Traditional Chinese Medicine Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of carrying forward and developing traditional Chinese medicine, safeguarding and promoting the development of the cause of traditional Chinese medicine, and

protecting people's health.

Article 2 — "Traditional Chinese medicine" as used in this Law is a general term for the medicine of all ethnic groups in China, including the medicine of the Han ethnic group and the medicine of ethnic minorities. It is a medical and pharmaceutical system that reflects the Chinese nation's understanding of life, health and disease, and that has a long historical tradition and unique theories and technical methods.

Article 3 — The cause of traditional Chinese medicine is an important component of China's medical and health cause. The state vigorously develops the cause of traditional Chinese medicine, implements the principle of placing equal emphasis on traditional Chinese medicine and Western medicine, establishes a management system suited to the characteristics of traditional Chinese medicine, and gives full play to the role of traditional Chinese medicine in China's medical and health cause.

The development of the cause of traditional Chinese medicine shall follow the laws governing the development of traditional Chinese medicine, uphold the combination of inheritance and innovation, maintain and give play to the characteristics and advantages of traditional Chinese medicine, and apply modern science and technology to promote the development of the theory and practice of traditional Chinese medicine.

The state encourages traditional Chinese medicine and Western medicine to learn from each other, complement each other and develop in a coordinated manner, bring their respective advantages into play, and promote the integration of traditional Chinese medicine and Western medicine.

Article 4 — People's governments at or above the county level shall incorporate the cause of traditional Chinese medicine into national economic and social development plans, establish and improve the management system for traditional Chinese medicine, and make overall arrangements for promoting the development of the cause of traditional Chinese medicine.

Article 5 — The competent department of traditional Chinese medicine under the State Council shall be responsible for the administration of traditional Chinese medicine nationwide. Other relevant departments under the State Council shall be responsible for work related to the administration of traditional Chinese medicine within their respective functions and duties.

The competent departments of traditional Chinese medicine of local people's governments at or above the county level shall be responsible for the administration of traditional Chinese medicine within their respective administrative regions. Other relevant departments of local people's governments at or above the county level shall be responsible for work related to the administration of traditional Chinese medicine within their respective functions and duties.

Article 6 — The state strengthens the development of the traditional Chinese medicine service system, rationally plans and allocates traditional Chinese medicine service resources, and provides a guarantee for citizens to obtain traditional Chinese medicine services.

The state supports the investment of social forces in the cause of traditional Chinese medicine, and supports organizations and individuals in donating to and funding the cause of traditional Chinese medicine.

Article 7 — The state develops traditional Chinese medicine education, establishes a traditional Chinese medicine education system that meets the needs of the development of the cause of traditional Chinese medicine and is appropriate in scale, reasonable in structure and diverse in form, and cultivates traditional Chinese medicine talent.

Article 8 — The state supports scientific research and technological development of traditional Chinese medicine, encourages innovation in traditional Chinese medicine science and technology, promotes the application of scientific and technological achievements of traditional Chinese medicine, protects intellectual property rights in traditional Chinese medicine, and raises the scientific and technological level of traditional Chinese medicine.

Article 9 — The state supports international exchange and cooperation in traditional Chinese medicine and promotes the international dissemination and application of traditional Chinese medicine.

Article 10 — Organizations and individuals that have made outstanding contributions to the cause of traditional Chinese medicine shall be commended and rewarded in accordance with the relevant provisions of the state.

Chapter II — Traditional Chinese Medicine Services

Article 11 — People's governments at or above the county level shall incorporate the construction of traditional Chinese medicine medical institutions into medical institution establishment plans, establish traditional Chinese medicine medical institutions of an appropriate scale, and support the development of medical institutions with the characteristics and advantages of traditional Chinese medicine.

The merger or revocation of a government-run traditional Chinese medicine medical institution, or the change of its nature as a traditional Chinese medicine institution, shall be subject to solicitation of the opinions of the competent department of traditional Chinese medicine of the people's government at the next higher level.

Article 12 — General hospitals, maternal and child health care institutions run by the government, and eligible specialized hospitals, community health service centers and township health centers shall set up traditional Chinese medicine departments.

People's governments at or above the county level shall take measures to enhance the capacity of community health service stations and village clinics to provide traditional Chinese medicine services.

Article 13 — The state supports the establishment of traditional Chinese medicine medical institutions by social forces.

Traditional Chinese medicine medical institutions established by social forces shall enjoy the same rights as government-run traditional Chinese medicine medical institutions in terms of market access, practice, basic medical insurance, scientific research and teaching, and the evaluation of professional titles of medical personnel.

Article 14 — The establishment of a traditional Chinese medicine medical institution shall go through examination and approval procedures in accordance with the relevant provisions of the state on the administration of medical institutions, and shall comply with the relevant provisions on the administration of medical institutions.

Where a traditional Chinese medicine clinic is to be established, it may carry out practice activities after filing the name, address, scope of diagnosis and treatment, staffing and other information of the clinic with the competent department of traditional Chinese medicine of the people's government at the county level where it is located. A traditional Chinese medicine clinic shall publicly display its scope of diagnosis and treatment and the names and scopes of practice of its traditional Chinese medicine physicians in a prominent position of the clinic, and shall not carry out medical activities beyond the filed scope. The specific measures shall be drafted by the competent department of traditional Chinese medicine under the State Council and submitted to the health administrative department under the State Council for examination and release.

Article 15 — Personnel engaged in traditional Chinese medicine medical activities shall, in accordance with the provisions of the Law of the People's Republic of China on Licensed Physicians, obtain traditional Chinese medicine physician qualifications by passing the traditional Chinese medicine physician qualification examination and undergo practice registration. The content of the traditional Chinese medicine physician qualification examination shall reflect the characteristics of traditional Chinese medicine.

Personnel who have studied traditional Chinese medicine by way of apprenticeship or through many years of practice and who have genuine specialized skills in medicine may obtain traditional Chinese medicine

physician qualifications after being recommended by at least two traditional Chinese medicine physicians and passing the practical skills and results assessment organized by the competent department of traditional Chinese medicine of the people's government of a province, autonomous region or municipality directly under the Central Government; after undergoing practice registration in accordance with the content of the assessment, they may carry out traditional Chinese medicine medical activities within their registered scope of practice, either by opening a practice individually or within a medical institution. The competent department of traditional Chinese medicine under the State Council shall, based on the safety risks of traditional Chinese medicine technical methods, draft the classified assessment measures for the personnel referred to in this paragraph and submit them to the health administrative department under the State Council for examination and release.

Article 16 — Traditional Chinese medicine medical institutions shall staff mainly with traditional Chinese medicine professionals and provide mainly traditional Chinese medicine services; traditional Chinese medicine physicians who have obtained physician qualifications by examination may, after training and passing assessment in accordance with the relevant provisions of the state, adopt modern scientific and technological methods related to their specialties in their practice activities. The adoption of modern scientific and technological methods in medical activities shall be conducive to maintaining and giving play to the characteristics and advantages of traditional Chinese medicine.

Community health service centers, township health centers, community health service stations and eligible village clinics shall reasonably staff traditional Chinese medicine professionals, and apply and promote appropriate traditional Chinese medicine technical methods.

Article 17 — The provision of traditional Chinese medicine services shall be guided by traditional Chinese medicine theory, apply traditional Chinese medicine technical methods, and comply with the basic requirements for traditional Chinese medicine services formulated by the competent department of traditional Chinese medicine under the State Council.

Article 18 — People's governments at or above the county level shall develop traditional Chinese medicine preventive and health care services, and incorporate them into basic public health service projects for overall implementation in accordance with the relevant provisions of the state.

People's governments at or above the county level shall give play to the role of traditional Chinese medicine in emergency response to public health emergencies, and strengthen the reserves of traditional Chinese medicine emergency supplies, equipment, facilities, technology and human resources.

Medical and health institutions shall actively apply traditional Chinese medicine theories and technical methods in disease prevention and control.

Article 19 — Where a medical institution publishes traditional Chinese medicine medical advertisements, it shall obtain examination and approval from the competent department of traditional Chinese medicine of the people's government of the province, autonomous region or municipality directly under the Central Government where it is located; it shall not publish such advertisements without examination and approval. The content of published traditional Chinese medicine medical advertisements shall conform to the content that has been examined and approved, and shall comply with the relevant provisions of the Advertising Law of the People's Republic of China.

Article 20 — The competent departments of traditional Chinese medicine of people's governments at or above the county level shall strengthen supervision and inspection of traditional Chinese medicine services, and shall take the following matters as the focus of supervision and inspection:

(1) whether traditional Chinese medicine medical institutions and traditional Chinese medicine physicians carry out medical activities beyond the prescribed scope;

(2) whether the provision of traditional Chinese medicine services complies with the basic requirements for traditional Chinese medicine services formulated by the competent department of traditional Chinese medicine under the State Council; and

(3) whether the publication of traditional Chinese medicine medical advertisements complies with the provisions of this Law.

When the competent departments of traditional Chinese medicine carry out supervision and inspection in accordance with the law, the relevant entities and individuals shall cooperate and shall not refuse or obstruct them.

Chapter III — Protection and Development of Chinese Medicinal Materials

Article 21 — The state formulates technical specifications and standards for the planting, breeding, collection, storage and preliminary processing of Chinese medicinal materials, strengthens quality supervision and management of the entire process of production and circulation of Chinese medicinal materials, and safeguards the quality and safety of Chinese medicinal materials.

Article 22 — The state encourages the development of standardized planting and breeding of Chinese medicinal materials, strictly manages the use of agricultural inputs such as pesticides and fertilizers, prohibits the use of highly toxic and extremely toxic pesticides in the cultivation of Chinese medicinal materials, supports the breeding of improved varieties of Chinese medicinal materials, and improves the quality of Chinese medicinal materials.

Article 23 — The state establishes an evaluation system for genuine regional medicinal materials, supports the selection and breeding of varieties of genuine regional medicinal materials, supports the construction of production bases for genuine regional medicinal materials, strengthens the ecological and environmental protection of production bases for genuine regional medicinal materials, and encourages the protection of genuine regional medicinal materials by measures such as geographical indication product protection.

"Genuine regional medicinal materials" as used in the preceding paragraph refers to medicinal materials that are produced in specific regions, selected and refined through long-term clinical application of traditional Chinese medicine, and that are of better quality and efficacy, stable quality and high visibility compared with the same kind of medicinal materials produced in other regions.

Article 24 — The drug regulatory department under the State Council shall organize and strengthen the monitoring of the quality of Chinese medicinal materials and regularly publish the monitoring results to the public. The relevant departments under the State Council shall assist in the work related to the quality monitoring of Chinese medicinal materials.

The collection and storage of Chinese medicinal materials and the preliminary processing of Chinese medicinal materials shall comply with the relevant technical specifications, standards and administrative provisions of the state.

The state encourages the development of a modern circulation system for Chinese medicinal materials, improves the technical level of packaging and storage of Chinese medicinal materials, and establishes a circulation traceability system for Chinese medicinal materials. Drug manufacturers purchasing Chinese medicinal materials shall establish a record system for the inspection of incoming goods. Dealers of Chinese medicinal materials shall establish record systems for incoming goods inspection and for purchase and sale, and shall mark the place of origin of the Chinese medicinal materials.

Article 25 — The state protects medicinal wild animal and plant resources, carries out dynamic monitoring and regular general surveys of medicinal wild animal and plant resources, establishes germplasm gene banks for medicinal wild animal and plant resources, encourages the development of artificial planting and breeding, and supports the protection, breeding and related research of precious and endangered medicinal

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wild animals and plants in accordance with the law.

Article 26 — Traditional Chinese medicine physicians practicing in village medical institutions, and rural doctors with knowledge of Chinese medicinal materials and the ability to identify them, may, in accordance with the relevant provisions of the state, plant and collect local Chinese medicinal materials themselves and use them in their practice activities.

Article 27 — The state protects the traditional processing techniques and technologies of Chinese herbal pieces, supports the application of traditional techniques in processing Chinese herbal pieces, and encourages the use of modern science and technology to carry out research on the processing technology of Chinese herbal pieces.

Article 28 — With respect to Chinese herbal pieces that are not supplied on the market, medical institutions may, based on the needs of the prescriptions of physicians of the medical institution, process and use them within the medical institution. Medical institutions shall comply with the relevant provisions on the processing of Chinese herbal pieces, be responsible for the quality of the Chinese herbal pieces they process, and ensure drug safety. Where a medical institution processes Chinese herbal pieces, it shall file with the drug regulatory department of the people's government at the level of a city divided into districts where it is located.

Based on clinical medication needs, medical institutions may reprocess Chinese herbal pieces on the strength of prescriptions of physicians of the medical institution.

Article 29 — The state encourages and supports the research, development and production of new traditional Chinese medicines.

The state protects traditional processing techniques and technologies of traditional Chinese medicine, supports the production of Chinese patent medicines in traditional dosage forms, and encourages the use of modern science and technology to research and develop traditional Chinese patent medicines.

Article 30 — For the production of compound preparations of traditional Chinese medicine derived from ancient classical famous prescriptions that meet the conditions prescribed by the state, only non-clinical safety research materials may be provided when applying for a drug approval number. The specific administrative measures shall be formulated by the drug regulatory department under the State Council together with the competent department of traditional Chinese medicine.

"Ancient classical famous prescriptions" as used in the preceding paragraph refers to prescriptions recorded in ancient traditional Chinese medicine classics that are still widely applied, of definite efficacy, and of distinctive characteristics and advantages. The specific catalogue shall be formulated by the competent department of traditional Chinese medicine under the State Council together with the drug regulatory department.

Article 31 — The state encourages medical institutions to prepare and use traditional Chinese medicine preparations based on their own clinical medication needs, supports the preparation of traditional Chinese medicine preparations by applying traditional techniques, and supports the research and development of new traditional Chinese medicines on the basis of traditional Chinese medicine preparations.

Where a medical institution prepares traditional Chinese medicine preparations, it shall obtain a preparation license for medical institutions in accordance with the provisions of the Drug Administration Law of the People's Republic of China, or entrust the preparation of traditional Chinese medicine preparations to a drug manufacturer that has obtained a drug manufacturing license or to another medical institution that has obtained a preparation license for medical institutions. Where the preparation of traditional Chinese medicine preparations is entrusted, it shall be filed with the drug regulatory department of the people's government of the province, autonomous region or municipality directly under the Central Government where the entrusting party is located.

Medical institutions shall be responsible for the quality of the traditional Chinese medicine preparations they prepare; where the preparation of traditional Chinese medicine preparations is entrusted, the entrusting party and the entrusted party shall respectively bear corresponding responsibility for the quality of the prepared traditional Chinese medicine preparations.

Article 32 — Varieties of traditional Chinese medicine preparations prepared by medical institutions shall obtain preparation approval numbers in accordance with the law. However, varieties of traditional Chinese medicine preparations prepared only by applying traditional techniques may be prepared after filing with the drug regulatory department of the people's government of the province, autonomous region or municipality directly under the Central Government where the medical institution is located, without obtaining a preparation approval number.

Medical institutions shall strengthen the monitoring of adverse reactions of the filed varieties of traditional Chinese medicine preparations and report in accordance with the relevant provisions of the state. Drug regulatory departments shall strengthen supervision and inspection of the preparation and use of the filed varieties of traditional Chinese medicine preparations.

Chapter IV — Training of Traditional Chinese Medicine Personnel

Article 33 — Traditional Chinese medicine education shall follow the laws governing the growth of traditional Chinese medicine talent, focus on traditional Chinese medicine content, embody the cultural characteristics of traditional Chinese medicine, and pay attention to combining the classical theories of traditional Chinese medicine with clinical practice of traditional Chinese medicine, and modern educational methods with traditional educational methods.

Article 34 — The state improves the school education system for traditional Chinese medicine and supports the development of institutions of higher learning, secondary vocational schools and other educational institutions that specialize in traditional Chinese medicine education.

The training objectives, duration of study, teaching forms, teaching content, teaching evaluation and academic level evaluation standards of school education in traditional Chinese medicine shall embody the disciplinary characteristics of traditional Chinese medicine and conform to the laws governing the development of the discipline of traditional Chinese medicine.

Article 35 — The state develops apprenticeship education in traditional Chinese medicine, and supports traditional Chinese medicine physicians with rich clinical experience and technical expertise and traditional Chinese medicine professionals in taking on apprentices and imparting traditional Chinese medicine theories and technical methods in their practice and professional activities, so as to cultivate traditional Chinese medicine professionals.

Article 36 — The state strengthens the cultivation and training of traditional Chinese medicine physicians and of traditional Chinese medicine professionals at the urban, rural and primary levels.

The state develops integrated traditional Chinese and Western medicine education and cultivates high-level integrated traditional Chinese and Western medicine talent.

Article 37 — The competent departments of traditional Chinese medicine of local people's governments at or above the county level shall organize and carry out continuing education in traditional Chinese medicine, and strengthen the training of medical personnel, especially urban and rural primary-level medical personnel, in basic traditional Chinese medicine knowledge and skills.

Traditional Chinese medicine professionals shall participate in continuing education in accordance with the provisions, and the institutions where they work shall create conditions for them to receive continuing education.

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Chapter V — Scientific Research on Traditional Chinese Medicine

Article 38 — The state encourages scientific research institutions, institutions of higher learning, medical institutions, drug manufacturers and others to apply modern science and technology and traditional research methods of traditional Chinese medicine to carry out scientific research on traditional Chinese medicine, strengthen research on the integration of traditional Chinese and Western medicine, and promote the inheritance and innovation of the theories and technical methods of traditional Chinese medicine.

Article 39 — The state adopts measures to support the collation, research and utilization of ancient books and documents of traditional Chinese medicine, the academic thoughts and diagnosis and treatment experience of famous traditional Chinese medicine experts, and folk technical methods of traditional Chinese medicine.

The state encourages organizations and individuals to donate traditional Chinese medicine documents, secret prescriptions, proven prescriptions, diagnosis and treatment methods and techniques that are of value for scientific research and clinical application.

Article 40 — The state establishes and improves a scientific and technological innovation system, evaluation system and management system that conform to the characteristics of traditional Chinese medicine, and promotes the progress and innovation of traditional Chinese medicine science and technology.

Article 41 — The state adopts measures to strengthen scientific research on the basic theories of traditional Chinese medicine and methods of treatment based on syndrome differentiation; on the prevention and treatment of common diseases, frequently occurring diseases, chronic diseases, major difficult and complicated diseases, and major infectious diseases by traditional Chinese medicine; and on other projects that significantly promote the development of the theory and practice of traditional Chinese medicine.

Chapter VI — Inheritance and Cultural Dissemination of Traditional Chinese Medicine

Article 42 — With respect to theories and technical methods of traditional Chinese medicine of important academic value, the competent departments of traditional Chinese medicine of people's governments at or above the provincial level shall organize the selection of academic inheritance projects and inheritors of traditional Chinese medicine within their administrative regions, and provide necessary conditions for inheritance activities. Inheritors shall carry out inheritance activities, cultivate successors, and collect, collate and properly preserve relevant academic materials. Where a project is a representative project of intangible cultural heritage, inheritance activities shall be carried out in accordance with the relevant provisions of the Intangible Cultural Heritage Law of the People's Republic of China.

Article 43 — The state establishes a protection database, protection catalogue and protection system for traditional knowledge of traditional Chinese medicine.

Holders of traditional knowledge of traditional Chinese medicine shall enjoy the right to inherit and use the traditional knowledge of traditional Chinese medicine they hold, and shall enjoy the rights to informed consent and benefit sharing with respect to others' acquisition and utilization of the traditional knowledge of traditional Chinese medicine they hold.

The state implements special protection for the composition and production techniques of traditional Chinese medicine prescriptions that are determined to be state secrets in accordance with the law.

Article 44 — The state develops traditional Chinese medicine health preservation and health care services, and supports social forces in establishing standardized traditional Chinese medicine health preservation and health care institutions. The specifications and standards for traditional Chinese medicine health preservation and health care services shall be formulated by the competent department of traditional Chinese medicine under the State Council.

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Article 45 — People's governments at or above the county level shall strengthen the cultural publicity of traditional Chinese medicine, popularize traditional Chinese medicine knowledge, and encourage organizations and individuals to create cultural and popular science works on traditional Chinese medicine.

Article 46 — The publicity of traditional Chinese medicine culture and the popularization of traditional Chinese medicine knowledge shall comply with the relevant provisions of the state. No organization or individual may make false or exaggerated publicity about traditional Chinese medicine, or misappropriate the name of traditional Chinese medicine to seek illegitimate benefits.

Media such as radio, television, newspapers and periodicals, and the Internet, when carrying out publicity of traditional Chinese medicine knowledge, shall engage traditional Chinese medicine professionals to do so.

Chapter VII — Safeguard Measures

Article 47 — People's governments at or above the county level shall provide policy support and condition guarantees for the development of the cause of traditional Chinese medicine, and include the funds for the development of the cause of traditional Chinese medicine in their fiscal budgets at the corresponding level.

When people's governments at or above the county level and their relevant departments formulate medical and health policies such as basic medical insurance payment policies and drug policies, the competent department of traditional Chinese medicine shall participate, attention shall be paid to giving play to the advantages of traditional Chinese medicine, and the provision and utilization of traditional Chinese medicine services shall be supported.

Article 48 — People's governments at or above the county level and their relevant departments shall, in accordance with the statutory price administration authority, rationally determine the charging items and standards for traditional Chinese medicine medical services, so as to reflect the cost of traditional Chinese medicine medical services and the value of professional technology.

Article 49 — The relevant departments of local people's governments at or above the county level shall, in accordance with state provisions, include eligible traditional Chinese medicine medical institutions in the scope of designated medical institutions for basic medical insurance, and include eligible traditional Chinese medicine diagnosis and treatment items, Chinese herbal pieces, Chinese patent medicines and traditional Chinese medicine preparations of medical institutions in the payment scope of the basic medical insurance fund.

Article 50 — The state strengthens the development of the standards system for traditional Chinese medicine, formulates standards for technical requirements that need to be unified according to the characteristics of traditional Chinese medicine, and revises them in a timely manner.

National standards and industry standards for traditional Chinese medicine shall be formulated or revised by the relevant departments under the State Council in accordance with their functions and duties, and published on their websites for free access by the public.

The state promotes the establishment of an international standards system for traditional Chinese medicine.

Article 51 — Where review, evaluation or appraisal activities related to traditional Chinese medicine as prescribed by laws and administrative regulations are carried out, specialized organizations for the review, evaluation or appraisal of traditional Chinese medicine shall be established, or traditional Chinese medicine experts shall participate.

Article 52 — The state adopts measures to strengthen support for the inheritance, innovation, application, development and talent training of ethnic minority medicine, strengthen the development of ethnic minority medical institutions and physician teams, and promote and regulate the development of the cause of ethnic minority medicine.

Chapter VIII — Legal Liability

Article 53 — Where the competent departments of traditional Chinese medicine of people's governments at or above the county level or other relevant departments fail to perform their duties prescribed by this Law, the people's government at the corresponding level or the relevant department of the people's government at a higher level shall order them to make corrections; where the circumstances are serious, the directly responsible persons in charge and other directly responsible persons shall be given sanctions in accordance with the law.

Article 54 — Where a traditional Chinese medicine clinic carries out medical activities beyond the filed scope in violation of the provisions of this Law, the competent department of traditional Chinese medicine of the people's government at the county level where it is located shall order it to make corrections, confiscate its illegal gains, and impose a fine of not less than 10,000 yuan but not more than 30,000 yuan; where the circumstances are serious, it shall be ordered to cease practice activities.

Where a traditional Chinese medicine clinic is ordered to cease practice activities, its directly responsible persons in charge shall not engage in management work within medical institutions within five years from the date the penalty decision is made. Where a medical institution employs the aforementioned persons who are prohibited from engaging in management work to engage in management work, the original licensing department shall revoke its practice license, or the original filing department shall order it to cease practice activities.

Article 55 — Where, in violation of the provisions of this Law, a traditional Chinese medicine physician who has obtained physician qualifications by assessment carries out medical activities beyond the registered scope of practice, the competent department of traditional Chinese medicine of the people's government at or above the county level shall order suspension of practice activities for not less than six months but not more than one year, and impose a fine of not less than 10,000 yuan but not more than 30,000 yuan; where the circumstances are serious, the practice certificate shall be revoked.

Article 56 — Where, in violation of the provisions of this Law, the establishment of a traditional Chinese medicine clinic, the processing of Chinese herbal pieces, or the entrusted preparation of traditional Chinese medicine preparations should be filed but has not been filed, or false materials are provided at the time of filing, the competent department of traditional Chinese medicine and the drug regulatory department shall, according to their respective functions and duties, order corrections, confiscate illegal gains, impose a fine of not more than 30,000 yuan, and announce the relevant information to the public; where corrections are refused, the offender shall be ordered to cease practice activities, or ordered to cease the processing of Chinese herbal pieces or the entrusted preparation of traditional Chinese medicine preparations, and its directly responsible persons shall not engage in traditional Chinese medicine-related activities within five years.

Where a medical institution prepares traditional Chinese medicine preparations by applying traditional techniques without filing as prescribed by this Law, or prepares traditional Chinese medicine preparations not in accordance with the requirements stated in the filed materials, it shall be punished as for the production of counterfeit drugs.

Article 57 — Where, in violation of the provisions of this Law, the content of a published traditional Chinese medicine medical advertisement is inconsistent with the content that has been examined and approved, the original examining department shall revoke the examination and approval document for the advertisement, and shall not accept applications for examination of advertisements of the medical institution within one year.

Where a traditional Chinese medicine medical advertisement is published in violation of the provisions of this Law and there are illegal acts other than those specified in the preceding paragraph, punishment shall be imposed in accordance with the provisions of the Advertising Law of the People's Republic of China.

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Article 58 — Where, in violation of the provisions of this Law, highly toxic or extremely toxic pesticides are used in the cultivation of Chinese medicinal materials, punishment shall be imposed in accordance with the provisions of relevant laws and regulations; where the circumstances are serious, the public security organ may impose detention of not less than five days but not more than fifteen days on the directly responsible persons in charge and other directly responsible persons.

Article 59 — Where a violation of the provisions of this Law causes damage to persons or property, civil liability shall be borne in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter IX — Supplementary Provisions

Article 60 — With respect to matters concerning the administration of traditional Chinese medicine not provided for in this Law, the provisions of the Law of the People's Republic of China on Licensed Physicians, the Drug Administration Law of the People's Republic of China and other relevant laws and administrative regulations shall apply.

The administration of traditional Chinese medicine in the armed forces shall be organized and implemented by the competent health department of the armed forces in accordance with this Law and the relevant provisions of the armed forces.

Article 61 — Ethnic autonomous areas may, in accordance with the Law of the People's Republic of China on Regional Ethnic Autonomy and the relevant provisions of this Law, and in light of actual conditions, formulate measures to promote and regulate the development of the cause of ethnic minority medicine in their respective localities.

Article 62 — Blind persons who have obtained the qualification of blind medical massage personnel in accordance with the relevant provisions of the state may provide medical massage services by opening a practice individually or within medical institutions.

Article 63 — This Law shall come into force on July 1, 2017.

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