

Regulations on Emergency Response to Public Health Emergencies of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com
Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents	1
Chapter I — General Provisions	1
Chapter II — Prevention and Emergency Preparedness	2
Chapter III — Reporting and Information Release	3
Chapter IV — Emergency Response	3
Chapter V — Legal Liability	4
Chapter VI — Supplementary Provisions	4

Adopted at the 7th Executive Meeting of the State Council on May 7, 2003
Promulgated by Order No. 376 of the State Council of the People's Republic of China on May 9, 2003

Amended in accordance with the Decision of the State Council on Repealing and Amending Certain Administrative Regulations on January 8, 2011 (Order No. 588 of the State Council)

Effective: May 9, 2003

Table of Contents

- Chapter I — General Provisions
- Chapter II — Prevention and Emergency Preparedness
- Chapter III — Reporting and Information Release
- Chapter IV — Emergency Response
- Chapter V — Legal Liability
- Chapter VI — Supplementary Provisions

Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purpose of effectively preventing, promptly controlling, and eliminating the hazards of public health emergencies, safeguarding the health and safety of the public, and maintaining normal social order.

Article 2 — The term "public health emergency" (hereinafter referred to as "emergency") refers to a sudden outbreak of a major infectious disease, a disease of unknown origin, a mass disease of unknown cause, major food or occupational poisoning, or any other event that seriously affects public health, which occurs

suddenly and causes or is likely to cause serious damage to the health of the public.

Article 3 — After the occurrence of an emergency, the State Council shall establish a national emergency response headquarters, composed of the relevant departments under the State Council and the relevant military departments. The leader in charge of the State Council shall serve as the commander-in-chief, and shall be responsible for providing unified leadership and command of the national emergency response work. The administrative department of health under the State Council and other relevant departments shall, within the scope of their respective duties, effectively carry out the emergency response work.

Article 4 — After the occurrence of an emergency, the people's government of the province, autonomous region, or municipality directly under the central government shall establish a local emergency response headquarters, the principal leader of the people's government shall serve as the commander-in-chief, and shall be responsible for providing unified leadership and command of the emergency response work within its administrative region.

Article 5 — The emergency response work shall follow the principle of giving priority to prevention and making constant preparations, and implement the guidelines of unified leadership, hierarchical responsibility, timely response, decisive measures, reliance on science, and strengthened cooperation.

Article 6 — The people's governments at or above the county level shall organize and carry out scientific research and international exchange concerning the causes of and countermeasures for emergencies, and shall include the funds required for emergency response work in their fiscal budgets.

Article 7 — The State shall establish a system of rewards for entities and individuals that have made contributions in emergency response work, and shall commend and reward entities and individuals that have made outstanding contributions. Entities and individuals that have been injured, become disabled, or died in the course of participating in emergency response work shall be provided with pensions or compensation in accordance with the relevant provisions of the State.

Chapter II — Prevention and Emergency Preparedness

Article 8 — The State Council shall formulate a national emergency response plan. The people's governments of provinces, autonomous regions, and municipalities directly under the central government shall, in accordance with the national emergency response plan and in light of the actual local circumstances, formulate emergency response plans for their respective administrative regions.

Article 9 — The people's governments at or above the county level shall establish and improve an emergency monitoring and early warning system. The administrative department of health under the people's government at or above the county level shall designate institutions to be responsible for the daily monitoring of emergencies and ensure the normal operation of the monitoring and early warning system.

Article 10 — The people's governments at or above the county level shall, in accordance with the requirements of emergency response plans, ensure the reserves of facilities, equipment, pharmaceuticals, medical devices, and other materials and technologies required for emergency response and medical treatment.

Article 11 — The people's governments at or above the county level shall strengthen the building of the emergency treatment service network, equip the corresponding medical treatment drugs, technologies, equipment and personnel, and improve the capacity of medical and health institutions to respond to emergencies.

Article 12 — The administrative departments of health under the people's governments at or above the county level shall regularly provide training to medical and health institutions and personnel on emergency response, organize drills, and publicize emergency response knowledge.

Chapter III — Reporting and Information Release

Article 13 — The State shall establish an emergency reporting system. The administrative department of health under the State Council shall formulate the rules for emergency reporting and establish a reporting system for major and urgent epidemic information.

Article 14 — Upon the occurrence of an emergency or of a potential emergency, the people's government of the province, autonomous region, or municipality directly under the central government shall, within one (1) hour, report to the administrative department of health under the State Council. The administrative department of health under the State Council shall immediately report to the State Council.

Article 15 — When reporting an emergency, the reporting entity shall include the following matters:

- (1) the time and place where the emergency occurred or is likely to occur;
- (2) the classification of the infectious disease or the cause of the poisoning, the number of persons currently affected, and the number of deaths;
- (3) the clinical manifestations that have emerged;
- (4) the measures that have been taken; and
- (5) other matters that need to be reported.

Article 16 — The State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the central government shall, in accordance with the law, promptly, accurately, and comprehensively release information on emergencies to the public.

Article 17 — No entity or individual may conceal, delay in reporting, falsely report, or instruct others to conceal, delay in reporting, or falsely report an emergency.

Chapter IV — Emergency Response

Article 18 — The administrative department of health under the State Council shall, after the occurrence of an emergency, organize experts to conduct a comprehensive assessment, preliminarily determine the classification of the emergency, and propose whether to initiate the emergency response plan.

Article 19 — Upon approval by the State Council to initiate the national emergency response plan, the emergency response headquarters established by the State Council shall immediately organize the relevant departments to carry out emergency response work.

Article 20 — The emergency response headquarters shall have the authority to urgently deploy personnel, stockpiled materials, means of transport, and related facilities and equipment necessary for emergency response. When necessary, it may decide to take measures such as evacuating or isolating the personnel in the affected areas, and implementing quarantine on the affected areas in accordance with the law.

Article 21 — The administrative department of health under the State Council or other relevant departments designated by the State Council shall, in light of the need for emergency response, organize scientific research institutions, medical and health institutions, and relevant entities to conduct scientific research and international exchange on the causes of and countermeasures for emergencies.

Article 22 — In the course of emergency treatment, medical and health institutions shall take sanitary and protective measures for patients with infectious diseases or suspected infectious diseases, and for persons in close contact with them, and shall implement medical observation and on-site control measures in accordance with the law.

Article 23 — The relevant departments of the people's governments at or above the county level shall effectively carry out the organization and supply of materials required for emergency response. Means of transport shall be given priority in passing, and transportation of materials required for emergency response

shall be given priority in carriage.

Article 24 — The emergency response headquarters shall have the authority to urgently mobilize personnel or requisition stockpiled materials, means of transport, and related facilities and equipment. Following the completion of emergency response, the requisitioned materials or means of transport shall be promptly returned, or reasonable compensation shall be made.

Chapter V — Legal Liability

Article 25 — Where the people's government of a province, autonomous region, or municipality directly under the central government or any of its relevant departments commits any of the following acts in the course of emergency response, sanctions shall be imposed on the principal leader of the government and the primary responsible person of the relevant department in accordance with the law:

- (1) failing to perform the reporting duties in accordance with the provisions, concealing, delaying in reporting, or falsely reporting an emergency, or instructing others to do so;
- (2) failing to complete the production, supply, and stockpiling of materials and facilities required for emergency response in a timely manner as required;
- (3) refusing to comply with the dispatch of the emergency response headquarters or failing to obey its command; or
- (4) failing to perform other duties in accordance with the provisions of these Regulations.

Article 26 — Where a medical and health institution commits any of the following acts, the administrative department of health shall order it to make corrections, issue a circulating criticism, and give it a warning. Where the circumstances are serious, the business license of the medical institution shall be revoked in accordance with the law:

- (1) failing to perform the reporting duties in accordance with the provisions, concealing, delaying in reporting, or falsely reporting information;
- (2) failing to provide on-site rescue, diagnosis, or treatment, or controlling the sources of infection in a timely manner as required; or
- (3) refusing to accept patients with emergencies or suspected emergencies.

Article 27 — Where any entity or individual obstructs emergency response personnel from performing their duties in accordance with the law, public security organs shall impose penalties in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter VI — Supplementary Provisions

Article 28 — Where casualties are caused to livestock or poultry or where economic crops are damaged in the course of the prevention and control of public health emergencies, the local people's governments at or above the county level shall provide compensation.

Article 29 — The emergency response work for major disasters, accidents, and social security incidents shall be governed by the relevant laws, administrative regulations, and emergency response plans.

Article 30 — These Regulations shall be effective as of the date of promulgation.

Disclaimer: This English translation is for reference only. The official Chinese text prevails in case of any discrepancy. This does not constitute legal advice.