LEGAL MEASURES TO PREVENT THE MISUSE OF DRUGS: A CASE STUDY ON THE USE OF PROCODYL WITH KRATOM JUICE AMONG YOUTH

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Abstract - "Procodyl," commonly known as an antihistamine, contains the active ingredient promethazine hydrochloride. Classified as an antihistamine, it has sedative properties, leading to drowsiness and dizziness. These side effects have been exploited by many youths for recreational misuse, producing a drug-like euphoric state. This issue has become a growing concern in Thai society. Procodyl's availability at general pharmacies makes it easily accessible to young people. Combining Procodyl with other drugs or substances, such as kratom juice, significantly increases the risk of severe health consequences, including life-threatening conditions. Studies conducted by medical experts, academics, and relevant agencies have found that youth aged 12–17 frequently misuse Procodyl for its intoxicating effects. Despite regulations and policies by authorities such as the Food and Drug Administration (FDA) to control its sale, limiting quantities and restricting purchases to those with medical necessity. This issue persists as a chronic social problem. Furthermore, the widespread and unregulated availability of kratom, following its removal from Thailand's list of controlled narcotics, exacerbates the issue. The combination of Procodyl and kratom juice increases the risk of severe harm to youth, highlighting gaps in regulatory measures and enforcement. Therefore, this article aims to explore the misuse of Procodyl in combination with kratom juice and analyze the existing legal frameworks, regulations, and policies governing their use. It identifies legal loopholes and proposes proactive measures to safeguard youth welfare. Effective oversight is essential to ensure that young people, as the future driving force of Thailand, are protected and supported in theirdevelopment.

Keywords - Procodyl, kratom juice, drug misuse, youth

I. INTRODUCTION

Thailandis currently facing multiple social challenges, including economic difficulties, household debt, natural disasters, environmental issues, and the rapid development of artificial intelligence.[1]Among these concerns, drug abuse among youth has become a critical issue, particularly the widespread misuse of a drug known as **Procodil**, often mixed with **kratom** (Mitragynaspeciosa)[2]This combination has led to numerous fatalities, raising alarms among medical experts and researchers. It is well known as "Kin Pro" among teenagers or youths. Procodil contains **promethazine hydrochloride**, an **antihistamine** with sedative effects that induce drowsiness and dizziness. These side effects are being exploited by young users to achieve a drug-like state of intoxication.Kratom, a plant containing mitragynine, [3]also affects the central nervous system. When combined with Procodil, it enhances the sedative effects, potentially leading to severe drowsiness, unconsciousness, and even respiratory failure. Although Procodil is originally intended as a cough suppressant, allergy relief, and sleep aid, its liquid form makes it easily accessible and misused.[4]One of the reasons for the widespread misuse of Procodil is its availability in convenience stores and pharmacies near educational institutions, making it easy for youth to obtain. Once inside the body, Procodil blocks neural pathways and suppresses sensory perception, leading to addiction-like behavior among users. The legal reclassification of kratom, removing it from Thailand's Category 5 Narcotics List, has further contributed to the increasing trend of drug misuse among youth. Given the severity of this issue, it is crucial to establish strict regulatory measures for controlling the distribution and misuse of Procodil. Legal frameworks, preventive strategies, and proactive initiatives by relevant agencies should be strengthened to mitigate the risks to youth. Policies should prioritize youth protection and awareness to ensure a more effective response than current measures.

II. THECURRENT REGULATIONS GOVERNING THE CONTROL OF PROCODIL IN THAILAND.

[1]NaruephonDuangwiset. (2024). *Thailand's Social Mirror 2024.*Sirindhorn Anthropology Centre. Retrieved from https://www.sac.or.th/portal/th/article/detail/690.

[2]ThanyarakSongkhla Hospital. (2009). *Dangerous Drug Formulations.* Retrieved from https://www.sdtc.go.th/paper/304.

[3]Same Source.

[4]KhwanKamonThipmanosing. *Legal Liability Issues Related to the Misuse of Drugs.* UTCC Law Journal, 10(1), p. 31. Retrieved from http://utcc2.utcc.ac.th/lawjournal/101/Law%20UTCC%2010_3.pdf .

"Procodil" is regulated under several laws to control its use and prevent potential issues. The primary legislation governing drugs in Thailand is the Drug Act B.E. 2510 (1967) and its subsequent amendments. This law classifies drugs into four main categories as follows:(1) Household remedies, which can be sold freely.(2) Dangerous drugs, which must be dispensed under the supervision of a pharmacist.(3) Specially controlled drugs, which require a prescription from a doctor, and (4) Government-controlled drugs, which require specific authorization for use.[5]Procodil is classified as a Type 3 drug under the category of "dangerous drugs," requiring sales to be supervised by a licensed pharmacist and prohibiting its sale without authorization. The law also regulates the manufacturing, importation, and distribution of Procodil, particularly requiring that the sale of dangerous drugs must be conducted exclusively by licensed pharmacists. Additionally, the law includes provisions on drug advertising control and penalties for violations. However, despite the legal framework controlling Procodil distribution, illegal purchases from pharmacies or the black market through online platforms remain an issue. This represents a legal loophole that may require amendments or supplementary measures to ensure effective enforcement and prevention.Other relevant regulations include the **Kratom Plant Act B.E. 2565 (2022)**. Although kratom was removed from the list of Category 5 narcotic drugs, this act imposes certain restrictions, particularly prohibiting the consumption of kratom leaves that have been processed or mixed with narcotic drugs, controlled substances under the Narcotic Code, or other hazardous substances as defined by the Minister of Justice. Exceptions are made only for consumption under medical supervision for treatment purposes.[6]Upon examining this law, it becomes evident that mixing Procodil with kratom juice for consumption constitutes a violation of this provision. Therefore, this law serves as a regulatory measure to address the legal gap in controlling the distribution of Procodil. Since Procodil is commonly found in antihistamines or cough relief medications, some individuals may argue that it should be freely available for personal purchase, including at convenience stores or pharmacies. However, legal measures must be accompanied by proactive enforcement efforts from relevant authorities to closely monitor the use of this medication. Youth, as a vulnerable group, may lack the necessary judgment or access to accurate information, making them particularly susceptible to misuse. This issue stems from existing legal loopholes, which require preventive measures at the source rather than merely addressing the consequences.Another key regulatory framework is the Pharmacy Profession Act B.E. 2537 (1994), which establishes standards and regulations for the pharmacy profession in Thailand. This law serves as a critical tool in governing the dispensing of Procodil, classified as a dangerous drug, ensuring that only licensed pharmacists working in authorized pharmacies can dispense it. Pharmacists are responsible for assessing the appropriateness of the medication for each patient, providing proper usage guidance, and monitoring for potential misuse, particularly among youth. If a pharmacist identifies a purchase that suggests misuse, they may intervene as a preventive measure.To effectively address the legal gaps concerning Procodil regulation, further studies on related legislation, legal measures, and international policies are being conducted. This will provide a clearer direction for Thailand's regulatory approach, ultimately aiding in the prevention of drug misuse among youth.

III. REGULATORY MEASURES FOR CONTROLLING PROCODIL AND KRATOM USE IN FOREIGN COUNTRIES

The misuse of medications is a global public health concern, particularly among youth, who are at high risk of drug abuse. The combination of Procodil with kratom has become a pressing issue related to substance misuse. Various countries have implemented different regulatory measures to control and prevent this problem. For example, in the United States, Procodil falls under the category of opioids and is classified as a Schedule II controlled substance under the Controlled Substances Act (CSA). This classification imposes strict regulations on its distribution and use, requiring a doctor's prescription for any purchase. Physicians are authorized to prescribe the drug only for specific medical conditions, such as colds, allergies, motion sickness, and mild sedation. Since 2006, the U.S. has enforced strict measures to ensure the cautious use of the drug and to enhance patient safety.[7]Products containing **codeine** (an ingredient in Procodil) are strictly regulated in the **United States**, even when present in low concentrations, such as in certain cough medicines. These products are classified under **Schedule V** of the **Controlled Substances Act (CSA)**, which includes substances with the lowest potential for abuse and addiction. Despite the lower risk, the sale and distribution of such medications remain strictly controlled. The Drug Enforcement Administration (DEA) closely monitors and regulates these substances to prevent misuse. Violating CSA regulations related to Procodil can result in legal penalties, including fines, imprisonment, or both, to

[5]Drug Act B.E. 2510 (1967), Section 4.
[6]Kratom Act B.E. 2565 (2022), Section 27.
[7]KhwanKamonThipmanosing. *Legal Liability Issues Related to the Misuse of Drugs.* UTCC Law Journal, 10(1), p. 35.

deter and prevent substance abuse.[8]Several countries restrict the sale of Procodil to prescription-only use. For example, Australia has classified Procodil as a Schedule 4 drug under the Therapeutic Goods Act 1989 since 2018. This means it can only be dispensed with a doctor's prescription to prevent misuse and addiction. Additionally, kratom is classified as a Schedule 9 prohibited substance under the Poisons Standard, making its use and possession illegal.

In the United States, kratom is not federally regulated, but certain states, such as Indiana, Wisconsin, and Tennessee, have banned its sale and possession. The U.S. continues to study kratom to assess its risks and potential medical benefits, leading to ongoing debates over its legal status. Some advocate for strict regulation, while others support its medical use. Ultimately, strict control over the sale and distribution of Procodil, by requiring a doctor's prescription, has proven to be an effective regulatory measure in many countries to address concerns about misuse and abuse.

Apart from legal regulations, various preventive and educational strategies are used to control drug misuse. In the United States, authorities emphasize prevention and public education. Public health agencies run awareness campaigns and educational programs to inform citizens about the risks of drug abuse, including the misuse of prescription drugs like Procodil and substances like kratom. Additionally, rehabilitation and treatment programs play a crucial role. The U.S. has established rehabilitation centers that provide support and treatment for individuals struggling with substance abuse. These programs aim to reduce dependency and offer medical and psychological assistance to those affected.By integrating legal, preventive, and rehabilitative approaches, countries can create a comprehensive strategy to address drug misuse and protect public health.[9]Since 2001, Portugal has implemented a harm reduction strategy by decriminalizing drug possession for personal use. Instead of treating drug users as criminals, the country views them as patients in need of treatment rather than punishment. Under this policy, individuals found in possession of drugs for personal use (up to a 10-day supply) are not arrested or imprisoned. Instead, they are referred to a Dissuasion Commission consisting of social workers, psychiatrists, and legal experts. This commission assesses the individual's situation and recommends appropriate treatment or interventions[10] The Netherlands has implemented preventive measures and educational programs regarding drug use. The country has established counseling centers and rehabilitation services for individuals struggling with drug addiction, such as the "Yes We Can" clinic, which focuses on treatment and educating young people about the dangers of drug use.Additionally, drug prevention and awareness programs are provided in schools and communities to raise awareness and prevent drug use among youth.Both Portugal and the Netherlands approach drug issues as a public health concern rather than a criminal issue, emphasizing treatment, education, and harm reduction to prevent and mitigate the negative consequences of drug use.[11]

IV. .PROPOSALS TO CLOSE LEGAL LOOPHOLES REGARDING THE USE OF PROCODIL WITH KRATOM IN THAILAND

The current use of Procodil with kratom is a pressing issue that requires both legal and preventive measures to close legal loopholes and mitigate social impacts. The following recommendations are proposed: First, the regulation of Procodil sales and control measures should be implemented. Procodil and medications containing substances that pose a risk of misuse should be restricted to prescription-only sales, similar to measures in the United States and Australia. Additional purchase restrictions could also be considered. Pharmacies that sell these medications without a prescription should face harsher penalties, such as license revocation or increased fines.Second, controlling the use of kratom in combination with other substances should be enforced. There should be regulations prohibiting the use of kratom with Procodil or other drugs, along with legal penalties for individuals who deliberately mix kratom with Procodil for sale. In some cases, minors may not be the ones mixing these substances themselves but could be obtaining them from suppliers who exploit their purchasing ability. Implementing such measures would help close this legal loophole.Third, law enforcement and monitoring should be intensified. Authorities, including the police and public health officials, should increase surveillance in high-risk areas by inspecting pharmacies and kratom distribution sites that may be involved in misuse. Monitoring systems should be developed to track prescriptions of Procodil by medical professionals, ensuring that it is not being prescribed beyond legal limits. Such measures would enhance regulatory oversight.Fourth, legal measures should be clarified to ensure effective control. Age restrictions should be

[8] Drug Enforcement Administration.The Controlled Substances Act. https://www.dea.gov/drug-information/csa

[9]Department of International Trade Promotion, Ministry of Commerce. (2023). *Kratom and the U.S. Food and Drug Administration (FDA).* Retrieved from https://www.ditp.go.th/post/126593.

[10]NatthamatheeSaiyawetch. (2017). *Portugal's Drug Policy.* Retrieved from https://thaipublica.org/2017/09/natmaytee-11/.

[11]PanthepPhuaphongphan. (2022). *"Cannabis" and the "Netherlands Model": Reducing Crime and Empty Prisons, Leading to the Need to Import Foreign Prisoners!?* Retrieved from https://mgronline.com/daily/detail/9650000062568#google_vignette.

imposed on buyers, similar to regulations for entering entertainment venues, to prevent minors from obtaining these substances. However, a single measure alone may not be sufficient to address the misuse of Procodil among youth. A combination of strategies should be employed, including making Procodil a prescription-only drug and enhancing monitoring by relevant agencies. Further discussions on the appropriate roles of these agencies may be necessary.Beyond legal measures, educational initiatives should be introduced to inform students in schools and universities about the dangers of drug misuse. Additionally, rehabilitation and support centers should be established to assist young people struggling with Procodil and kratom addiction. These efforts would help close legal loopholes and effectively reduce the problem of Procodil misuse with kratom in Thailand.

V. CONCLUSIONS

The use of Procodil with kratom among youth is a significant social and public health issue that requires urgent intervention through legal and regulatory measures. Key strategies include strict regulation of Procodil sales, limiting its distribution to prescription-only use, similar to the policies in the United States and Australia. Additionally, controlling kratom use in combination with other substances, establishing clear possession regulations, and enforcing strict monitoring in high-risk areas through law enforcement and public health agencies are crucial steps. Relying solely on pharmacists for monitoring may not fully address the issue, as individuals who meet age or legal requirements could purchase the substances on behalf of minors. If Procodil remains available in pharmacies, purchase restrictions and age verification, similar to entry requirements for entertainment venues, should be implemented. However, this should be a last resort, as it may not provide a sustainable solution or effectively close legal loopholes.Preventive measures should also be implemented, including integrating drug misuse education into school and university curricula and establishing rehabilitation centers to support affected youth. These strategies align with successful policies in the Netherlands and Portugal. However, Thailand must adapt its approach to its unique social and demographic context. Stakeholders should design and amend legal frameworks and regulatory measures to ensure their long-term effectiveness in addressing the issue.

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