Law of the People’s Republic of China on Traditional Chinese Medicine

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Chapter I — General Provisions

Source: https://www.danyoungcpa.com/traditional-chinese-medicine-law-prc-2016-english-translation/

Article 1 — This Law is enacted in accordance with the Constitution in order to inherit and promote Traditional Chinese Medicine (TCM), safeguard and promote the development of the TCM undertaking, and protect the health of the people.

Article 2 — Traditional Chinese Medicine as referred to in this Law means the collective term for medicine of all ethnic groups in China, including Han medicine and the medicines of ethnic minorities, and reflects the Chinese nation's understanding of the human body, health, and disease, and its unique medical and pharmaceutical system with a long historical tradition and unique theories and techniques. This Law applies to TCM medical services, the protection and development of Chinese medicinal materials, the cultivation of TCM talent, scientific research and innovation, inheritance and cultural dissemination, and the supervision and administration thereof.

Article 3 — The development of the TCM undertaking shall adhere to the principle of combining inheritance and innovation, maintain and give full play to the characteristics and advantages of TCM, and make use of modern science and technology to promote the development of TCM theory and practice. The State shall vigorously develop the TCM undertaking, implement the policy of giving equal weight to TCM and Western medicine, and establish a management system that suits the characteristics of TCM.

Article 4 — The department in charge of TCM under the State Council shall be responsible for the administration of the national TCM work. The relevant departments under the State Council shall be responsible for the work relating to TCM within the scope of their respective duties. The departments in charge of TCM under the local people's governments at or above the county level shall be responsible for the administration of TCM work within their respective administrative regions.

Chapter II — Traditional Chinese Medicine Services

Article 5 — The people's governments at or above the county level shall incorporate the construction of TCM medical institutions into their plans for the establishment of medical institutions, establish and improve the TCM medical service system, and run TCM medical institutions well. TCM medical institutions established with government funds, social funds, or both shall be supported and encouraged.

Article 6 — General hospitals, maternal and child health care institutions, and specialized hospitals shall set up TCM departments. Community health service centers, township health centers, village clinics, and community health service stations shall be able to provide TCM services. The State supports social forces in running TCM medical institutions.

Article 7 — TCM medical institutions engaging in medical activities shall abide by the provisions of laws and regulations on the administration of medical institutions, and make full use of TCM diagnosis and treatment methods to improve the quality and efficiency of medical services. The State shall promote the integration of TCM and Western medicine, encourage the complementarity of TCM and Western medicine, and promote clinical practice that integrates TCM and Western medicine.

Article 8 — Persons engaged in TCM medical services shall obtain the qualifications of TCM physicians and practice registration in accordance with the provisions of the Law on Medical Practitioners. Persons who have studied TCM through apprenticeship or have developed specialized skills through many years of practice may, upon passing the examination by the competent departments, obtain the qualifications of TCM physicians.

Chapter III — Protection and Development of Chinese Medicinal Materials

Article 9 — The State shall strengthen the protection of traditional Chinese medicinal material resources, establish a system for monitoring traditional Chinese medicinal material resources, and protect the ecological environment in the areas of origin of traditional Chinese medicinal materials. The State encourages the cultivation and breeding of traditional Chinese medicinal plants and animals in suitable areas

to support the development of the traditional Chinese medicinal material industry.

Article 10 — The State shall implement a system for the protection of wild medicinal material resources. The collection of wild medicinal materials shall comply with the relevant provisions and shall not destroy the ecological environment. The collection and hunting of rare and endangered wild medicinal materials shall be handled in accordance with the relevant provisions of the State on the protection of wildlife.

Article 11 — The State shall encourage the development of standardized and large-scale cultivation and breeding of traditional Chinese medicinal materials, establish a quality traceability system for traditional Chinese medicinal materials, and ensure the quality and safety of traditional Chinese medicinal materials. The quality standards for traditional Chinese medicinal materials shall be formulated by the drug administration department under the State Council.

Chapter IV — Cultivation of TCM Talent

Article 12 — The State shall improve the TCM education system and cultivate TCM talent through school education, apprenticeship education, continuing education, and other means. TCM school education shall reflect the characteristics of TCM, focus on the education of classic TCM theories and TCM clinical practice, and combine modern education methods with traditional TCM education methods.

Article 13 — The State shall develop TCM apprenticeship education and support experienced senior TCM practitioners in bringing up students through apprenticeship. The State shall support the continuing education of TCM practitioners and improve their professional competence and quality.

Chapter V — Scientific Research and Innovation

Article 14 — The State shall support TCM scientific research and technological innovation, encourage the use of modern science and technology to carry out TCM research, and promote the combination of TCM theory and modern scientific research methods. The State shall support the excavation, collation, and research of classic TCM texts and folk TCM diagnosis and treatment techniques and formulas.

Article 15 — The State shall protect the intellectual property rights of TCM. The unique diagnosis and treatment methods, techniques, formulas, and processing techniques of TCM shall be protected in accordance with the law. The State shall establish and improve a system for the evaluation of TCM scientific research achievements.

Chapter VI — Inheritance and Cultural Dissemination

Article 16 — The State shall strengthen the inheritance and dissemination of the TCM culture. The competent departments shall organize the selection of representative items of intangible cultural heritage related to TCM, support the establishment of TCM museums, heritage display bases, and education bases, and promote the international dissemination of TCM culture.

Article 17 — The State shall support the excavation, collation, and protection of academic ideas, clinical experience, and technical expertise of famous veteran TCM practitioners. The State shall encourage TCM academic exchange and cooperation at home and abroad.

Chapter VII — Guarantee Measures

Article 18 — The people's governments at or above the county level shall provide financial support for the development of the TCM undertaking and increase their investment in TCM. The State shall encourage social forces to participate in and support the development of the TCM undertaking through donations, investment, and other means.

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Article 19 — Medical insurance shall include qualified TCM diagnosis and treatment items, TCM drugs, and TCM medical services in the scope of payment of the basic medical insurance funds. The people's governments at or above the provincial level shall reasonably determine and adjust the fee standards for TCM medical services.

Chapter VIII — Legal Liability

Article 20 — Where a TCM medical institution violates the provisions of this Law by issuing a false medical certificate or diagnosis, the relevant competent department shall order it to make corrections and impose a fine; where the case constitutes a crime, criminal liability shall be pursued in accordance with the law. Where TCM medical service personnel cause a medical accident, they shall bear liability in accordance with the relevant laws and administrative regulations.

Article 21 — Where the relevant departments or their functionaries, in violation of the provisions of this Law, abuse their powers, neglect their duties, or engage in malpractices for personal gain, the directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with the law; where the case constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter IX — Supplementary Provisions

Article 22 — The State Council shall formulate specific measures for the implementation of this Law in accordance with this Law.

Article 23 — This Law shall come into force on July 1, 2017.

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