Law of the PRC on the Promotion of Basic Medical and Health Care

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of developing medical, health and health-promotion undertakings, safeguarding citizens' enjoyment of basic medical and health services, improving the health of citizens, and advancing the building of a healthy China.

Article 2 — This Law applies to the activities of medical and health care, health promotion, and the supervision and administration thereof.

Article 3 — Medical, health and health-promotion undertakings shall adhere to a people-centered approach and serve the health of the people.

Medical and health undertakings shall adhere to the principle of public welfare.

Article 4 — The state and society shall respect and protect citizens' right to health.

The state shall implement the Healthy China strategy, popularize healthy living, optimize health services, improve health security, build a healthy environment, develop the health industry, and raise the health of citizens across the whole life cycle.

The state shall establish a health education system, safeguard citizens' right to receive health education, and improve citizens' health literacy.

Article 5 — Citizens shall have the right, in accordance with the law, to obtain basic medical and health services from the state and society.

The state shall establish a basic medical and health care system, establish and improve the medical and health service system, and protect and realize citizens' right to obtain basic medical and health services.

Article 6 — People's governments at all levels shall give strategic priority to the health of the people, integrate the concept of health into all policies, adhere to prevention first, improve the health-promotion work system, organize and implement health-promotion plans and actions, promote nationwide fitness, establish a health impact assessment system, and incorporate the improvement of citizens' major health indicators into the assessment of the government's target responsibilities.

The whole of society shall jointly care for and support the development of medical, health and health-promotion undertakings.

Article 7 — The State Council and local people's governments at all levels shall lead the work of medical, health care and health promotion.

The health administrative department of the State Council shall be responsible for overall planning and coordination of medical, health and health-promotion work nationwide. Other relevant departments of the State Council shall be responsible for the relevant medical, health and health-promotion work within their respective duties.

The health administrative departments of local people's governments at or above the county level shall be responsible for overall planning and coordination of medical, health and health-promotion work within their respective administrative areas. Other relevant departments of local people's governments at or above the county level shall be responsible for the relevant medical, health and health-promotion work within their respective duties.

Article 8 — The state shall strengthen basic medical science research, encourage innovation in medical science and technology, support the development of clinical medicine, promote the transformation and application of medical scientific and technological achievements, advance the integrated development of medical and health care with information technology, promote appropriate medical and health technologies, and improve the quality of medical and health services.

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The state shall develop medical education, improve the medical education system that meets the needs of the development of medical and health undertakings, and vigorously cultivate medical and health personnel.

Article 9 — The state shall vigorously develop undertakings of traditional Chinese medicine, adhere to attaching equal importance to both Chinese and Western medicine and to combining inheritance with innovation, and give full play to the unique role of traditional Chinese medicine in medical, health and health-promotion undertakings.

Article 10 — The state shall rationally plan and allocate medical and health resources, focus on primary-level institutions, adopt various measures to give priority support to the development of medical and health institutions at or below the county level, and improve their medical and health service capacity.

Article 11 — The state shall increase fiscal input in medical, health and health-promotion undertakings and, by increasing transfer payments and other means, focus on supporting the development of medical, health and health-promotion undertakings in old revolutionary base areas, ethnic minority areas, border areas and economically underdeveloped areas.

Article 12 — The state shall encourage and support citizens, legal persons and other organizations to participate in medical, health and health-promotion undertakings by establishing institutions in accordance with the law and through donations, funding and other means, so as to meet the diverse, differentiated and personalized health needs of citizens.

Where citizens, legal persons and other organizations donate property for use in medical, health and health-promotion undertakings, they shall enjoy tax preferences in accordance with the law.

Article 13 — Organizations and individuals that have made outstanding contributions to medical, health and health-promotion undertakings shall be commended and rewarded in accordance with state regulations.

Article 14 — The state shall encourage and support foreign exchange and cooperation in the field of medical, health care and health promotion.

Foreign exchange and cooperation activities in medical, health care and health promotion shall comply with laws and regulations and safeguard state sovereignty, security and social and public interests.

Chapter II — Basic Medical and Health Services

Article 15 — Basic medical and health services mean services such as disease prevention, diagnosis, treatment, nursing and rehabilitation that are necessary to maintain human health, commensurate with the level of economic and social development, equitably accessible to citizens, and provided with appropriate drugs, appropriate technologies and appropriate equipment.

Basic medical and health services include basic public health services and basic medical services. Basic public health services shall be provided by the state free of charge.

Article 16 — The state shall take measures to safeguard citizens' enjoyment of safe and effective basic public health services, control risk factors affecting health, and raise the level of disease prevention and control.

National basic public health service programs shall be jointly determined by the health administrative department of the State Council together with the finance department and the traditional Chinese medicine administrative department of the State Council.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may, on the basis of the national basic public health service programs, supplement and determine the basic public health service programs within their respective administrative areas, and report them to the health administrative department of the State Council for the record.

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Article 17 — The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government may include services targeting key regions, key diseases and specific groups in basic public health service programs and organize their implementation.

Local people's governments at or above the county level shall carry out special prevention and control work targeting major diseases and major health risk factors in their respective administrative areas.

Article 18 — People's governments at or above the county level shall provide basic public health services by establishing professional public health institutions, primary medical and health institutions and hospitals, or by purchasing services from other medical and health institutions.

Article 19 — The state shall establish and improve the health emergency response system for emergencies, formulate and improve emergency plans, and organize and carry out health emergency work such as medical treatment, hygienic investigation and disposal, and psychological assistance in response to emergencies, so as to effectively control and eliminate hazards.

Article 20 — The state shall establish an infectious disease prevention and control system, formulate infectious disease prevention and control plans and organize their implementation, strengthen the monitoring and early warning of infectious diseases, adhere to prevention first and combining prevention with treatment, joint prevention and control, mass prevention and control, source prevention and control and comprehensive treatment, cut off transmission routes, protect susceptible groups, and reduce the harm of infectious diseases.

All organizations and individuals shall accept and cooperate with the measures taken by medical and health institutions in accordance with the law to prevent, control and eliminate the hazards of infectious diseases, such as investigation, testing, sample collection, isolation and treatment, and medical observation.

Article 21 — The state shall implement the preventive vaccination system and strengthen immunization program work. Residents shall have the right and obligation to receive immunization program vaccines in accordance with the law. The government shall provide immunization program vaccines to residents free of charge.

Article 22 — The state shall establish a prevention, control and management system for chronic non-communicable diseases, carry out monitoring, investigation and comprehensive prevention and control intervention on chronic non-communicable diseases and their pathogenic risk factors, promptly identify high-risk groups, and provide diagnosis and treatment, early intervention, follow-up management and health education services for patients and high-risk groups.

Article 23 — The state shall strengthen occupational health protection. People's governments at or above the county level shall formulate occupational disease prevention and control plans, establish and improve occupational health work mechanisms, strengthen occupational health supervision and administration, and raise the capacity and level of comprehensive prevention and treatment of occupational diseases.

Employers shall control occupational disease hazard factors, adopt comprehensive treatment measures such as engineering technology, personal protection and health management, and improve the working environment and working conditions.

Article 24 — The state shall develop maternal and child health care undertakings, establish and improve the maternal and child health service system, provide health care and prevention and treatment services for common diseases for women and children, and safeguard the health of women and children.

The state shall take measures to provide citizens with services such as premarital health care and maternal health care, promote reproductive health, and prevent birth defects.

Article 25 — The state shall develop health care undertakings for the elderly. The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central

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Government shall include health management and prevention of common diseases for the elderly in basic public health service programs.

Article 26 — The state shall develop undertakings for disability prevention and rehabilitation of persons with disabilities, improve the system for disability prevention and rehabilitation of persons with disabilities and its guarantees, and take measures to provide basic rehabilitation services for persons with disabilities.

People's governments at or above the county level shall give priority to rehabilitation work for children with disabilities and combine rehabilitation with education.

Article 27 — The state shall establish and improve the pre-hospital first aid system and provide timely, standardized and effective first aid services for critically ill patients.

Health administrative departments, the Red Cross Society and other relevant departments and organizations shall actively carry out first aid training, popularize first aid knowledge, and encourage medical and health personnel and personnel trained in first aid to actively participate in first aid services in public places. Public places shall be equipped with necessary first aid equipment and facilities in accordance with regulations.

First aid centers (stations) shall not refuse or delay providing first aid services to critically ill patients on the ground of non-payment.

Article 28 — The state shall develop mental health undertakings, build and improve the mental health service system, maintain and improve citizens' mental health, and prevent and treat mental disorders.

The state shall take measures to strengthen the mental health service system and the building of the talent team, promote the effective connection of mental health education, psychological assessment, psychological counseling and psychological treatment services, establish psychological assistance hotlines providing public welfare services for the public, and strengthen mental health services for key groups such as minors, persons with disabilities and the elderly.

Article 29 — Basic medical services shall mainly be provided by medical and health institutions established by the government. Medical and health institutions established by social forces shall be encouraged to provide basic medical services.

Article 30 — The state shall promote the implementation of the tiered diagnosis and treatment system for basic medical services, guide non-emergency patients to first seek medical treatment at primary medical and health institutions, implement the first-visit responsibility system and the referral review responsibility system, gradually establish a mechanism of first-visit at the primary level, two-way referral, separate treatment of acute and chronic conditions, and coordination between upper and lower levels, and link it with the basic medical insurance system.

Local people's governments at or above the county level shall, based on the medical and health needs of their respective administrative areas, integrate medical and health resources established by the government within the area, and establish medical consortia and other coordinated and linked medical service cooperation mechanisms in light of local conditions. Medical and health institutions established by social forces shall be encouraged to participate in medical service cooperation mechanisms.

Article 31 — The state shall promote the contracted family doctor services of primary medical and health institutions, establish family doctor service teams, sign agreements with residents, and provide basic medical and health services according to the health conditions and medical needs of residents.

Article 32 — Citizens receiving medical and health services shall enjoy the right to informed consent in accordance with the law regarding their condition, diagnosis and treatment plans, medical risks, medical expenses and other matters.

Where surgery, special examination or special treatment is required, medical and health personnel shall promptly explain the medical risks, alternative treatment plans and other circumstances to the patient and

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obtain the patient's consent; where it is impossible or inappropriate to explain to the patient, the explanation shall be made to the patient's close relatives and their consent obtained. Where laws provide otherwise, such provisions shall prevail.

Clinical trials of drugs and medical devices and other medical research shall comply with medical ethics norms, pass ethical review in accordance with the law, and obtain informed consent.

Article 33 — Citizens receiving medical and health services shall be respected. Medical and health institutions and medical and health personnel shall care for and treat patients equally, respect patients' personal dignity, and protect patients' privacy.

Citizens receiving medical and health services shall comply with the diagnosis and treatment system and the order of medical and health services, and respect medical and health personnel.

Chapter III — Medical and Health Institutions

Article 34 — The state shall establish and improve a medical and health service system composed of primary medical and health institutions, hospitals, professional public health institutions and others, with full urban and rural coverage, complementary functions and continuous coordination.

The state shall strengthen the building of county-level hospitals, township and town health centers, village clinics, community health service centers (stations) and professional public health institutions, and establish and improve the rural medical and health service network and the urban community health service network.

Article 35 — Primary medical and health institutions shall mainly provide basic medical and health services such as prevention, health care, health education and disease management, the establishment of health records for residents, the diagnosis and treatment of common and frequently occurring diseases, and the rehabilitation and nursing of some diseases, as well as receiving patients referred from hospitals and referring patients beyond their own service capacity to hospitals.

Hospitals shall mainly provide disease diagnosis and treatment, especially diagnosis and treatment of critical, severe and difficult diseases, medical treatment and rescue in emergencies, and health education and other medical and health services, and carry out medical education, training of medical and health personnel, medical science research, and professional guidance for primary medical and health institutions.

Professional public health institutions shall mainly provide public health services such as the prevention and control of infectious diseases, chronic non-communicable diseases, occupational diseases and endemic diseases, health education, maternal and child health care, mental health, pre-hospital first aid, blood collection and supply, food safety risk monitoring and assessment, and birth defect prevention and treatment.

Article 36 — Medical and health institutions of all types and at all levels shall divide work and cooperate to provide citizens with all-round, full-cycle medical and health services such as prevention, health care, treatment, nursing, rehabilitation and hospice care.

People's governments at all levels shall take measures to support medical and health institutions in establishing cooperation mechanisms with elderly care institutions, child welfare institutions and community organizations, so as to provide safe and convenient medical and health services for the elderly and orphans and children with disabilities.

Article 37 — People's governments at or above the county level shall formulate and implement medical and health service system plans, scientifically allocate medical and health resources, establish medical and health institutions, and provide guarantees for citizens to obtain basic medical and health services.

In establishing medical and health institutions, the government shall take into account the population, economic and social development, medical and health resources, health risk factors, morbidity, prevalence

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and emergency treatment needs of its administrative area.

Article 38 — The establishment of a medical institution shall meet the following conditions, and the approval or filing procedures shall be handled in accordance with relevant state regulations:

(1) having a name, organizational structure and premises that comply with regulations;

(2) having funds, facilities, equipment and medical and health personnel commensurate with the business it carries out;

(3) having corresponding rules and regulations;

(4) being able to independently bear civil liability; and

(5) other conditions prescribed by laws and administrative regulations.

Medical institutions shall obtain a practice license in accordance with the law. It is prohibited to forge, alter, buy, sell, lease or lend the practice license of a medical institution.

The specific conditions and configuration of medical and health institutions of all types and at all levels shall comply with the standards for medical and health institutions formulated by the health administrative department of the State Council.

Article 39 — The state shall implement categorized management of medical and health institutions.

The medical and health service system shall adhere to taking non-profit medical and health institutions as the main body and for-profit medical and health institutions as a supplement. The government shall establish non-profit medical and health institutions, play a leading role in basic medical and health undertakings, and safeguard the fair and accessible provision of basic medical and health services.

Medical and health institutions established or participated in establishment with government funds or donated assets shall not be established as for-profit medical and health institutions.

Medical and health institutions shall not lease or contract out medical departments to external parties. Non-profit medical and health institutions shall not distribute profits to investors or founders, or distribute profits in disguised form.

Article 40 — Medical and health institutions established by the government shall adhere to their public welfare nature, incorporate all revenue and expenditure into budget management, and rationally set up and control their scale in accordance with medical and health service system plans.

The state shall encourage medical and health institutions established by the government to cooperate with social forces in establishing non-profit medical and health institutions.

Medical and health institutions established by the government shall not invest with other organizations to establish medical and health institutions without independent legal personality, and shall not cooperate with social capital to establish for-profit medical and health institutions.

Article 41 — The state shall take various measures to encourage and guide social forces to establish medical and health institutions in accordance with the law, and support and regulate the cooperation between medical and health institutions established by social forces and those established by the government in various types of medical business, discipline building and personnel training.

Medical and health institutions established by social forces shall enjoy the same rights as those established by the government in terms of basic medical insurance designated qualification, key discipline building, scientific research and teaching, grade review, access to specific medical technologies, and professional title evaluation of medical and health personnel.

Social forces may choose to establish non-profit or for-profit medical and health institutions. Non-profit medical and health institutions established by social forces shall enjoy the same policies as those

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established by the government in terms of taxation, fiscal subsidies, land use, water use, electricity use, gas use and heat use in accordance with regulations, and shall accept supervision and administration in accordance with the law.

Article 42 — The state shall, on the basis of existing medical and health institutions, rationally plan and establish national medical centers and national and provincial-level regional medical centers, diagnose and treat difficult and severe diseases, research and tackle major medical problems, and cultivate high-level medical and health personnel.

Article 43 — Medical and health institutions shall comply with laws, regulations and rules, establish and improve internal quality management and control systems, and be responsible for the quality of medical and health services.

Medical and health institutions shall rationally conduct examinations, medication and diagnosis and treatment in accordance with clinical diagnosis and treatment guidelines, clinical technical operation norms, industry standards, medical ethics norms and other relevant requirements, strengthen the prevention of medical and health safety risks, optimize service processes, and continuously improve the quality of medical and health services.

Article 44 — The state shall implement categorized management of the clinical application of medical and health technologies, and exercise strict management over medical and health technologies that are technically difficult, involve high medical risks, and require high service capacity and a high professional and technical level of personnel.

Medical and health institutions shall carry out the clinical application of medical and health technologies in line with their functions and tasks, follow the principles of being scientific, safe, standardized, effective and economical, and comply with ethics.

Article 45 — The state shall establish a modern hospital management system with clear powers and responsibilities, scientific management, sound governance, efficient operation and strong supervision.

Hospitals shall formulate charters, establish and improve corporate governance structures, and improve medical and health service capacity and operational efficiency.

Article 46 — The practice premises of medical and health institutions are public places for providing medical and health services, and no organization or individual may disrupt their order.

Article 47 — The state shall improve the medical risk sharing mechanism, encourage medical institutions to participate in medical liability insurance or establish medical risk funds, and encourage patients to participate in medical accident insurance.

Article 48 — The state shall encourage medical and health institutions to continuously improve technologies, equipment and services for prevention, health care, diagnosis, treatment, nursing and rehabilitation, and support the development of medical and health technologies suitable for application at the primary level and in remote areas.

Article 49 — The state shall promote nationwide health informatization, promote the application and development of health and medical big data, artificial intelligence and others, accelerate the building of medical and health information infrastructure, formulate technical standards for the collection, storage, analysis and application of health and medical data, and use information technology to promote the popularization and sharing of high-quality medical and health resources.

People's governments at or above the county level and their relevant departments shall take measures to promote the application of information technology in the medical and health field and in medical education, and support the exploration and development of new models and new forms of medical and health services.

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The state shall take measures to promote medical and health institutions in establishing and improving medical and health information exchange and information security systems, applying information technology to carry out telemedicine services, and building an integrated online and offline medical service model.

Article 50 — Upon the occurrence of natural disasters, accidents, public health events, social security events and other emergencies that seriously threaten the life and health of the people, medical and health institutions and medical and health personnel shall obey the deployment of government departments and participate in health emergency response and medical treatment. Participants who suffer disease, disability or death shall be given work-related injury or pension treatment and martyr commendation and other relevant treatment in accordance with regulations.

Chapter IV — Medical and Health Personnel

Article 51 — Medical and health personnel shall carry forward the lofty professional spirit of revering life, saving the dying and healing the wounded, being willing to dedicate and having boundless love, abide by industry norms, uphold medical ethics, and strive to improve their professional level and service quality.

Medical and health industry organizations, medical and health institutions and medical schools shall strengthen education in medical ethics and conduct for medical and health personnel.

Article 52 — The state shall formulate training plans for medical and health personnel, establish training mechanisms and supply-demand balance mechanisms for medical and health personnel that suit the characteristics of the industry and social needs, improve the systems of medical school education, post-graduation education and continuing education, establish and improve the standardized training system for resident physicians and specialist physicians, and build a medical and health workforce of appropriate scale, reasonable structure and balanced distribution.

The state shall strengthen the training and use of general practitioners. General practitioners shall mainly provide diagnosis and treatment and referral of common and frequently occurring diseases, prevention, health care, rehabilitation, and chronic disease management and health management services.

Article 53 — The state shall implement a practice registration system for medical and health personnel such as physicians and nurses in accordance with the law. Medical and health personnel shall obtain corresponding professional qualifications in accordance with the law.

Article 54 — Medical and health personnel shall follow the laws of medical science, comply with relevant clinical diagnosis and treatment technical norms and various operating norms as well as medical ethics norms, use appropriate technologies and drugs, rationally diagnose and treat, and provide treatment according to the disease, and shall not provide excessive medical treatment to patients.

Medical and health personnel shall not take advantage of their positions to extort or illegally accept property, or seek other improper benefits.

Article 55 — The state shall establish and improve personnel, remuneration and reward systems that suit the characteristics of the medical and health industry and reflect the professional characteristics and the value of technical labor of medical and health personnel.

Appropriate allowances shall be given in accordance with state regulations to medical and health personnel engaged in the prevention and treatment of infectious diseases, radiation medicine and mental health work, and to other personnel working in special positions. The allowance standards shall be adjusted regularly.

Article 56 — The state shall establish a system for medical and health personnel to periodically work in medical and health care at the primary level and in hard and remote areas.

The state shall adopt measures such as targeted free training, counterpart support and re-employment of retirees to strengthen the building of the medical and health workforce at the primary level and in hard and

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remote areas.

Licensed physicians who are promoted to associate senior professional titles shall have accumulated at least one year of experience providing medical and health services in medical and health institutions at or below the county level or in counterpart-supported medical and health institutions.

Preferential treatment shall be given to medical and health personnel working at the primary level and in hard and remote areas in terms of remuneration and allowances, professional title evaluation, career development, education and training, and commendation and rewards.

The state shall strengthen the building of the rural medical and health workforce, establish a career development mechanism linking counties, townships and villages, and improve the multi-channel subsidy mechanism for service income and the pension policies for rural medical and health personnel.

Article 57 — The whole of society shall care for and respect medical and health personnel, maintain a good and safe medical and health service order, and jointly build harmonious doctor-patient relations.

The personal safety and personal dignity of medical and health personnel shall not be violated, and their lawful rights and interests shall be protected by law. It is prohibited for any organization or individual to threaten or endanger the personal safety of medical and health personnel, or violate their personal dignity.

The state shall take measures to safeguard the practice environment of medical and health personnel.

Chapter V — Drug Supply Guarantee

Article 58 — The state shall improve the drug supply guarantee system, establish a work coordination mechanism, and ensure the safety, effectiveness and accessibility of drugs.

Article 59 — The state shall implement the essential drug system, select an appropriate number of essential drug varieties, and meet the basic medication needs for disease prevention and treatment.

The state shall publish the essential drug list and dynamically adjust it according to the clinical application practice of drugs, changes in drug standards and newly marketed drugs.

Essential drugs shall be given priority for inclusion in the basic medical insurance drug list in accordance with regulations.

The state shall improve the supply capacity of essential drugs, strengthen quality supervision of essential drugs, and ensure that essential drugs are fairly accessible and rationally used.

Article 60 — The state shall establish and improve a drug review and approval system oriented to clinical needs, support the research, development and production of drugs urgently needed clinically, drugs for children, and drugs for the prevention and treatment of rare diseases and major diseases, and meet the needs of disease prevention and treatment.

Article 61 — The state shall establish and improve a whole-process traceability system for the research, development, production, circulation and use of drugs, strengthen drug administration, and ensure drug quality.

Article 62 — The state shall establish and improve a drug price monitoring system, carry out cost and price investigations, strengthen drug price supervision and inspection, investigate and punish illegal acts such as price monopoly, price fraud and unfair competition in accordance with the law, and maintain drug price order.

The state shall strengthen the management and guidance of categorized procurement of drugs. Bidders participating in drug procurement bidding shall not bid at a price lower than cost, and shall not bid by fraud, collusive bidding, abuse of market dominance or other means.

Article 63 — The state shall establish central and local two-level medical reserves for meeting emergency needs such as major disasters, epidemics and other emergencies.

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Article 64 — The state shall establish and improve a drug supply and demand monitoring system, promptly collect and summarize and analyze drug supply and demand information, and regularly publish the production, circulation and use of drugs.

Article 65 — The state shall strengthen the administration of medical devices, improve the standards and norms for medical devices, and raise the safety and effectiveness level of medical devices.

The health administrative department of the State Council and the health administrative departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, based on the advancement, suitability and accessibility of technologies, compile allocation plans for large medical equipment and promote the rational allocation and full sharing of medical equipment within regions.

Article 66 — The state shall strengthen the protection and development of traditional Chinese medicine, fully reflect the characteristics and advantages of traditional Chinese medicine, and give play to its role in prevention, health care, medical treatment and rehabilitation.

Chapter VI — Health Promotion

Article 67 — People's governments at all levels shall strengthen health education work and the training of related professionals, establish a system for the release of core information on health knowledge and skills, popularize health science knowledge, and provide the public with scientific and accurate health information.

Medical and health, education, sports, publicity and other institutions, grassroots self-governing organizations and social organizations shall carry out publicity and popularization of health knowledge. Medical and health personnel shall carry out health education for patients when providing medical and health services. News media shall carry out public welfare publicity of health knowledge. Publicity of health knowledge shall be scientific and accurate.

Article 68 — The state shall incorporate health education into the national education system. Schools shall use various forms to implement health education, popularize health knowledge, scientific fitness knowledge, first aid knowledge and skills, improve students' awareness of active disease prevention, cultivate students' good hygiene habits and healthy behavior habits, and reduce and improve students' poor health conditions such as myopia and obesity.

Schools shall offer physical education and health courses in accordance with regulations, and organize students to carry out activities such as broadcast gymnastics, eye exercises and physical exercise.

Schools shall be staffed with school doctors in accordance with regulations, and establish and improve infirmaries and health care rooms.

The education administrative departments of people's governments at or above the county level shall incorporate the physical health level of students into the school assessment system in accordance with regulations.

Article 69 — Citizens are the first persons responsible for their own health. They shall establish and practice the health management concept of being responsible for their own health, actively learn health knowledge, improve health literacy, and strengthen health management. Family members shall be encouraged to care for each other and form healthy lifestyles that suit their own and their families' characteristics.

Citizens shall respect the health rights and interests of others and shall not harm the health of others or the social and public interests.

Article 70 — The state shall organize surveys and statistics on residents' health conditions, carry out physical fitness monitoring, evaluate health performance, and formulate and improve laws, regulations, policies and plans related to health based on the evaluation results.

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Article 71 — The state shall establish monitoring, investigation and risk assessment systems for diseases and health risk factors. People's governments at or above the county level and their relevant departments shall organize research on health risk factors targeting the main problems affecting health and formulate comprehensive prevention and treatment measures.

The state shall strengthen the prevention and control of environmental problems affecting health, organize and carry out research on the impact of environmental quality on health, and take measures to prevent and control diseases related to environmental problems.

Article 72 — The state shall vigorously carry out the patriotic health campaign, encourage and support mass health activities such as the Patriotic Health Month, rely on and mobilize the masses to control and eliminate health risk factors, improve environmental sanitation, and build healthy cities, healthy villages and towns and healthy communities.

Article 73 — The state shall establish a scientific and strict food and drinking water safety supervision and administration system and improve the safety level.

Article 74 — The state shall establish a nutrition status monitoring system, implement nutrition intervention plans for economically underdeveloped areas and key groups, carry out nutrition improvement actions for minors and the elderly, advocate healthy eating habits, and reduce the risk of diseases caused by unhealthy diets.

Article 75 — The state shall develop nationwide fitness undertakings, improve the public fitness service system covering urban and rural areas, strengthen the building of public sports facilities, organize and support nationwide fitness activities, strengthen nationwide fitness guidance services, and popularize scientific fitness knowledge and methods.

The state shall encourage the opening of sports venues and facilities of employers to the public.

Article 76 — The state shall formulate and implement health work plans for minors, women, the elderly and persons with disabilities, and strengthen health services for key groups.

The state shall promote long-term care security work and encourage the development of long-term care insurance.

Article 77 — The state shall improve the public place health management system. The health administrative departments and other departments of people's governments at or above the county level shall strengthen health supervision of public places. Public place health supervision information shall be disclosed to the public in accordance with the law.

Operators of public places shall establish, improve and strictly implement health management systems to ensure that their business activities continuously meet the state's health requirements for public places.

Article 78 — The state shall take measures to reduce the harm of smoking to citizens' health.

Smoking shall be controlled in public places, and supervision and law enforcement shall be strengthened.

Tobacco product packaging shall be printed with warnings indicating the harm of smoking.

It is prohibited to sell tobacco and alcohol to minors.

Article 79 — Employers shall create an environment and conditions beneficial to the health of employees, strictly implement labor safety and health and other relevant regulations, actively organize employees to carry out fitness activities, and protect the health of employees.

The state shall encourage employers to carry out employee health guidance work.

The state shall encourage employers to regularly carry out health examinations for employees. Where laws and regulations provide for health examinations, such provisions shall prevail.

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Chapter VII — Fund Guarantee

Article 80 — People's governments at all levels shall earnestly perform their duties in developing medical, health and health-promotion undertakings, establish an input mechanism for medical, health and health-promotion undertakings commensurate with economic and social development, fiscal conditions and health indicators, incorporate funds for medical, health care and health promotion into the budgets of the government at the corresponding level, and mainly use them in accordance with regulations to guarantee basic medical services, public health services, basic medical security, and the building and operation of medical and health institutions established by the government.

Article 81 — People's governments at or above the county level shall strengthen the supervision and administration of funds through budgeting, auditing, supervision and law enforcement, and social supervision.

Article 82 — Basic medical service expenses shall mainly be paid by the basic medical insurance fund and individuals. The state shall raise basic medical insurance funds through multiple channels in accordance with the law, and gradually improve the mechanisms for sustainable financing and adjustment of the security level of basic medical insurance.

Citizens shall have the right and obligation to participate in basic medical insurance in accordance with the law. Employers and employees shall pay employee basic medical insurance premiums in accordance with state regulations. Urban and rural residents shall pay urban and rural resident basic medical insurance premiums in accordance with regulations.

Article 83 — The state shall establish a multi-level medical security system with basic medical insurance as the main body and commercial health insurance, medical assistance, employee mutual medical aid and medical charity services as supplements.

The state shall encourage the development of commercial health insurance to meet the diverse health security needs of the people.

The state shall improve the medical assistance system to ensure that eligible people in difficulty obtain basic medical services.

Article 84 — The state shall establish and improve the consultation and negotiation mechanism between basic medical insurance agencies and agreed designated medical and health institutions, scientifically and rationally determine the payment standards and payment methods of the basic medical insurance fund, guide medical and health institutions to rationally diagnose and treat, promote the orderly flow of patients, and improve the use efficiency of the basic medical insurance fund.

Article 85 — The payment scope of the basic medical insurance fund shall be organized and formulated by the medical security administrative department of the State Council, and the opinions of the health administrative department, the traditional Chinese medicine administrative department, the drug regulatory department, the finance department and other departments of the State Council shall be heard.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may, in accordance with relevant state regulations, supplement and determine the specific items and standards for payment by the basic medical insurance fund within their respective administrative areas, and report them to the medical security administrative department of the State Council for the record.

The medical security administrative department of the State Council shall organize evidence-based medicine and economic evaluation of the basic medical insurance drug list, diagnosis and treatment items, medical service facility standards and others included in the payment scope, and shall hear the opinions of the health administrative department, the traditional Chinese medicine administrative department, the drug regulatory department, the finance department and other relevant departments of the State Council. The evaluation

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results shall serve as the basis for adjusting the payment scope of the basic medical insurance fund.

Chapter VIII — Supervision and Administration

Article 86 — The state shall establish and improve a comprehensive supervision and administration system for medical and health care that combines institutional self-governance, industry self-discipline, government supervision and social supervision.

The health administrative departments of people's governments at or above the county level shall exercise localized and whole-industry supervision and administration over the medical and health industry.

Article 87 — The medical security administrative departments of people's governments at or above the county level shall improve their medical security supervision capacity and level, strengthen supervision and administration over medical service behaviors and medical expenses within the payment scope of the basic medical insurance fund, and ensure the rational use and the safety and controllability of the basic medical insurance fund.

Article 88 — People's governments at or above the county level shall organize health, medical security, drug regulatory, development and reform, finance and other departments to establish communication and coordination mechanisms, strengthen system linkage and work cooperation, and improve the use efficiency and security level of medical and health resources.

Article 89 — People's governments at or above the county level shall regularly report basic medical, health care and health-promotion work to the people's congress at the corresponding level or its standing committee, and accept supervision in accordance with the law.

Article 90 — Where the relevant departments of a people's government at or above the county level fail to perform their duties related to medical, health and health-promotion work, the people's government at the corresponding level or the relevant department of the people's government at a higher level shall conduct a supervisory interview with the principal person in charge.

Where a local people's government fails to perform its duties related to medical, health and health-promotion work, the people's government at a higher level shall conduct a supervisory interview with its principal person in charge.

The interviewed department and local people's government shall immediately take measures to carry out rectification.

The interview and rectification shall be incorporated into the work review and assessment records of the relevant departments and local people's governments.

Article 91 — The health administrative departments of local people's governments at or above the county level shall establish a performance evaluation system for medical and health institutions, and organize evaluation of the service quality, medical technology, and use of drugs and medical equipment of medical and health institutions. The evaluation shall involve industry organizations and the public. The evaluation results shall be disclosed to the public in an appropriate manner and serve as an important basis for evaluating medical and health institutions and for health supervision.

Article 92 — The state shall protect citizens' personal health information and ensure the security of citizens' personal health information. No organization or individual may illegally collect, use, process or transmit citizens' personal health information, nor illegally buy, sell, provide or disclose citizens' personal health information.

Article 93 — The health administrative departments and medical security administrative departments of people's governments at or above the county level shall establish a credit record system for medical and health institutions and personnel, incorporate it into the national credit information sharing platform, and

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implement joint punishment in accordance with state regulations.

Article 94 — The health administrative departments of local people's governments at or above the county level and the health supervision institutions entrusted by them shall carry out administrative law enforcement work such as medical and health care within their respective administrative areas in accordance with the law.

Article 95 — The health administrative departments of people's governments at or above the county level shall actively cultivate medical and health industry organizations, give play to their role in medical, health and health-promotion work, and support their participation in the formulation of industry management norms and technical standards and in medical and health evaluation, assessment and review.

Article 96 — The state shall establish a medical dispute prevention and handling mechanism, properly handle medical disputes, and maintain medical order.

Article 97 — The state shall encourage citizens, legal persons and other organizations to carry out social supervision of medical, health and health-promotion work.

All organizations and individuals shall have the right to complain about and report acts that violate the provisions of this Law to the health administrative departments of people's governments at or above the county level and other relevant departments.

Chapter IX — Legal Liability

Article 98 — Where local people's governments at all levels, the health administrative departments of people's governments at or above the county level and other relevant departments abuse their powers, neglect their duties or engage in malpractices for personal gain in violation of the provisions of this Law, the directly responsible persons in charge and other directly responsible persons shall be given sanctions in accordance with the law.

Article 99 — Where anyone practices medicine without a medical institution practice license in violation of the provisions of this Law, the health administrative department of the people's government at or above the county level shall order the cessation of practice, confiscate the illegal gains and drugs and medical devices, and impose a fine of not less than five times but not more than twenty times the illegal gains; where the illegal gains are less than 10,000 yuan, they shall be calculated as 10,000 yuan.

Where anyone forges, alters, buys, sells, leases or lends a medical institution practice license in violation of the provisions of this Law, the health administrative department of the people's government at or above the county level shall order correction, confiscate the illegal gains, and impose a fine of not less than five times but not more than fifteen times the illegal gains; where the illegal gains are less than 10,000 yuan, they shall be calculated as 10,000 yuan; where the circumstances are serious, the medical institution practice license shall be revoked.

Article 100 — Where anyone commits any of the following acts in violation of the provisions of this Law, the health administrative department of the people's government at or above the county level shall order correction, confiscate the illegal gains, and impose a fine of not less than two times but not more than ten times the illegal gains; where the illegal gains are less than 10,000 yuan, they shall be calculated as 10,000 yuan; and the directly responsible persons in charge and other directly responsible persons shall be given sanctions in accordance with the law:

(1) a medical and health institution established by the government investing with other organizations to establish a medical and health institution without independent legal personality;

(2) a medical and health institution leasing or contracting out medical departments to external parties; or

(3) a non-profit medical and health institution distributing profits to investors or founders, or distributing profits in disguised form.

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Article 101 — Where, in violation of the provisions of this Law, the medical information security system and safeguard measures of a medical and health institution or others are unsound, resulting in the leakage of medical information, or the medical quality management and medical technology management systems and safety measures are unsound, the health administrative department and other departments of the people's government at or above the county level shall order correction, give a warning, and impose a fine of not less than 10,000 yuan but not more than 50,000 yuan; where the circumstances are serious, the relevant practice activities may be ordered to cease, and the directly responsible persons in charge and other directly responsible persons shall be held legally liable in accordance with the law.

Article 102 — Where medical and health personnel commit any of the following acts in violation of the provisions of this Law, the health administrative department of the people's government at or above the county level shall give administrative penalties in accordance with the provisions of laws and administrative regulations on the administration of licensed physicians and nurses and the prevention and handling of medical disputes:

(1) taking advantage of their positions to extort or illegally accept property, or seeking other improper benefits;

(2) leaking citizens' personal health information; or

(3) failing to perform the duty of notification or violating medical ethics norms in the course of carrying out medical research or providing medical and health services.

Where the personnel specified in the preceding paragraph are personnel of medical and health institutions established by the government, they shall be given sanctions in accordance with the law.

Article 103 — Where a bidder participating in drug procurement bidding bids at a price lower than cost, or bids by fraud, collusive bidding, abuse of market dominance or other means in violation of the provisions of this Law, the medical security administrative department of the people's government at or above the county level shall order correction and confiscate the illegal gains; where the bid is successful, the winning bid shall be invalid, a fine of not less than five thousandths but not more than ten thousandths of the amount of the winning project shall be imposed, and a fine of not less than five percent but not more than ten percent of the fine imposed on the entity shall be imposed on the legal representative, the principal person in charge, the directly responsible persons in charge and other responsible persons; where the circumstances are serious, the qualification to participate in drug procurement bidding shall be revoked for two to five years and announced to the public.

Article 104 — Where anyone obtains basic medical insurance benefits by fraud, forging supporting materials or other means, or a basic medical insurance agency or a medical institution, drug business entity or others obtains basic medical insurance fund expenditures by fraud, forging supporting materials or other means in violation of the provisions of this Law, the medical security administrative department of the people's government at or above the county level shall impose administrative penalties in accordance with the provisions of laws and administrative regulations on social insurance.

Article 105 — Where anyone, in violation of the provisions of this Law, disrupts the order of the practice premises of a medical and health institution, threatens or endangers the personal safety of medical and health personnel, violates the personal dignity of medical and health personnel, illegally collects, uses, processes or transmits citizens' personal health information, or illegally buys, sells, provides or discloses citizens' personal health information, and the act constitutes a violation of public security administration, punishment for public security administration shall be imposed in accordance with the law.

Article 106 — Where a violation of the provisions of this Law constitutes a crime, criminal liability shall be pursued in accordance with the law; where it causes personal or property damage, civil liability shall be borne in accordance with the law.

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Chapter X — Supplementary Provisions

Article 107 — The meanings of the following terms in this Law:

(1) "major health indicators" means average life expectancy, maternal mortality, infant mortality, mortality of children under five, and others;

(2) "medical and health institutions" means primary medical and health institutions, hospitals, professional public health institutions and others;

(3) "primary medical and health institutions" means township and town health centers, community health service centers (stations), village clinics, infirmaries, outpatient departments and clinics, and others;

(4) "professional public health institutions" means centers for disease control and prevention, specialized disease prevention and treatment institutions, health education institutions, first aid centers (stations), blood stations and others;

(5) "medical and health personnel" means licensed physicians, licensed assistant physicians, registered nurses, pharmacists (assistant pharmacists), laboratory technicians (assistant technicians), imaging technicians (assistant technicians), rural doctors and other health professionals;

(6) "essential drugs" means drugs that meet the basic medication needs for disease prevention and treatment, suit the current basic national conditions and guarantee capacity, have appropriate dosage forms and reasonable prices, and can guarantee supply and be fairly accessible.

Article 108 — Provinces, autonomous regions, municipalities directly under the Central Government, cities divided into districts, and autonomous prefectures may, in light of their actual conditions, formulate specific measures for the development of medical, health and health-promotion undertakings in their localities.

Article 109 — The medical, health and health-promotion work of the People's Liberation Army and the Chinese People's Armed Police Force shall be administered by the State Council and the Central Military Commission in accordance with measures formulated pursuant to this Law.

Article 110 — This Law shall come into force on June 1, 2020.

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