Section 4 In this Act,

“Animal feed” means

- (1) material intended for use or animal feeding by eating, drinking, licking or
entering into animal body by any method or
- (2) material intended for use with or as a mixture in the production of animal feed;

“Especially controlled animal feed” means the animal feed that have impact on the economy or society or may be harmful to animals or may affect meat consumers as a whole. The production or importation of such animal feed for sale must be registered accordance with the notifications prescribed by the Minister with the advice of the Animal Feed Quality Control Committee;

“Produce” means manufacture, mix, alter the state, flavor, alter the form or repack;

“Sell” means distribute, dispose of, give or exchange for commercial benefits, including possess for sale;

“Import” means bring or order into the kingdom;

“Export” means bring or send outside the kingdom;

“Container” means any material used specifically for packing or wrapping animal feed;

“Label” covers picture, imprint or any statement displayed on animal feed container;

“Licensee” means a person whose license is granted under this Act; in case of licensee who is a juristic person, it shall also means a person appointed by the juristic person to carry out its operation;

“Licensor” means the Director-General or a person designated by the Director-General;

“Committee” means the Animal Feed Quality Control Committee;

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

“Director-General” means the Director-General of the Department of Livestock Development;

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

Section 5 The Minister of Agriculture and Cooperatives shall have charge and control of the execution of this Act and shall have power to appoint competent officials, issue Ministerial Regulations prescribing fees not exceeding the rates annexed hereto, to grant fee exemption, to prescribe other activities, and to issue notifications for the execution of this Act.

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

Section 6 For the benefit of animal feed quality control, the Minister shall, with the advice of the Committee, have power to issue notifications on the following matters:

(1) name, category, type, characteristic, quality or standard of especially controlled animal feed as well as the rules, procedures and conditions of the production for sale, importation for sale or the sale of the said especially controlled animal feed;

(2) name, category, type, characteristic, quality or standard of animal feed that is not the especially controlled animal feed in (1), including the rules, procedures and conditions of the production for sale, importation for sale or the sale of such animal feed;

(3) name, category, type or characteristic of the animal feed whose production, importation or sale is prohibited. Prohibition conditions may also be prescribed;

(4) name, category, type, characteristic or attributes of prohibited material in animal feed mixture;

(5) quality or standard of the equipment or facilities for the production for sale of animal feed, container, prohibited material in container, the use of animal feed container for sale, and the storing of such animal feed;

(6) designation of any place in the kingdom as a checkpoint of imported/exported animal feed;

(7) qualifications, rules and procedures for the appointment of expert committee members under Section 9.

Section 7 Producers and importers of animal feed for sale or sellers of animal feed in Section 6 (2) must comply with the rules, procedures and conditions for the production and importation for sale or the sale of such animal feed.

Section 8 Producers of animal feed for sale must employ equipment or facilities of good quality and standard for the production of animal feed, and shall store animal feed in accordance with the notification issued by the Minister under Section 6 (5).

Sellers must store animal feed in accordance with the notification issued by the Minister under Section 6 (5).

CHAPTER I

Animal Feed Quality Control Committee

Section 9 There shall be a committee titled the "Animal Feed Quality Control Committee" consisting of the Permanent Secretary of the Agriculture and Cooperatives Ministry as Chairman, the Director-General of the Department of Livestock Development as Vice-Chairman, and the Director-Generals of the Department of Internal Trade, Department of Fishery, Department of Agriculture and the Department of Customs as well as the Secretary-General of the Food and Drug Administration and the Secretary-General of the National Bureau of Agricultural Commodity and Food Standards as committee members (by position). Another five expert committee members shall be appointed by the Minister; one representatives from of the cooperative organizations, two representatives from the legitimate agriculturalist groups, and another two representatives from business operators in the animal feed industry.

The Secretary-General of the National Bureau of Agricultural Commodity and Food Standards shall be a member and the secretary of this Committee.

Section 10 The expert members of the Committee shall serve a term of two years each.

In the event where an expert member of the Committee vacates office before the expiration of his or her term, the Minister may appoint a replacement expert member who shall hold office for the remaining term of the member he or she replaces.

At the completion of the term of office prescribed in paragraph one, if a new committee member has not been appointed, the out-going member may be re-appointed to continue their duties until the newly appointed member takes up his or her office.

The expert committee member, who vacates office at the completion of his or her term of office, may be reappointed but for not more than two consecutive terms.

Section 11 In addition to the expiration of the term of office, an expert member of the Committee may vacate office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Minister for reason of incompetence in the performing of duties, gross misconduct or lack of ability;
- (4) being a bankrupt;
- (5) being an incompetent or a quasi-incompetent person;
- (6) having been sentenced by a final judgment to a term of imprisonment, except for an offense committed through negligence or petty offense.

Section 12 The Committee shall have power and duty to advise or give opinion to the Minister or the Director-General, as the case may be, on the following matters:

- (1) issuance of notification under Section 6;
- (2) consideration of appeals under Section 26, Section 40 or Section 50;
- (3) suspension of license under Section 46 or revocation of licenses under Section 48;
- (4) control of animal feed quality as entrusted by the Minister or as requested by the Director-General.

Section 13 The quorum of the committee meeting shall consist of not less than one-half of the total number of committee members.

In the event where the Chairman is absent or unable to perform his or her duties at a committee meeting, the Vice-Chairman shall preside over the meeting instead. If both the Chairman and Vice-Chairman are absent or unable to perform their duties, the meeting shall select one of the attending members to preside over the meeting.

Meeting decisions shall be made by a majority vote. Committee members shall have one vote each. In the event of a tie vote the presiding member shall have a second and casting vote.

Section 14 The Committee may appoint a subcommittee for the deliberation or execution of the matters entrusted by the Committee.

Section 13 shall apply, *mutatis mutandis*, to the subcommittee meetings.

CHATER II

License Application and Issuance

Section 15 Any person, who wishes to produce or import for sale an especially controlled animal feed under Section 6 (1), shall have to apply for a relevant license and shall begin producing or importing for sale the said especially controlled animal feed only after such license has been granted by the licensor.

The application and issuance of a license under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

The licensee under paragraph one must also comply with the rules, procedures and conditions for the production or importation for sale of the especially controlled animal feed prescribed by the Minister under Section 6 (1).

Section 16 Any person who has already produced or imported for sale an especially controlled animal feed prescribed in a notification issued under Section 6 (1), prior to the date that the said notification comes into force, and wishes to continue the operation must apply for a relevant license within thirty days of the date that the said notification comes into force. After having submitted an application within the prescribed time period, the applicant may continue the operation until there is a refusal order. Licensees who have already been granted a license to produce or import for sale do not have to reapply for another license.

Section 17 Any person, who wished to sell an especially controlled animal feed under Section 6 (1), shall have to apply for a license and shall sell the said especially controlled animal feed only after such license has been granted by the licensor.

The application and issuance of a license under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

Licensees under paragraph one must also comply with the rules, procedures and conditions for the sale of the especially controlled animal feed prescribed by the Minister under Section 6 (1).

Section 18 Any person who has already sold an especially controlled animal feed prescribed in a notification issued under Section 6 (1), prior to the date that such notification comes into force, and wishes to continue the operation must apply for a relevant license within thirty days of the date that the said notification comes into force. After having submitted an application within the prescribed time period, the applicant may continue the operation until there is a refusal order. Licensees who have already been granted a license to sell at the time do not have to reapply for another license.

Section 19 Upon receiving an application under Section 15, Section 16, Section 17 or Section 18, the licensor shall consider and grant a license or shall notify the applicant in writing the reasons for application refusal within forty-five days of the date of receipt of the application with correct and complete details.

In case of necessity where the licensor cannot grant a license or cannot notify an application refusal within the prescribed time period in paragraph one, an extension may be granted for a period of thirty days each but not more than two extensions. The applicant must be informed in writing of the extension and the reasons thereof prior to the end of the prescribed period in paragraph one or the end of the extended period, as the case may be.

Section 20 The licensor shall grant a license to produce, import or sell of especially controlled animal feed when it appears that the applicant:

(1) is the owner of the operation applying for a license;

(2) is not less than twenty years of age;

(3) resides in Thailand;

(4) is not a bankrupt;

(5) has never been sentenced by a final judgment or a lawful order to a term of imprisonment for an offense considered by the laws or by this Act to have an element of a crime, unless the applicant has completed the imprisonment term at least two years before the date of license application;

(6) is not a person of unsound mind, an incompetent or a quasi-incompetent person;

(7) possesses a production, importation, sale or storage facilities for especially controlled animal feed and equipment for the production, importation, sale or storage facility for especially controlled animal feed; has measures for the control and maintenance of especially controlled animal feed quality that comply with the characteristics and the amount prescribed in the ministerial regulations.

In the event where an applicant is a juristic person, a manager or representative of the juristic person who carries out the operation must possess the qualifications specified in (2) and (3), and must not possess the prohibited characteristics specified in (4), (5) or (6).

Section 21 The provisions of Section 15, Section 16, Section 17 and Section 18 shall not apply to:

(1) Ministries, Sub-Ministries, Departments or State enterprises engaging in the production or importation of especially controlled animal feed for the government interest;

(2) the production and importation for sale or the sale of especially controlled animal feed as an example for academic, registration or purchasing purposes;

(3) legitimate cooperatives or farmers' groups who produce especially controlled animal feed for their members or for farmers in their group.

Those who have been granted exemption under paragraph one must inform the licensor of such exemption and must comply with the rules, procedures and conditions prescribed by the Minister.

Section 22 Licenses are classified as follows:

(1) license to produce animal;

(2) license to import animal feed;

(3) license to sell animal feed.

The licensees under (1) shall also be the licensees under (3) for the specific especially controlled animal feed that they produce. The licensees under (2) shall also be the licensees under (3) for the specific especially controlled animal feed that they import.

Section 23 Licenses granted under Section 22 shall cover the employees or agents of a licensee.

Any act committed by an employees or agent, who is covered by the license under paragraph one, shall be considered an act committed by the licensee, unless the licensee is able to provide a proof that such act is committed beyond his or her knowledge or control.

Section 24 Licenses granted under Section 22 shall be valid for the following periods of time:

(1) a license to produce especially controlled animal feed shall be valid for three years from the date of issue;

(2) a license to import especially controlled animal feed shall be valid for one year from the date of issue;

(3) a license to sell especially controlled animal feed shall be valid until the end date of the calendar year in which the license was granted.

Section 25 Any licensee who wishes to renew his or her license shall submit an application before the expiry date of the license. After submitting the application, the licensee shall continue with the operation until the licensor refuses to renew the application. Whether a license renewal is granted or not, the application must be finalized within thirty days of the date of receipt of the application with correct and complete details.

The application and issuance of a license renewal shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

A licensee, whose license has expired not more than thirty days after its expiry date, may submit a license renewal and grace period application and may provide reasons for not being able to submit a license renewal application in time. The grace period application cannot be used to claim an exemption from Section 77 or Section 78, as the case may be.

Applying for a license renewal more than thirty days after its expiry date is not allowed.

Section 26 In the case where the licensor refuses to grant or renew a license, the applicant shall have the right to appeal in writing to the Minister within thirty days of the date of receipt of such refusal.

The decision of the Minister shall be final.

In the case where the licensor refuses to renew the license before the Minister makes a decision under paragraph two, the Minister shall have power to permit the licensee to continue operating upon the licensee's request.

CHAPTER III Duties of Licensees

Section 27 Licensees to produce especially controlled animal feed for sale shall comply with the followings:

(1) Provide signage in a conspicuous place, easily visible from outside the building, to indicate a place of production or storage of an especially controlled animal feed. Signage features, size and statement thereon shall be in accordance with the rules, procedures and conditions prescribed by the Minister.

(2) Store especially controlled animal feed separately from any item that may cause quality deterioration.

(3) Arrange to have the especially controlled animal feed, which is produced by the licensee, analyzed before leaving the place of production. Evidence and details of the analysis must be kept for inspection for no fewer than three years.

(4) Provide labels for the especially controlled animal feed. Display of labels and the statement thereon shall be in accordance with the rules, procedures and conditions prescribed by the Minister.

Section 28 For exportation benefits, producers shall produce especially controlled animal feed for export under the quality, standard, labelling or any other details prescribed by the buyer. However, such operations must comply with the rules, procedures and conditions prescribed by the Minister.

Sale of the especially controlled animal feed in paragraph one within the kingdom is prohibited.

Section 29 Licensees to import especially controlled animal feed shall comply with the followings:

(1) Provide signage in a conspicuous place, easily visible from outside the building, to indicate a place of importation or storage of an especially controlled animal feed. Signage features, size and statement thereon shall be in accordance with the rules, procedures and conditions prescribed by the Minister.

(2) Store especially controlled animal feed separately from any item that may cause quality deterioration.

(3) Obtain certificates issued by producers of the imported animal feed that bear the analysis details for each lot of imported especially controlled animal feed.

(4) Obtain certificates issued by a government unit in the country of production or by other agencies approved by the government unit in the said country. Such certificates shall be in accordance with the rules, procedures and conditions prescribed by the Minister.

(5) Provide labels for the especially controlled animal feed. Display of labels and the statement thereon shall be in accordance with the rules, procedures and conditions prescribed by the Minister.

Section 30 After establishing checkpoints under Section 6 (6), importers or exporters of imported or exported animal feed, as the case may be, shall bring their animal feed for inspection by competent officials at an animal feed checkpoint.

Inspection of animal feed by competent officials shall be in accordance with the rules, procedures and conditions prescribed by the Minister.

Section 31 Licensees to sell especially controlled animal feed shall comply with the followings:

(1) Provide signage in a conspicuous place, easily visible from outside the building, to indicate a place of sale or storage of an especially controlled animal feed. Signage features, size and statement thereon shall be in accordance with the rules, procedures and conditions prescribed by the Minister.

(2) Store the especially controlled animal feed separately from any item that may cause quality deterioration.

(3) Keep labels on the especially controlled animal feed containers prescribed in Section 27 (4) or Section 29 (5), as the case may be, complete and clearly visible.

(4) Maintain especially controlled animal feed containers in good conditions. Sale of the especially controlled animal feed is prohibited if its container is damaged.

Section 32 In case of loss, destruction or damage to a license in its essential part, the licensee can apply for a replacement license within fifteen days of the date that such loss, destruction or damage becomes known.

The application for and issuance of a replacement license shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulations.

Section 33 Licensees must display a license or a replacement license in a conspicuous and easily visible place at the place of production, importation or sale of especially controlled animal feed, as the case may be.

Section 34 Licensees who wish to relocate the place of production, importation, sale or storage of especially controlled animal feed, as the case may be, must notify competent officials of such relocation not less than fifteen days in advance.

The rules, procedures and conditions regarding license application and issuance under Section 15 and Section 17 shall apply, *mutatis mutandis*, to the relocation of a place of production, importation, sale or storage of the especially controlled animal feed in paragraph one.

CHAPTER IV

Registration of Especially Controlled Animal Feed

Section 35 Licensees in Section 15, who wish to produce or import any especially controlled animal feed, must bring the said especially controlled animal feed for registration with competent officials. They shall be able to produce or import the said especially controlled animal feed only after a certificate of registration for the said animal feed has been granted.

The application for and issuance of a certificate of registration for especially controlled animal feed shall be done in accordance with the rules, procedures and conditions prescribed by the Minister.

Section 36 After a notification prescribed in Section 6 (1) has been issued, licensees in Section 16, who has already been producing or importing especially controlled animal feed before such notification comes into force, must present the especially controlled animal feed to competent officials for registration within sixty days of the date that the notification has come into force or from the date of issuance of the license under Section 16, as the case may be. The applicant can continue to produce or import the said especially controlled animal feed until being informed by the licensor that a certificate of registration of the said especially controlled animal feed shall not be granted.

Section 37 Licensees to produce or import especially controlled animal feed must produce or import only the especially controlled animal feed indicated in the certificate of registration.

Section 38 Any amendment of the certificate of registration particulars is allowed only after a permission has been obtained from the competent officials.

The application for and permission to amend the certificate of registration particulars for especially controlled animal feed shall be in accordance with the rules, procedures and conditions prescribed by in the Minister.

Section 39 A certificate of registration of especially controlled animal feed shall be valid for an indefinite period of time unless it has been terminated or revoked.

Section 40 If it appears afterwards that a notification of changes under Section 6 (1) has been issued or that the especially controlled animal feed, with granted certificate of registration, has not been produced or imported for more than two years or that it may be harmful to animals, the Director-General shall have power to order an amendment, termination or revocation of the certificates of registration for especially controlled animal feed and to have such notification published in the Government Gazette.

Licensees whose certificate of registration for especially controlled animal feed has been terminated or revoked, because it has not been produced or imported for over two years or because it may be harmful to animals, are entitled to submit a written appeal to the Minister within fifteen days from the date of being notified of the fact.

The decision of the Minister shall be final.

Submission of an appeal under paragraph two shall not be used to stay the execution of the termination or revocation order of the certificate of registration for the especially controlled animal feed.

Section 41 In case of loss, destruction or damage to a license in its essential part, the licensee can apply for a replacement certificate of registration for especially controlled animal feed within fifteen days of the date that such loss, destruction or damage becomes known.

The application for and issuance of a replacement certificate of registration for especially controlled animal feed shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

CHAPTER V

Termination or Transfer of Business

Section 42 Any licensee, who wishes to terminate a business operation that has been granted a license under this Act, shall notify such termination to the licensor in writing and return the license and certificate of registration for such especially controlled animal feed. The said license and certificate of registration shall be considered expired from the date that such termination is notified.

In notifying business termination under paragraph one, the licensee shall specify the remaining amount of the especially controlled animal feed stock and its place of storage in accordance with the rules, procedures and conditions prescribed by the Minister.

Section 43 Any licensee, who has not applied for a license renewal or to whom the licensor refuse to grant a license renewal, must specify the remaining amount of the especially controlled animal feed stock and its place of storage within thirty days of the license's expiry date or from the date that the licensor refuses to grant a license renewal.

The notification required in paragraph one shall be given in accordance with the rules, procedures and conditions prescribed by the Minister.

Section 44 Licensees who have notified their termination of operation and who do not wish to renew the license or whose license renewal application was refused by the licensor, as the case may be, must sell the remaining amount of their especially controlled animal feed stock to another licensee or to a person deemed appropriate by the licensor within ninety days of the date of termination notice, the expiry date of the license or the date that the license renewal application was refused by the licensor. Nevertheless, the licensor may extend the said periods as deemed necessary but not more than ninety days.

After the period in paragraph one has passed and the licensees to sell, who still have in their possession the especially controlled animal feed stock that requires a license, are prohibited from selling the stock and shall destroy them within thirty days from the date that the prescribed period in paragraph one has passed. The licensees shall notify the licensor of its destruction in accordance with the regulations prescribed by the Director-General with the approval of the Committee.

The notification required in paragraph one shall be given in accordance with the rules, procedures and conditions prescribed by the Minister.

Section 45 Within ninety days of the death of a licensee, his or her successor or a person authorized by the successor shall inform the intention to continue the operation to the licensor. Upon obtaining a permission to do so the person who notified such intention shall continue operating until the expiry date of the license. The person who notified such intention shall be considered a licensee under this Act from the date that the original licensee passed away.

The notification of such intention shall be given in accordance with the rules, procedures and conditions prescribed by the Minister.

The provisions of Section 44 paragraph two and paragraph three shall apply, *mutatis mutandis*, in the event where the successor of the especially controlled animal feed licensee has not indicated his or her intention to continue the operation under paragraph one.

CHAPTER VI

Suspension or Revocation of Licenses

Section 46 When it appears that any licensee under Article 15 or Article 17 fails to comply with this Act or the Ministerial Regulation or the Notification issued under this Act, the licensor, with the approval of the Committee, shall have power to suspend the license of the said licensee for a period of not more than one hundred and twenty days at a time. But in the case where a licensee has been prosecuted for an offense under this Act, the licensor may suspend the license and await the final judgment of the Court.

The licensee whose license has been suspended must cease to operate the business in the license and shall not apply for any other license under this Act during the suspension period.

Section 47 The licensor has power to withdraw a license suspension order prior to its end date when it appears that the suspended licensee has duly complied with this Act or the Ministerial Regulation or the Notification issued under this Act.

Section 48 When it appears that a licensee has committed an offense under Section 56 (1) of this Act or has disobeyed the suspension order, the licensor, with the approval of the Committee, has power to revoke his or her license.

The licensee whose license has been suspended shall not apply for any other license under this Act until two years from the date of the license revocation order has elapsed.

Section 49 The license suspension or revocation order shall be issued and informed to the licensee in writing. In the event where the licensee cannot be found or refuses to accept such order, the said order shall be posted in a conspicuous and easily visible place at the location specified in the license. The licensee shall be considered notified of the said order as from the date of its posting.

Section 50 The licensee whose license has been suspended or revoked shall have the right to appeal in writing to the Minister within thirty days of the date of notification of such order.

The decision of the Minister shall be final.

The appeal under paragraph one shall not be considered a stay of the execution of the suspension or revocation order unless the Minister shall otherwise order.

Section 51 The licensee whose license has been revoked must sell the remaining amount of the animal feed, which is not the especially controlled animal feed under Section 56, in his or her possession to another licensee or to a person deemed appropriate by the licensor within ninety days from the date of being notified about the revocation order or the Minister's decision. The licensor may extend this period as deemed appropriate but the extension shall not exceed ninety days.

The provisions of Section 44 paragraph two and paragraph three shall apply, *mutatis mutandis*, in the event where the licensee whose license has been revoked is unable to continue the operation in paragraph one.

CHAPTER VII

Certificates

Section 52 For the best practice of animal feed management, the animal feed producer may request the licensor to issue a certificate of quality assurance for animal feed or any other certificate relating to animal feeds. Certificate applicant shall be responsible for the application fees.

Determination of the name, category or type of certificate of quality assurance for animal feed or any other certificate relating to animal feeds as well as the application or issuance of the certificate in paragraph one shall be in accordance with the rules, procedures and conditions prescribed by the Minister.

Section 53 The certificates issued under Section 52 shall be valid for the following periods of time:

- (1) Certificate of quality assurance for animal feed shall be valid for a period of three years from its date of issue.
- (2) Any other types of certificate relating to animal feeds beside the certificate in (1) shall be valid for single use only.

Section 54 The licensor has power to revoke the license under Section 52 when it appears that the certificate grantee does not comply with the rules, procedures and conditions prescribed by the Minister under Section 52 paragraph two.

Section 55 An application for certificate renewal must be submitted before its expiry date. After submitting such application, the applicant may continue to use the existing certificate until the renewal request is denied by the licensor. Approval or non-approval of the renewal request must be finalized within thirty days of the date of receipt of a request with correct and complete details.

The application or issuance of a certificate renewal shall be in accordance with the rules, procedures and conditions prescribed by the Minister.

CHAPTER VIII

Animal Feed Quality Control

Section 56 It is prohibited to produce or import for sale or to sell the following animal feeds:

- (1) Adulterated animal feed;
- (2) Deteriorated animal feed;
- (3) Animal feed that deviates from the standard;
- (4) Animal feed requiring registration that is not registered;

(5) Animal feed whose registration has been revoked by the Director-General;

(6) Animal feed prescribed by the Minister under Section 6 (3).

Section 57 Adulterated animal feed is:

(1) that animal feed in Section 6 (1) that contains any material other than those specified in the certificate of registration, except for any material that may occur naturally as prescribed by the Minister or

(2) the animal feed in Section 6 (2) that has been added, substituted or mixed with other material or the volume of its nutrients has been reduced.

Section 58 Deteriorated animal feed is the animal feed in Section 6 (1) or (2) that has the following characteristics:

(1) aged more than the indicated date on the label;

(2) contains material that may be toxic as a result of animal feed processing and may be harmful to animals, with the characteristics, types or amounts prescribed by the Minister;

(3) being packed in the prohibited containers under section 6 (5).

Section 59 Animal feed that deviates from the standard is the animal feed in Section 6 (1) or (2) whose quality or standard does not comply with those prescribed by the Minister.

Section 60 Licensees, importers or sellers shall not deny their liability on the claim that they are unaware that the animal feed in Section (1) or (2) is an adulterated or deteriorated animal feed, unless it can be proved that they have a reasonable cause to believe that the animal feed in question is not adulterated or deteriorated.

Section 61 For the benefit of proper quality control of the animal feed in Section 6 (1) or (2) and to ensure that it is hygienic and harmless to both animals and human consumers of animal products, the Director-General shall have power to:

(1) issue a written order requiring producers, importers or sellers of animal feed to improve the place of production or storage of animal feed;

(2) issue a written order requiring producers, importers or sellers of animal feed to refrain from producing, importing or selling the animal feed in Section 6 (1), which has been produced or imported without being properly registered or appears from a test result that it is the animal feed in Section 6 (1) or (2) and is unfit for animal feeding.

(3) announce the animal feed test results to the public when it is the animal feed in Section 56 or the animal feed packed in the prohibited container under Section 6 (5).

The announcement under (3) shall include the following statements:

(a) In the case where the producer or importer can be identified, the operator's name, place of operation as well as type and characteristics of the animal feed or its container must be specified. If such animal feed or container has a trade name or a production or importation lot number, the said trade name and production or importation lot number, as the case may be, must be specified;

(b) In the case where the producer or importer is not present and only the seller can be identified, the seller's name and place of sale as well as the type and characteristics of the animal feed or its container must be specified.

CHAPTER IX

Animal Feed Advertising

Section 62 Animal feed advertising shall not:

(1) indicate the benefit, quality, amount, standard, composition or place of origin of an animal feed that is false or exaggerated;

(2) include any statement that may cause any material misunderstanding relating to an animal feed.

Animal feed advertising shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

Section 63 Any person, who is in doubt about possible violation or non-compliance of its animal feed advertisement under this Act, may ask the licensor to consider and give opinion on it before advertising. In such event, the licensor shall have to give opinion to the requesting operator within thirty days from the date of submission of the request. If no opinion has been given within the prescribed time period, it shall be taken that an approval has been given by the licensor.

The licensor's consideration under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

If the facts of the have subsequently been changed, the opinion already given by the licensor under paragraph one shall not limit the licensor's power to reconsider the case and give a different opinion when there is a reasonable cause to do so.

Any action implemented on the basis of the opinion provided by the licensor under paragraph one shall not be considered a criminal offense.

Section 64 For the benefit of animal raiser, the Director-General shall have power to issue a written order on the following matters:

(1) To instruct producers, importers, sellers or advertisers to revise or cancel any animal feed advertisement considered to be a violation of Section 62.

(2) To place another advertisement to correct any misunderstanding that the previous advertisement may have caused among animal raisers.

(3) To instruct producers, importers, sellers or advertisers to cancel the production, importation, sale or advertising of an especially controlled animal feed that the Committee deems to be void of the quality or properties represented in the advertisement.

CHAPTER X

Competent Officials

Section 65 For the implementation of this Act, competent officials shall have the following power:

(1) To enter the place of production, sale, importation or storage of animal feed during their operating hours; to enter the place of animal husbandry between sunrise and sunset or to enter a vehicle containing animal feed where there is a reasonable cause to suspect that an offense under this Act has been committed;

(2) To examine animal feed, animal feed containers, documents or any item relating to animal feed as well as animal feed production or storage techniques;

(3) To take an adequate amount of any animal feed or any material suspected to be an animal feed as samples for the conduct of a test, examination or analysis;

(4) To search, confiscate or seize animal feed, animal feed containers, documents or any item relating to animal feed in accordance with the regulations prescribed by the Director-General.

(5) To summon any individual to give a statement or to submit important documents and evidence to competent officials or the Committee for consideration.

Section 66 In the performance of duties prescribed in Section 65, competent officials shall have to produce an identity card to a licensee or a relevant person.

The identity card in paragraph one shall be in the form prescribed by the Minister.

Section 67 In the performance of their duties under this Act, competent officials shall be the competent officials under the Criminal Code.

Section 68 The item confiscated or seized under Section 65 (4) shall become the property of the Department of Livestock Development when it appears that:

(1) an owner or any other person has not come forward to claim possession or ownership of the item within ninety days from the date of its confiscation or seizure;

(2) in the event where no prosecution has been filed and neither the owner nor the possessor of the said item has reclaimed it within ninety days from the date when it is known that there will be no prosecution or from the date that the Court passes its final sentence;

(3) in the event where a prosecution has been initiated and the public prosecutor attorney has decided not to prosecute the case or the Court has ordered a forfeiture of the item within ninety days from the date of no-prosecution order or the date that the final judgement has been passed by the Court, as the case may be.

Section 69 If the confiscated or seized item under Section 65 (4) is perishable or is close to its expiry date or is at risk of damage or is the item whose maintenance cost will exceed its true value, the competent official, with an authorization by the Director-General, shall sell it at an auction before it is confiscated by the Department. The net auction sale income, minus all expenses and charges, shall be confiscated in lieu of the item and the money shall be deposited into an account with a government bank.

Section 70 When it appears to the competent official that any producer, importer or seller of an animal feed has violated or failed to comply with this Act, the competent official shall have power to order that person to cease the act of violation or to correct or revise or to act properly. In such case, if there is a reasonable cause, the competent official shall order that person to re-export the said animal feed to its producer or deliverer or to do any reasonable action in accordance with the rules, procedures or conditions prescribed by the Director-General.

In the event of paragraph one, if it appears that the said animal feed producer, importer or seller cannot act properly, either due to his or her incompetency or to any other causes, the competent official shall have power to order that person to surrender the said animal feed to the competent official at a prescribed place of disposal or to order any measure that the competent official deems appropriate to the case.

In the case where a sale of the said animal feed is possible, the competent official may have the animal feed auctioned or sold to a government unit within ninety days of its surrender. The money received, minus storage and sale expenses as well as other related charges, shall be kept for the owner. If upon the completion of the ninety day period, the said animal feed cannot be sold and the competent official deems an extension of the sale shall be harmful or shall cause unreasonable burden to the Department, the competent official shall have power to order its disposal or any other measure appropriate to the case.

In the case where an animal feed is to be disposed of or subjected to any other measures, as the case may be, if any expense has been incurred, it is the duty of the animal feed owner to pay for or reimburse such expense to the government.

CHAPTER XI Penalties

Section 71 Any person who produces, imports or sells animal feed that contains prohibited material or who uses prohibited material in the animal feed, which is in non-compliance with Section 6 (3) or (4), shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

Section 72 Any person who produces or imports for sale or sell the animal feed under Section 6 (2), which is in non-compliance with Section 7, 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 73 Any person who produces animal feed for sale or who sells animal feed, which is in non-compliance with Section 8, 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 74 Any producer or importer of especially controlled animal feed, who fails to comply with Section 15 paragraph one, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

Any producer or importer of especially controlled animal feed, who fails to comply with Section 15 paragraph three, 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 75 Any seller of especially controlled animal feed who fails to comply with Section 17 paragraph one or paragraph three 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 76 Any person who has been exempted under Section 21 (2) or (3), who fails to comply with the rules, procedures and conditions prescribed by the Minister under Section 21 paragraph two, 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 77 Any licensee who continues to produce or import especially controlled animal feed after his or her license has expired, which is in non-compliance with Section 25 paragraph one, shall be liable to a fine not exceeding one thousand baht per day, from the day after the expiry date of the license to the day of submission of a license renewal application. However, this period must not exceed thirty days of the license's expiry date.

Section 78 Any licensee who continues to sell especially controlled animal feed after his or her license has expired, which is in non-compliance with Section 25 paragraph one, shall be liable to a fine not exceeding two hundred baht per day, from the day after the expiry date of the license to the day of submission of a license renewal application. However, this period must not exceed thirty days of the license's expiry date.

Section 79 Any licensee who fails to comply with Section 27, Section 29 or Section 31 shall be liable to a fine not exceeding ten thousand baht.

Section 80 Any producer of especially controlled animal feed for export, who fails to comply with Section 28 paragraph one, shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

Any person who violates Section 28 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.

Section 81 Any importer or exporter of animal feed who fails to comply with Section 30 paragraph one 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 82 Any licensee who fails to comply with Section 32 paragraph one, Section 33, Section 34 paragraph one, Section 41 paragraph one, Section 42 or Section 43 shall be liable to a fine not exceeding two thousand baht.

Section 83 Any person who produces or imports for sale the animal feed in Section 6 (1), which is a violation of Section 37 or Section 56 (3), shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

Any person who sells the animal feed under paragraph one, which is a violation of Section 56 (3), 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 84 Any licensee who violates or fails to comply with Section 44 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.

Section 85 Any licensee whose license has been suspended but does not cease the operation, which is a violation of Section 46 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.

Section 86 Any person who produces or imports for sale the adulterated animal in Section 57 (1) or the animal feed requiring registration that is not registered, which is a violation of Section 56 (1) or (4), as the case may be, shall be liable to imprisonment for a term of one to five years or to a fine of twenty thousand to one hundred thousand baht or to both.

Any person who sells the animal feed under paragraph one, which is a violation of Section 56 (1) or (4), as the case may be, shall be liable to imprisonment for a term of six months to three years or to a fine of ten thousand to sixty thousand baht or to both.

Section 87 Any person who produces or imports for sale the adulterated animal feed in Section 57 (2), which is a violation of Section 56 (1), shall be liable to imprisonment for a term of six months to three years or to a fine of ten thousand to sixty thousand baht or to both.

Any person who sells the animal feed under paragraph one, which is a violation of Section 56 (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.

Section 88 Any person who produces or imports for sale the deteriorated animal feed that is also the animal feed in Section 6 (1), which is a violation of Section 56 (2), shall be liable to imprisonment for a term of six months to three years or to a fine of ten thousand to sixty thousand baht or to both.

Any person who sells the animal feed under paragraph one, which is a violation of Section 56 (2), 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 89 Any person who produces or imports for sale the deteriorated animal feed that is also the animal feed under Section 6 (2), which is a violation of Section 56 (2), shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

Any person who sells the animal feed in paragraph one, which is a violation of Section 56 (2), 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 90 Any person who produces or imports for sale the animal feed that deviates from the standard that is also the animal feed under Section 6 (2), which is a violation of Section 56 (3) shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

Any person who sells the animal feed under paragraph one, which is a violation of Section 56 (3), shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five thousand baht or to both.

Section 91 Any person who produces or imports for sale or sells the animal feed whose registration has been revoked by the Director-General or the animal feed prescribed by the Director-General under Section 6 (3), which is a violation of Section 56 (5) or (6), as the case may be, shall be liable to imprisonment for a term of six months to three years or to a fine of ten thousand to sixty thousand baht or to both.

Section 92 Any producer, importer or seller of animal feed who violates or fails to comply with the Director-General's order under Section 61 (1) 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 93 Any producer, importer or seller of animal feed who violates or fails to comply with the Director-General's order under Section 61 (2) 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 94 Any person who advertises animal feed in the manner that is a violation or non-compliance with the Director-General's order issued under Section 62 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 95 Any producer, importer, seller or advertiser of animal feed who violates or fails to comply with the Director-General's order issued under Section 64 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 96 Any licensee, animal raiser or relevant person who fails to facilitate the competent official performing duties under Section 65 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 97 Any producer, importer or seller of animal feed who does not comply with the competent official's order issued under Section 70 paragraph one or paragraph two, as the case may be, 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 98 In the case where the offender liable to punishment under this Act is a juristic person, if the offense occurs as a result of a directive or action of any person or of a failure to issue an order or to perform the required duties of the managing director, manager or a person responsible for the operation of such juristic person, such person shall be liable to the punishment prescribed for such offense.

Section 99 For all offenses under this Act with only a fine penalty or with a fine or imprisonment punishment for a term not exceeding one year, the Director-General or a person designated by the Director-General shall have power to decide the punishment in accordance with the regulations prescribed by the Director-General.

When the offender has paid a fine at the prescribed rate within fifteen days of the date of execution of the penalty, the case shall be deemed terminated under the provisions of the Criminal Procedure Code.

Transitory provisions

Section 100 The expert committee members of the Animal Feed Quality Control Committee prescribed by the Animal Feed Quality Control Act, B.E. 2525 (A.D. 1982), who hold the office prior to the date on which the present Act comes into force shall continue to hold their expert committee office under the provision of this Act until the new expert committee members shall be appointed, which shall not be longer than one hundred and eighty days of the date on which this Act comes into force.

Section 101 A license to produce, import or sell animal feed issued under the Animal Feed Quality Control Act, B.E. 2525 (A.D. 1982), prior to the date on which this Act comes into force, shall be valid until its expiry date or until the licensor orders its termination or revocation.

Section 102 A certificate of registration of animal feed issued under the Animal Feed Quality Control Act, B.E. 2525 (A.D. 1982), prior to the date on which this Act comes into force, shall be used as a certificate of registration for the especially controlled animal feed provided that it is not opposed to or in conflict with the provisions of this Act.

Section 103 A license application and a certificate of registration application already submitted under the Animal Feed Quality Control Act, B.E. 2525 (A.D. 1982), which is being considered, shall be regarded as a license application and a certificate of registration application under this Act, *mutatis mutandis*. Nevertheless, such application shall be processed in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation issued by the provisions of this Act.

Section 104 All the ministerial regulations or notifications issued under the Animal Feed Quality Control Act, B.E. 2525 (A.D. 1982), which have been in force prior to the date on which this Act comes into force, shall continue to be in force provided that they are not opposed to or in conflict with the provisions of this Act until the relevant ministerial regulations or notifications under this Act come into force.

The issuance of ministerial regulations or notifications under paragraph one must be completed within two years from the date on which this Act comes into force. If this is not the case, the Minister shall have to report the reasons for the inability to do so to the Cabinet for acknowledgement.

Countersigned by:

General Prayuth Chan-ocha

Prime Minister

Rates of Fee

- | | | |
|-----|--|-----------------------|
| (1) | A license to produce the especially controlled animal feed or a certificate of quality assurance for animal feed | |
| | (a) Output capacity of a machinery not exceeding 10 tons per hour | 20,000 baht each |
| | (b) Output capacity of a machinery in excess of 10 tons per hour, in addition to (a), shall be calculated at 10,000 Baht per ton.
Fraction of a ton shall be calculated as one ton. | |
| (2) | Other licenses related to animal feed
For exportation from the kingdom | 2,000 baht each |
| (3) | A license to import the especially controlled animal feed | 50,000 baht each |
| (4) | A license to sell the especially controlled animal feed | |
| | (a) Wholesale and retail | 2,000 baht each |
| | (b) Retail | 1,000 baht each |
| (5) | Certificate of registration of the especially controlled animal feed | 10,000 baht each |
| (6) | Application for essential amendment of certificate of registration of especially controlled animal feed | |
| | (a) in connection with animal feed formula | 10,000 baht each time |
| | (b) in other parts | 1,000 baht each time |
| (7) | A replacement license or a replacement of other credentials
Registration of especially controlled animal feed | 500 baht each |
| (8) | Fees for each license renewal shall be the same as the fees for each license | |

Note :- The rationale for the promulgation of this Act is that since the Animal Feed Quality control Act, B.E. 2525 (A.D. 1982) has been in force for a long period of time and certain provisions of the Act are not in keeping with the current situations in which many technological and academic progress in the animal feed and animal husbandry industry have taken place, resulting in the transformation and expansion of the animal feed trade and industry. Therefore, for the benefit of the animal feed quality control and the protection of consumer safety, it is deemed appropriate to revise the laws on animal feed quality control, with a special consideration given to the inclusion of more provisions on the issuance of certificate of quality assurance for animal feed or other types of certificate related to animal feed. There are also more provisions on the termination or transfer of animal feed business as well as license application and license issuance, animal feed registration and advertising, penalties and more suitable rates of fee. The legislating of this act is, therefore, necessary.