Mental Health Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of developing mental health services, regulating mental health services, and protecting the lawful rights and interests of persons with mental disorders.

Article 2 — This Law shall apply to the activities of maintaining and promoting the mental health of citizens, preventing mental disorders, and diagnosing, treating, and rehabilitating persons with mental disorders within the territory of the People's Republic of China.

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Article 3 — Mental health work shall follow the principle of giving priority to prevention, combining prevention with treatment and rehabilitation.

Article 4 — The lawful personal and property rights and interests of persons with mental disorders shall be protected by law. The dignity and personal safety of persons with mental disorders shall not be violated. No organization or individual may discriminate against, insult, or mistreat persons with mental disorders.

Article 5 — The principle of voluntariness shall be followed in the diagnosis and treatment of mental disorders. Inpatient treatment shall be provided on a voluntary basis, except as otherwise provided by this Law.

Article 6 — The State shall implement a mental health work system under which the government organizes and leads, departments coordinate and cooperate, families and entities fulfill their respective responsibilities, and the whole society participates.

Article 7 — The health administrative department under the State Council shall be responsible for the administration of mental health nationwide. The health administrative departments of the local people's governments at or above the county level shall be responsible for the administration of mental health within their respective administrative areas.

Article 8 — People's governments at or above the county level shall incorporate mental health work into their national economic and social development plans, establish and improve the mental health service system, and incorporate the funds required for mental health work into their fiscal budgets.

Article 9 — The families of persons with mental disorders shall fulfill their guardianship duties and protect the lawful rights and interests of persons with mental disorders. Employers shall create a favorable working environment and pay attention to the mental health of their employees.

Article 10 — The whole society shall respect, understand, and care for persons with mental disorders. No organization or individual may discriminate against, insult, or mistreat persons with mental disorders, or illegally restrict their personal freedom. News media and social organizations shall carry out mental health publicity and education.

Chapter II — Mental Health Promotion and Prevention of Mental Disorders

Article 11 — People's governments at all levels and the relevant departments shall take measures to strengthen mental health promotion and mental health education, and enhance the mental health awareness of the public. Employers, schools, communities, and families shall pay attention to mental health and create a favorable work, study, and living environment.

Article 12 — Health administrative departments shall organize mental health publicity and education activities, focusing on the prevention of depression, anxiety disorders, and other common mental disorders, and guide the public in correctly understanding and coping with mental disorders.

Article 13 — Medical institutions shall provide medical advice on mental disorders to the public and carry out early detection, early diagnosis, and early treatment of mental disorders. Primary medical and health care institutions shall carry out psychological counseling services.

Article 14 — Education administrative departments shall incorporate mental health education into the education and teaching plans of schools and conduct mental health education for students. Schools shall be staffed with mental health education teachers and provide mental health counseling.

Article 15 — Employers shall create a favorable working environment, pay attention to the mental health of employees, and conduct mental health education for employees. Employers shall organize mental health knowledge training for employees and provide conditions for employees to receive mental health services.

Article 16 — The State shall encourage and support the conduct of scientific research on mental disorders, strengthen the training of mental health professionals, and improve the level of prevention, diagnosis, treatment, and rehabilitation of mental disorders.

Chapter III — Diagnosis and Treatment of Mental Disorders

Article 17 — Medical institutions engaged in the diagnosis and treatment of mental disorders shall meet the following conditions:

(1) having psychiatrists and nurses suitable for the diagnosis and treatment of mental disorders;

(2) having the facilities, equipment, and protective devices suitable for the diagnosis and treatment of mental disorders; and

(3) having a sound management system and quality control system for the diagnosis and treatment of mental disorders.

Article 18 — The diagnosis of mental disorders shall be conducted by psychiatrists. No entity or individual may engage in the diagnosis and treatment of mental disorders without the approval of the health administrative department.

Article 19 — The diagnosis of mental disorders shall be based on the diagnostic criteria for mental disorders. The diagnostic criteria for mental disorders shall be formulated by the health administrative department under the State Council.

Article 20 — Psychiatrists shall conduct diagnosis based on the patient's medical history, mental state examination, physical examination, laboratory tests, and other auxiliary examinations. Psychiatrists shall not make a diagnosis solely based on the statements of the patient's family members or other persons.

Article 21 — Where a diagnosis indicates that a person has a serious mental disorder, inpatient treatment shall be provided. Where the person himself or herself or his or her guardian consents, the medical institution shall provide inpatient treatment. Where the person himself or herself refuses treatment or his or her guardian refuses treatment, the medical institution shall explain the possible consequences and the necessity of treatment.

Article 22 — Where a person diagnosed with a serious mental disorder has committed or is at risk of committing acts that harm his or her own safety or the safety of others, his or her guardian, the public security authority, or the medical institution may take necessary protective measures to provide inpatient treatment.

Article 23 — During inpatient treatment, medical institutions shall respect the personal dignity of the patients and protect their personal safety. Medical institutions shall use appropriate treatment methods and shall not use treatment methods that are not in compliance with the therapeutic norms.

Article 24 — Medical institutions shall provide psychological counseling and treatment for patients with mental disorders. The psychological treatment of mental disorders shall be conducted by qualified psychotherapists.

Article 25 — Where a patient with a serious mental disorder no longer requires inpatient treatment, the medical institution shall promptly notify the patient and his or her guardian and handle the discharge formalities in a timely manner.

Chapter IV — Rehabilitation of Mental Disorders

Article 26 — Community rehabilitation institutions shall provide rehabilitation services for persons with mental disorders, including daily living skills training, social adaptability training, and occupational rehabilitation training.

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Article 27 — Primary medical and health care institutions shall establish health records for persons with mental disorders, provide follow-up visits and guidance, and guide patients in taking medication and conducting rehabilitation training.

Article 28 — Employers shall arrange suitable work for employees who have recovered from mental disorders based on their health conditions, and may not discriminate against them. Community residents' committees, villagers' committees, and families shall assist persons with mental disorders in their rehabilitation and daily life, and assist them in returning to society.

Article 29 — Persons with mental disorders shall have the right to receive education, employment, medical services, and social assistance in accordance with the law. The State and society shall protect the lawful rights and interests of persons with mental disorders.

Chapter V — Support and Guarantees

Article 30 — People's governments at or above the county level shall incorporate mental health work into their economic and social development plans, incorporate the construction of mental health institutions into the overall urban and rural planning, establish and improve the mental health service system, and provide the necessary funding guarantees.

Article 31 — The State shall strengthen the development of mental health professionals and encourage and support institutions of higher education to establish psychiatry and related disciplines and specialties.

Article 32 — The State shall encourage social forces to establish mental health institutions and rehabilitation institutions for mental disorders. The establishment of mental health institutions by social forces shall enjoy the same treatment as public mental health institutions in terms of access, practice, and professional title evaluation.

Article 33 — The basic medical insurance system shall include the outpatient and inpatient treatment of mental disorders in the coverage of basic medical insurance in accordance with the relevant regulations of the State. The people's governments at or above the county level shall provide medical assistance to persons with mental disorders who meet the conditions for social assistance.

Article 34 — People's governments at or above the county level and the relevant departments shall, through various forms, strengthen mental health publicity and education and enhance the mental health awareness of the public.

Article 35 — The State shall encourage and support psychological counseling and psychotherapy services. Institutions and personnel providing psychological counseling and psychotherapy services shall comply with the relevant laws and regulations and professional ethics.

Chapter VI — Legal Liability

Article 36 — Where any entity or individual, in violation of the provisions of this Law, discriminates against, insults, or mistreats a person with a mental disorder, or illegally restricts the personal freedom of a person with a mental disorder, the relevant department shall order it to make corrections and impose penalties in accordance with the law. Where the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 37 — Where a medical institution, in violation of the provisions of this Law, engages in the diagnosis and treatment of mental disorders without meeting the statutory conditions, the health administrative department shall order it to make corrections and impose penalties in accordance with the law.

Article 38 — Where a medical institution or any of its staff members, in violation of the provisions of this Law, commits any of the following acts, the health administrative department shall order it to make corrections and impose a fine of not less than RMB 5,000 but not more than RMB 10,000 on the directly responsible person:

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(1) refusing to provide diagnosis and treatment to a patient with a mental disorder;

(2) failing to provide inpatient treatment to a patient with a serious mental disorder who meets the conditions for inpatient treatment; or

(3) failing to handle discharge formalities in a timely manner for a patient who no longer requires inpatient treatment.

Article 39 — Where any staff member of a health administrative department or any other relevant department neglects his or her duties, abuses his or her power, or engages in malpractice for personal gain, he or she shall be subject to disciplinary sanctions in accordance with the law. Where the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter VII — Supplementary Provisions

Article 40 — This Law shall come into force on May 1, 2013.

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