

Unofficial Translation

VETERINARY SANATORIUMS ACT

B.E. 2533 (1990)<sup>1</sup>

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BHUMIBOL ADULYADEJ, REX;

Given on the 12<sup>th</sup> Day of October B.E. 2533;

Being the 45<sup>th</sup> Year of the Present Reign

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

Whereas it is appropriate to improve the law on veterinary sanatoriums;

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

**Section 1.** This Act is called the “Veterinary Sanatoriums Act B.E. 2533”.

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

**Section 3.** In this Act:

“Veterinary sanatorium” means a place including a vehicle used to treat animal diseases under the law on the control of veterinary practices in which it is usually conducted regardless of payment or non-payment; however, it does not include a place that sells

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

<sup>2</sup> Published in the Government Gazette Vol. 107, Part 241, Special Issue, Page 1, dated 19th October B.E. 2533 (1990)

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medicines under the law on the sale of medicines where it specifically operates medicine business;

“Sick animal” means an animal that is admitted to receive services in a veterinary sanatorium;

“Sick animal rest area” means a cage, a pen, or a place used to keep sick animals;

“Animal owner” means an animal caretaker or a possessor of an animal;

“Licensee” means a person who obtains a licence to establish a veterinary sanatorium;

“Manager” means a person who obtains a licence to manager a veterinary sanatorium;

“Veterinary practitioner” means a person who obtains a licence to be a veterinary practitioner under the law on the control of veterinary practices.

“Officer” means a person appointed by the Minister to act in compliance with the Act;

“Grantor” means the Director General or a person delegated by the Director General to be a grantor of the licence;

“Director General” means the Director General of the Department of Livestock Development; and,

“Minister” means the Minister administering this Act.

**Section 4.** This Act does not apply to veterinary sanatoriums of a central administrative agency, a provincial administrative agency, a local administrative agency, a public organisation, the Red Cross Society, and other veterinary sanatoriums announced by the Minister in the Government Gazette.

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**Section 5.** The Minister for Agriculture and Cooperatives may have the power to administer this Act; and may have the power to appoint an officer, make the Ministerial Regulation on Rates of Fees not exceeding the rates attached in this Act, exempt any fees, and prescribe any other affairs, and make announcements in order to act in compliance with this Act.

The ministerial regulations and announcements may come into force when they are published in the Government Gazette.

## Chapter 1

### Establishment and Management of Veterinary Sanatoriums

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**Section 6.** There are 2 types of veterinary sanatoriums as follows:

- (1) A veterinary sanatorium that has a sick animal rest area to keep animals overnight; and,
- (2) A veterinary sanatorium that does not have a sick animal rest area to keep animals overnight.

**Section 7.** No person may establish a veterinary sanatorium without a licence from a grantor.

The Application and permission may be subject to the criteria, methods, and conditions prescribed in a ministerial regulation.

The licence may specify a branch and class of veterinary practices, and rules that a licensee must comply with.

**Section 8.** A grantor may issue a licence to establish a veterinary sanatorium when it appears to him that an applicant:

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(1) Is with the qualifications and is without the prohibited characters as follows:

(a) Being at least twenty years old;

(b) Having a domicile in Thailand;

(c) Never having been imprisoned by a final judgment or a lawful order to be imprisoned except if it is an offence committed by negligence or it is a petty offence;

(d) Not being a person of unsound mind or a frantic person;

(e) Not suffering from a disease prescribed by the Minister in the Government Gazette; and,

(f) Not being a bankrupt.

(2) Has a veterinary sanatorium with characteristics as prescribed in a ministerial regulation;

(3) Has necessary equipment and tools as well as medicines and medical products at the veterinary sanatorium in an adequate amount as prescribed in a ministerial regulation;

(4) Has a manger; and,

(5) Has veterinary practitioners of a branch and class for the veterinary sanatorium in the number prescribed by the Minister in the Government Gazette.

In case a juristic person is a licensee, a manager or an agent of the juristic person must be with the qualifications and be without the prohibited characters under (1).

**Section 9.** No person may be a manager of a veterinary sanatorium without obtaining a licence from a grantor.

The application and permission may be subject to the criteria, methods and conditions prescribed in a ministerial regulation.

The licence may specify a branch and class of veterinary practices, and rules that the veterinary practitioner must comply with.

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**Section 10.** A grantor may issue a licence to manage a veterinary sanatorium when it appears that an applicant:

(1) Is a veterinary practitioner;

(2) Not being an existing manager of two veterinary sanatoriums; however, in case being an existing manager of a veterinary sanatorium type that has a sick animal rest area, the permission to be a manager of another veterinary sanatorium type that has a sick animal rest area is not possible except if it is the permission to be a manager of a veterinary sanatorium that does not have a sick animal rest area; and,

(3) Is a person who is able to closely supervise the operations of the sanatorium.

**Section 11.** A licensee, a manager, and a veterinary practitioner in a veterinary sanatorium may be the same person.

**Section 12.** Issuance of the licence or rejection of the licence under Section 7 or Section 9 may be completed within forty five days from the day a grantor receives an application with correct and complete details as prescribed in a ministerial regulation.

In case of the rejection of the licence, the grantor may notify the applicant of it within fifteen days from the day of rejection.

**Section 13.** The licence under Section 7 or Section 9 may be valid for three years from the day of its issuance. If a licensee wishes to renew the licence, he may submit an application before the licence expires. Upon submission and payment of the licence renewal fee, the licensee may continue operating the business until the grantor issues an order rejecting the licence renewal.

The renewal and permission for renewal may be subject to the criteria, methods, and conditions prescribed in a ministerial regulation.

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In case the grantor issues an order rejecting the licence renewal, a partial refund of the licence renewal fee may be returned to the licensee using a monthly calculation counting from the day of the rejection until the expiry date of the licence. However, in case there is an appeal on the rejection order of the licence renewal and the Minister issues an order allowing the operations for the time being, if the Minister issues an order dismissing the appeal, the refund may be counted only on the day of the order dismissing the appeal in which the remaining days of the month, if there are fifteen days or more it may be counted as one month, but if there are less than fifteen days, the days may be discarded.

**Section 14.** In case a grantor rejects the issuance of the licence under Section 7 or Section 9, or rejects to renew the licence under Section 13, an applicant for the licence or an applicant for the licence renewal may have the right to appeal in writing to the Minister within thirty days from the day he receives the letter of rejection of issuance of the licence or rejection of the licence renewal.

A decision of the Minister is considered final.

In case the grantor rejects to renew the licence, before the Minister makes his decision on the appeal under paragraph two, the Minister may have the power to order permission to operate the business for the time being if requested by the applicant for the licence renewal.

**Section 15.** In case the licence under Section 7 or Section 9 is damaged, lost, or an important part of it is destroyed, a licensee may notify a grantor and apply for a licence duplicate within thirty days from the day he acknowledges the damage, the loss, or the destruction.

The application for the licence duplicate and permission for the licence duplicate may be subject to the criteria, methods, and conditions prescribed in a ministerial regulation.

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## Chapter 2

### Control of Veterinary Sanatoriums

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**Section 16.** A licensee must arrange to have a name sign of the veterinary sanatorium, and a name badge including details related to veterinary practitioners in the veterinary sanatorium displayed in an open and easily visible area at the veterinary sanatorium.

Characteristics and details to be displayed under paragraph one may be subject to a ministerial regulation.

**Section 17.** A licensee must display the licensee to establish a sanatorium, and the licence to manage a sanatorium in an open and easily visible area at the sanatorium.

**Section 18.** No licensee nor manager may advertise or announce; or consent to have other persons advertise or announce, by any means, the name, the location, or the operation of a veterinary sanatorium; or qualifications or abilities of veterinary practitioners in a sanatorium in order to persuade persons to bring sick animals to receive treatment at his own veterinary sanatorium by using false or exaggerated texts or texts that are likely to cause misunderstanding of the essence related to the operation of the veterinary sanatorium.

**Section 19.** No licensee may change the operation of a veterinary sanatorium from what is specified in the licence, or alter and add a veterinary sanatorium building to be different from its original structure, or build a new building for uses in the operation of the veterinary sanatorium except upon obtaining permission from a grantor.

**Section 20.** Changing the name of a veterinary sanatorium, and changing managers may be done upon obtaining permission from a grantor.

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**Section 21.** Relocating a veterinary sanatorium to establish at another location other than what is specified in the licence may be done upon obtaining permission from a grantor. In this case, the processes may be as if the licensee applies to establish the veterinary sanatorium for the first time.

**Section 22.** A licensee who wishes to cease veterinary sanatorium business must notify a grantor of this in writing, and prepare a report on actions to be taken with sick animals and send it to the grantor beforehand and not less than fifteen days.

Upon notification under paragraph one, the grantor may order the licensee to take one of the actions before cessation of the business.

**Section 23.** A manager must ensure that there are no persons who are not veterinary practitioners performing veterinary practices in the veterinary sanatorium that he is a manager and that they do not perform veterinary practices other than the type or class specified in the licence to establish a sanatorium.

**Section 24.** A manager must supervise a veterinary sanatorium to be clean, tidy, safe, and be with characteristics suitable for being used as a veterinary sanatorium.

**Section 25.** A manager must supervise a veterinary sanatorium so that there are no admissions of sick animals to stay overnight exceeding the amount of sick animal rest areas prescribed in the licence to establish a sanatorium except in an emergency when no admission may result in harm to sick animals.

**Section 26.** A manager must arrange to have veterinary practitioners practising in the type and class, and in the number prescribed by the Minister in the Government Gazette throughout the business hours.

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**Section 27.** A manager must arrange to have necessary equipment, tools, medicines, and medical products to use in a sanatorium in an adequate amount.

**Section 28.** A manager must arrange to have evidence related to veterinary practitioners and sick animals as well as documents related to veterinary practices prescribed by the Director General, and these items must be maintained in an examinable condition for not less than two years from the day of their production.

**Section 29.** A manager may have the duty to produce statistics of sick animals based on evidence of veterinary practices submitted to an officer subject to the form and time period prescribed by the Director General.

**Section 30.** In case there is a change of veterinary practitioners in a veterinary sanatorium, a manager must notify a grantor of this in writing within fifteen days from the day the change occurs.

**Section 31.** If a manager is out of duties or unable to perform duties for more than seven days, the manager or the licensee must task a veterinary practitioner who has the qualifications under Section 10 to perform the duties instead of him. In this case, the replacement person or the licensee may notify a grantor of this in writing within fifteen days from the day the replacement person commences his duties.

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

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### Chapter 3

#### Officers

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**Section 32.** In performing duties, an officer may have the power as follows:

- (1) To enter into a place or a vehicle that an officer has a reasonable ground to suspect that a veterinary sanatorium is not licensed under this Act;
- (2) To enter into a veterinary sanatorium during business hours to check and control it to be in compliance with this Act;
- (3) To issue a letter summoning a licensee, a manager, a veterinary practitioner in a veterinary sanatorium, or a veterinary sanatorium staff to provide a statement, or explain, or forward documents or evidence related to the offences under this Act for the benefits of taking legal action; and,
- (4) To seize or confiscate documents or objects related to the offences under this Act to as evidence to take legal action.

**Section 33.** A licensee, a manager, a veterinary practitioner in a veterinary sanatorium, and a person who has relevant duties in the veterinary sanatorium may facilitate an officer performing his duties under Section 32.

An identification card of an officer may be subject to the form prescribed in a ministerial regulation.

**Section 34.** In performing duties, an officer must present his identification card when requested by a relevant person.

**Section 35.** In complying with this Act, a grantor, and an officer may be deemed as officers under the Criminal Code.

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## Chapter 4

### Closure of Veterinary Sanatoriums and Revocation of the Licence

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**Section 36.** When it appears that a licensee or a manger fails to act in compliance with this Act, ministerial regulations, or announcements made under this Act, an officer may have the power to issue an order on the licensee or the manager, depending on each case, to act in compliance with this Act within time period the officer sees appropriate, but this may not eradicate the offences under this Act.

**Section 37.** A grantor may have the power to order a temporary closure of a veterinary sanatorium when it appears that a licensee or a manager:

- (1) Fails to comply with an order under Section 36 issued by an officer;
- (2) Contravenes or fails to act in compliance with this Act, ministerial regulations, announcements made under this Act on two or more occasions; and,
- (3) Be sentenced by a final judgment that he commits an offence under this Act.

The order of closure of a veterinary sanatorium under paragraph one may have a time period as the officer sees appropriate, but it must not exceed thirty days per closure from the day he notifies the licensee or the manager depending on each case. However, a grantor may revoke the order of closure of a veterinary sanatorium before its due date when compliance with this Act, ministerial regulations, or announcements made under this Act is acted.

**Section 38.** In case a licensee or a manger lacks the qualifications or has the prohibited characters under Section 8 or Section 10 depending on each case; or there is a case under Section 37 (1) (2) or (3); and a grantor sees that it is serious case, which may impact upon veterinary practices; the grantor may have the power to revoke the licence of that person.

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**Section 39.** In case a grantor issues an order of closure of a veterinary sanatorium under Section 37, or revokes the licence under Section 38, the grantor may issue a letter of notification including the order and send it to a licensee or a manager depending on each case.

The letter of notification under paragraph one must instruct the licensee or the manager to prepare a report on actions to be taken with sick animals and send it to the grantor immediately so that the grantor may order the licensee or the manager to take one of the actions about the sick animals.

If the licensee or the manager cannot be found, or the licensee or the manager refuses to accept the order, an officer may display the order in an open at the sanatorium and it may be deemed that the licensee or the manager acknowledges the order from the day the order is displayed.

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

**Section 40.** No licensee nor manager who is under the order of a temporary closure of a veterinary sanatorium under Section 37 or whose licence is revoked under Section 38 may operate veterinary sanatorium business from the day he acknowledges the order of a temporary closure of a veterinary sanatorium or the order of revocation of the licence depending on each case.

**Section 41.** A person whose licence is revoked may not re-apply for the licence until one year passes from the day the licence is revoked.

**Section 42.** For the order of a grantor issued under Section 37 or Section 38, a licensee or a manager, depending on each case, may have the right to appeal in writing to the Minister within thirty days from the day he acknowledges the order.

A decision of the Minister is considered final.

An appeal under paragraph one may not suspend the enforcement of the order.

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## Chapter 5

### Penalties Provision

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**Section 43.** A person who contravenes paragraph one of Section 7 or paragraph one of Section 9 may be subject to imprisonment not exceeding three years or a fine not exceeding thirty thousand Baht or both, and a court may order to confiscate any items used in the operation of a veterinary sanatorium.

**Section 44.** A licensee or a manager who fails to comply with paragraph one of Section 15, paragraph one of Section 16, Section 17, Section 20, Section 22, Section 24, Section 25, Section 26, Section 27, Section 28, Section 29, Section 30, paragraph one of Section 31, paragraph two of Section 39 may be subject to a fine not exceeding three thousand Baht.

**Section 45.** A licensee or a manager who contravenes Section 18 may be subject to a fine not exceeding five thousand Baht.

**Section 46.** A licensee who contravenes Section 19 may be subject to a fine not exceeding ten thousand Baht.

**Section 47.** A licensee or a manager who fails to comply with Section 21 or Section 23 may be subject to imprisonment not exceeding one year or a fine not exceeding ten thousand Baht or both.

**Section 48.** A person who obstructs an officer from performing his duties under Section 32 (1) (2) or (4), or fails to comply with Section 32 (3) may be subject to imprisonment not exceeding three months or a fine not exceeding three thousand Baht or both.

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**Section 49.** A person who fails to appropriately facilitate an officer performing his duties under Section 33 may be subject to a fine not exceeding two thousand Baht.

**Section 50.** A licensee or a manager who contravenes Section 40 may be subject to imprisonment not exceeding three years or a fine not exceeding thirty thousand Baht or both.

**Section 51.** Any offences under this Act with a fine alone, a grantor or a person delegated by the grantor may have the power to settle the case with an alleged person by a fine, and when the alleged person pays the fine in the amount of the settlement within thirty days, the case may be deemed settled under the Criminal Procedures Code.

#### Transitory Provision

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**Section 52.** A person who has established or operated veterinary sanatorium business on the day this Act comes into force may apply for the licence to establish a veterinary sanatorium or for the licence to operate veterinary sanatorium business, depending on each case, within one hundred and twenty days from the day the ministerial regulations made under Section 5, Section 7, and Section 9 come into force. Within this specified time period, the person may continue to operate the business for the time being, but if a grantor issues an order of rejection, it may be deemed that the person does not have the right to operate the business from the day he acknowledges the order.

Countersigned by

General Prem Tinsulanonda

Prime Minister

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### Rate of Fees

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|-----|--|---------------------|
| (1) | Licence to establish a veterinary sanatorium<br>Non-overnight stay without sick animal rest area type  | 500 Baht per copy   |
| (2) | Licence to establish a veterinary sanatorium<br>Overnight stay with sick animal rest area type   |                     |
|     | Not exceeding 10 areas   | 500 Baht per copy   |
|     | Exceeding 10 areas   | 1,000 Baht per copy |
| (3) | Fee for licence renewal to establish a veterinary sanatorium, non-overnight stay without sick animal rest area type, the fee is equal to the licence fee under (1) |                     |
| (4) | Fee for licence renewal to establish a veterinary sanatorium, overnight stay with sick animal rest are type, the fee is equal to the licence fee under (2)         |                     |
| (5) | Licence to manage a veterinary sanatorium<br>Non-overnight stay without sick animal rest area type   | 200 Baht per copy   |
| (6) | Licence to manage a veterinary sanatorium<br>Overnight stay with sick animal rest area type  | 400 Baht per copy   |
| (7) | Fee for licence renewal to manage a veterinary sanatorium, non-overnight stay without sick animal rest area type, the fee is equal to the licence fee under (5)    |                     |
| (8) | Fee for licence renewal to manage a veterinary sanatorium, overnight stay with sick animal rest area type, the fee is equal to the licence fee under (6)           |                     |
| (9) | Licence duplicate  | 200 Baht per copy   |

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