Law of the PRC on the Prevention and Control of Infectious Diseases

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of preventing, controlling and eliminating the occurrence and epidemic of infectious diseases, and safeguarding human health and public health.

Article 2 — The State shall implement a policy of giving priority to prevention, combining prevention with treatment, providing classified management, and relying on science and the masses in the prevention and control of infectious diseases.

Article 3 — Infectious diseases specified in this Law shall be classified into Category A, Category B, and Category C.

Category A infectious diseases shall include plague and cholera.

Category B infectious diseases shall include: SARS, AIDS, viral hepatitis, poliomyelitis, human infection with highly pathogenic avian influenza, measles, epidemic hemorrhagic fever, rabies, Japanese encephalitis, dengue fever, anthrax, bacillary and amebic dysentery, pulmonary tuberculosis, typhoid and paratyphoid, epidemic cerebrospinal meningitis, pertussis, diphtheria, neonatal tetanus, scarlet fever, brucellosis, gonorrhea, syphilis, leptospirosis, schistosomiasis, and malaria.

Category C infectious diseases shall include: influenza, mumps, rubella, acute hemorrhagic conjunctivitis, leprosy, epidemic and endemic typhus, kala-azar, echinococcosis, filariasis, and infectious diarrheal diseases other than cholera, bacillary and amebic dysentery, typhoid and paratyphoid.

The health administrative department under the State Council may, based on the outbreak and epidemic situation of and the degree of harm caused by infectious diseases, decide to add to, subtract from or adjust the categories of infectious diseases referred to in Category B or Category C, and publish the same.

Article 4 — The prevention and control measures for Category A infectious diseases referred to in this Law shall apply to infectious atypical pneumonia (SARS) among Category B infectious diseases, pulmonary anthrax among anthrax, and human infection with highly pathogenic avian influenza. Where other Category B infectious diseases or infectious diseases of unknown cause break out, spread or become prevalent, and it is necessary to adopt the prevention and control measures for Category A infectious diseases referred to in this Law, such measures shall be adopted upon the approval of the State Council and announcement made thereby.

Article 5 — People's governments at all levels shall lead the work of prevention and control of infectious diseases. The health administrative department under the State Council shall be in charge of the supervision and administration of the prevention and control of infectious diseases throughout the country. The health administrative departments of local people's governments at or above the county level shall be in charge of the supervision and administration of the prevention and control of infectious diseases within their respective administrative areas. Other relevant departments under the State Council and local people's governments at or above the county level shall be responsible for the work of prevention and control of infectious diseases within their respective scopes of duties.

Chapter II — Prevention of Infectious Diseases

Article 6 — People's governments at all levels shall organize and carry out mass health activities, conduct health education on the prevention of infectious diseases, advocate civilized and healthy lifestyles, and raise the public's awareness and capacity for the prevention and control of infectious diseases.

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Article 7 — The State shall implement a planned immunization program. The health administrative department under the State Council and the health administrative departments of provinces, autonomous regions and municipalities directly under the Central Government shall, based on the needs of the prevention and control of infectious diseases, formulate plans for the vaccination of infectious diseases and organize the implementation thereof. Vaccines used for vaccination must meet the national quality standards.

Article 8 — The State shall establish a surveillance and early warning system for infectious diseases. The health administrative department under the State Council shall formulate national surveillance plans and programs for infectious diseases. The health administrative departments of provinces, autonomous regions and municipalities directly under the Central Government shall, based on the national surveillance plans and programs for infectious diseases, formulate surveillance plans and work programs for infectious diseases within their respective administrative areas.

Article 9 — Disease prevention and control institutions at all levels shall be responsible for the surveillance, prediction, epidemiological investigation, reporting of epidemic situations, and other work regarding the prevention and control of infectious diseases. Medical institutions shall undertake the tasks of preventing and treating infectious diseases that are relevant to medical treatment, as well as the tasks of preventing infectious diseases within their respective responsible areas.

Article 10 — The State shall establish a system for the sanitary examination and approval of construction projects that may cause the spread of infectious diseases. Entities operating in concentrated water supply and entities supplying sanitary products involving drinking water shall obtain health permits in accordance with the law.

Article 11 — Disease prevention and control institutions and medical institutions shall properly manage the organisms and samples of pathogenic microorganisms in accordance with the provisions of the State and prevent the laboratory-acquired infection and the spread of pathogenic microorganisms.

Chapter III — Reporting, Notification and Release of Information on Infectious Disease Epidemics

Article 12 — Any entity or individual shall have the obligation to promptly report to the nearby disease prevention and control institution or medical institution upon discovering a patient with an infectious disease or a suspected patient with an infectious disease.

Article 13 — Disease prevention and control institutions, medical institutions, and blood collection and supply institutions, when discovering any infectious disease epidemic situation that should be reported as prescribed by this Law or when discovering any outbreak or epidemic of any infectious disease of unknown cause, shall follow the principles of territorial administration of epidemic situation reporting and shall report in accordance with the content, procedures, methods and time limits prescribed by the State Council or the health administrative department under the State Council.

Article 14 — The health administrative departments of local people's governments at or above the county level shall, in a timely manner, notify the disease prevention and control institutions and medical institutions within their respective administrative areas of the epidemic situation of infectious diseases. Upon receiving the notification, the disease prevention and control institutions and medical institutions shall promptly inform the relevant personnel.

Article 15 — The health administrative department under the State Council shall, in a timely manner and in accordance with the law, issue to the public the epidemic situation of infectious diseases throughout the country and information on the prevention and control thereof. The health administrative departments of provinces, autonomous regions and municipalities directly under the Central Government may, upon the authorization of the health administrative department under the State Council, issue to the public the epidemic situation of infectious diseases within their respective administrative areas and information on the

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prevention and control thereof.

Chapter IV — Control of Infectious Disease Epidemics

Article 16 — When a medical institution discovers a patient with a Category A infectious disease, it shall promptly adopt the following measures:

(1) isolate and treat the patient or the pathogen carrier, and determine the period of isolation based on the results of medical examination;

(2) treat the suspected patient in isolation at a designated place before a confirmed diagnosis is made; and

(3) conduct necessary medical examination and, where necessary, medical observation and take other preventive measures on the close contacts of the patient, pathogen carrier or suspected patient in the medical institution at a designated place.

Article 17 — When an outbreak or epidemic of an infectious disease occurs, the local people's government at or above the county level shall immediately organize forces to carry out prevention and control in accordance with the prevention and control plan, cut off the transmission route of the infectious disease; when necessary, it may adopt the following emergency measures and make an announcement after reporting to the people's government at the next higher level for decision:

(1) restricting or suspending fairs, cinema shows, theatrical performances, or other activities of mass gathering;

(2) suspending work, business or school classes;

(3) sealing or seizing the food and water contaminated by the pathogen of an infectious disease and the relevant articles, and decontaminating or destroying the same;

(4) controlling or culling the wild animals, livestock or poultry that are infected or carriers of disease; and

(5) sealing the places that may cause the spread of infectious diseases.

Article 18 — The people's government at or above the county level may, when an outbreak or epidemic of a Category A infectious disease occurs, implement quarantine measures in the epidemic area; and may, upon reporting to the people's government at the next higher level for decision, declare all or part of the area as an epidemic area. The blockade of an epidemic area of a large or medium city or an epidemic area that straddles provinces, autonomous regions or municipalities directly under the Central Government, or the blockade of an epidemic area that causes interruption of trunk-line traffic or the blockade of the national border, shall be decided by the State Council.

Article 19 — Where an infectious disease breaks out or becomes prevalent, the local people's government at or above the county level may, when necessary and upon reporting to the people's government at the next higher level for decision, take emergency measures such as requisitioning houses, means of transport, and relevant facilities and equipment.

Chapter V — Medical Treatment

Article 20 — Medical institutions shall provide medical treatment, on-site rescue, treatment of contacts, epidemiological investigation and other work for patients with infectious diseases or suspected patients with infectious diseases, and shall complete the writing of medical records and the preservation of other relevant materials.

Article 21 — Medical institutions shall implement a system of pre-examination and triage for patients with infectious diseases or suspected patients with infectious diseases. Patients with infectious diseases or suspected patients with infectious diseases shall be guided to relatively isolated triage points for initial examination.

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Article 22 — Medical institutions shall, in accordance with the standards for the diagnosis of infectious diseases and the requirements for treatment prescribed by the health administrative department under the State Council, adopt corresponding medical measures and ensure the quality of medical services.

Article 23 — Medical institutions shall properly manage the medical waste generated in the diagnosis and treatment of infectious diseases and implement disinfection and isolation systems in accordance with the provisions.

Chapter VI — Supervision and Administration

Article 24 — The health administrative departments of the people's governments at or above the county level shall exercise the following functions and powers in the supervision and inspection of the work of prevention and control of infectious diseases:

(1) exercising supervision and inspection of the sanitary management of the water supplied by entities operating in concentrated water supply;

(2) exercising supervision and inspection of the disease prevention and control work of disease prevention and control institutions and medical institutions;

(3) investigating and handling acts violating the provisions of this Law; and

(4) other functions and powers of supervision and inspection provided for by this Law.

Article 25 — When performing their duties, health administrative departments and relevant departments shall not refuse to perform their duties when discovering infectious disease epidemic situations or illegal acts; otherwise, the directly responsible persons in charge and other directly responsible persons shall be subject to administrative sanctions.

Chapter VII — Support and Safeguard Measures

Article 26 — The State shall include the work of prevention and control of infectious diseases in the national economic and social development plan, and local people's governments at or above the county level shall include the work of prevention and control of infectious diseases in the national economic and social development plans of their respective administrative areas.

Article 27 — Local people's governments at or above the county level shall, in accordance with the division of powers, be responsible for funding the daily expenditure of disease prevention and control institutions, the expenditure on capital construction investment, and the expenditure on the prevention and control of outbreaks and epidemics of infectious diseases.

Article 28 — The State shall strengthen the construction of the grassroots-level system for the prevention and control of infectious diseases and provide support and assistance to poverty-stricken areas and ethnic minority areas in the work of prevention and control of infectious diseases.

Article 29 — The State shall establish a reserve system for drugs and medical devices for the prevention and control of infectious diseases. When an infectious disease breaks out or becomes prevalent, the relevant departments under the State Council and local people's governments at or above the county level shall be responsible for the allocation and transportation of the reserved drugs, medical devices and other materials.

Chapter VIII — Legal Liability

Article 30 — Where a local people's government at or above the county level or its health administrative department fails to perform its duties of reporting an infectious disease epidemic situation, or conceals, makes a false report of, or delays the reporting of an infectious disease epidemic situation, the people's government at a higher level shall order it to make correction and circulate a notice of criticism; where

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serious consequences are caused, the responsible persons in charge and other directly responsible persons shall be subject to administrative sanctions in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 31 — Where a disease prevention and control institution or a medical institution violates the provisions of this Law and causes the spread or epidemic of an infectious disease or other serious consequences, the health administrative department shall order it to make correction, circulate a notice of criticism, and impose a warning; where the circumstances are serious, it may revoke the practicing license of the relevant responsible medical personnel in accordance with the law, and may also revoke the practicing license of the relevant medical institution.

Article 32 — Where any entity or individual, in violation of the provisions of this Law, causes the spread or epidemic of an infectious disease and causes damage to the person or property of others, the entity or individual shall bear civil liability in accordance with the law.

Chapter IX — Supplementary Provisions

Article 33 — For the purposes of this Law, the meanings of the following terms are:

"Infectious disease patients" and "suspected infectious disease patients" refer to persons who, according to the diagnostic criteria set forth in the Law of the People's Republic of China on the Prevention and Control of Infectious Diseases, meet the criteria;

"Pathogen carriers" refer to persons who are infected with the pathogen and can spread the pathogen but who display no clinical symptoms;

"Close contacts" refer to persons who have been in contact with an infectious disease patient, a suspected infectious disease patient or a pathogen carrier in a manner that may be infected;

"Medical observation" refers to the restriction of activities of close contacts and the conduct of necessary medical examinations on them as required.

Article 34 — This Law shall come into force as of the date of its promulgation.

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