Law of the People's Republic of China on Prevention and Treatment of Infectious Diseases

(Adopted at the 6th Meeting of the Standing Committee of the Seventh National People's Congress on February 21, 1989, revised at the 11th Meeting of the Standing Committee of the Tenth National People's Congress on August 28, 2004 and promulgated by Order No. 17 of the President of the People's Republic of China on August 28, 2004)

Contents

Chapter I General Provisions

Chapter II Prevention of Infectious Diseases

Chapter III Reporting on, Releasing Information on and Announcing the Epidemic Situation

Chapter IV Control of the Epidemic Situation

Chapter V Medical Treatment

Chapter VI Supervision and Control

Chapter VII Guarantee Measures

Chapter VIII Legal Responsibility

Chapter IX Supplementary Provisions
Chapter I General Provisions

Article 1 This Law is enacted in order to prevent, control and put an end to the outbreak and spread of infectious diseases and to ensure the health of the people and public sanitation.

Article 2 With respect to prevention and treatment of infectious diseases, the State implements a policy of putting emphasis on prevention, combining prevention with treatment, exercising classified control, and relying on science and the masses.

Article 3 The infectious diseases governed by this Law are divided into Classes A, B and C.

Infectious diseases under Class A are plague and cholera.

Infectious diseases under Class B are infectious SARS, AIDS, viral hepatitis, poliomyelitis, highly pathogenic avian influenza, measles, epidemic hemorrhagic fever, rabies, epidemic encephalitis B, dengue fever, anthrax, bacillary and amebic dysentery, pulmonary tuberculosis, typhoid and paratyphoid, epidemic cerebrospinal meningitis, pertussis, diphtheria, tetanus infantum, scarlet fever, brucellosis, gonorrhoea, syphilis, leptospirosis, schistosomiasis and malaria.

Infectious diseases under Class C are influenza, epidemic parotitis, rubella, acute hemorrhagic conjunctivitis, leprosy, epidemic and endemic typhus, kala-azar, echinococcosis, filariasis, and infectious diarrhea other than cholera, bacillary and amebic dysentery, typhoid and paratyphoid.

Infectious diseases other than the ones specified in the preceding paragraphs that need to be included in the infectious diseases under Class B or C, depending on the situation of their outbreak and prevalence and the extent of the harm done, shall be decided on and announced by the health administration department under the State Council.

Article 4 With respect to the infectious SARS, pulmonary anthrax in anthrax and highly pathogenic avian influenza that infects human beings, included in the infectious diseases under Class B, the measures for prevention and control of infectious diseases under Class B, the measures for prevention and control of infectious diseases under Class A, as mentioned in this Law, shall be taken. With respect to the other infectious diseases under Class B and the infectious diseases the causes for the outbreak of which are uncertain and for which the measures for prevention and control of infectious diseases under Class A, as mentioned in this Law, need to be taken, the health administration department under the State Council shall, without delay, report the matter to the State Council for approval before making an announcement and take the measures.

With respect to the other endemic infectious diseases, which are common and multiple in their own administrative areas, the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may, in light of the actual situations, decide to control them the way they do with respect to the infectious diseases under Class B or C, make announcements, and report the matter to the health
administration department under the State Council for the record.

Article 5 People's governments at various levels shall direct the work of preventing and treating infectious diseases.

People's governments at or above the county level shall draw up programmes for prevention and treatment of infectious diseases and arrange for their implementation, and establish a sound system for prevention and control of diseases, medical treatment and supervision and control for prevention and treatment of infectious diseases.

Article 6 The health administration department under the State Council shall be in charge of the work of preventing and treating infectious diseases as well as exercising supervision and control over such diseases nationwide. The health administration departments under the local people's governments at or above the county level shall be in charge of the work of preventing and treating infectious diseases as well as exercising supervision and control over such diseases within their own administrative areas.

The other departments under the people's governments at or above the county level shall be in charge of the work of preventing and treating infectious diseases within the scope of their respective duties.

The prevention and treatment of infectious diseases in the People's Liberation Army shall be carried out in compliance with this Law and the relevant regulations of the State and shall be supervised and controlled by the department in charge of health in the Army.

Article 7 Diseases prevention and control institutions at all levels shall do the work of monitoring and forecasting infectious diseases, and of making epidemiological investigation and reporting on epidemic situation as well as the work of preventing and controlling other diseases.

Medical agencies shall do the work of preventing and treating infectious diseases that is related to medical treatment and the work of preventing infectious diseases within their own responsibility areas. Medical agencies in urban communities and rural areas at the grass-roots level shall, under the direction of disease prevention and control institutions, do the work of preventing and treating infectious diseases for the corresponding urban communities and rural areas at the grass-roots level.

Article 8 The State develops modern medical science and such traditional medical science as traditional Chinese medicine and pharmacology, and supports and encourages scientific research in prevention and treatment of infectious diseases with a view to raising the scientific and technological level of preventing and treating infectious diseases.

The State supports and encourages international cooperation in preventing and treating infectious diseases.

Article 9 The State supports and encourages units and individuals to participate in the work
of preventing and treating infectious diseases. People's governments at all levels shall improve relevant systems to facilitate the units and individuals' participation in such activities as publicity and education in the importance of prevention and treatment of infectious diseases, report on epidemic situation, voluntary services and donation.

Residents' and villagers' committees shall get the residents or villagers organized to participate in prevention and control of infectious diseases in the urban communities and rural areas.

Article 10 The State conducts health education in respect of prevention of infectious diseases. The news media shall publicize gratis for the public good the importance of prevention and treatment of infectious diseases and public sanitation.

Schools of various kinds at different levels shall disseminate among their students knowledge on health and on prevention of infectious diseases.

Medical colleges and universities shall improve education on and research in preventive medicine and conduct education on and training in preventive medicine among the students and people working for prevention and treatment of infectious diseases, in order to provide technical assistance to the work of preventing and treating infectious diseases.

Disease prevention and control institutions and medical agencies shall regularly conduct among their staff members training in the knowledge and skills of prevention and treatment of infectious diseases.

Article 11 Units and individuals that have made remarkable achievements in or contributions to the work of prevention and treating infectious diseases shall be commended or awarded.

Persons who contract diseases, are disabled or die due participation in the work of preventing and treating infectious diseases shall be subsidized or compensated in accordance with relevant regulations.

Article 12 All units and individuals within the territory of the People's Republic of China shall accept the preventive and control measures taken by disease prevention and control institutions and medical agencies for investigation, testing, collection of samples of infectious diseases and for isolated treatment of such diseases, and they shall provide truthful information about the diseases. Disease prevention and control institutions and medical agencies shall not divulge any information or materials relating to personal privacy.

Where health administration departments and other relevant departments, or disease prevention and control institutions and medical agencies infringe upon the lawful rights and interests of any units or individuals when exercising administrative control or taking preventive and control measures in violation of law, the units or individuals concerned may apply for administrative reconsideration or initiate legal proceedings according to law.
Chapter II Prevention of Infectious Diseases

Article 13 People's governments at all levels shall arrange for mass health activities, conduct health education regarding prevention of infectious diseases, promote a civilized and healthy way of life, enhance the awareness of the public in the importance of prevention and treatment of infectious diseases and their ability of coping with such diseases, improve environmental sanitation and eliminate the hazards of rodents and vector organisms such as mosquitoes and flies.

Administrative departments for agriculture, water conservancy and forestry under the people's governments at all levels shall, in accordance with the division of their duties, take charge of directing and coordinating efforts to eliminate the hazards of rodents and schistosomiasis from the farmlands, lake regions, rivers, livestock farms and forest regions as well as the hazards of other animals and vector organisms that transmit infectious diseases.

Administrative departments for railways, communications and civil aviation shall take charge of coordinating efforts to eliminate the hazards of rodents and vector organisms such as mosquitoes and flies from the means of transport and relevant places.

Article 14 Local people's governments at all levels shall establish or reconstruct public sanitary facilities in a planned way, improve the sanitary condition of drinking water, and take measures for the innocent treatment of sewage, wastes and feces.

Article 15 The State practices a planned prophylactic vaccination system. The health administration department under the State Council and such departments under the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, in accordance with the requirements of prevention and control of infectious diseases, draw up plans for prophylactic vaccination against infectious diseases and coordinate efforts for their implementation. Vaccines used for prophylactic vaccination shall conform to the quality standards of the State.

The State practices a system by which certificates are issued to children who have received prophylactic vaccination. The prophylactic vaccination under the item of the State immune program shall be free of charge. Medical agencies, disease prevention and control institutions and guardians to children shall cooperate with each other to ensure that children receive prophylactic vaccination in time. The measures in this regard shall be formulated by the State Council.

Article 16 The State and the community shall show concern about and help the infectious disease patients, pathogen carriers and suspected infectious disease patients and make it possible for them to receive timely medical treatment. No units or individuals shall discriminate against infectious disease patients, pathogen carriers and suspected infectious disease patients.
The infectious disease patients, pathogen carriers and suspected infectious disease patients shall, before they are cured or cleared of suspicion, be barred from jobs which laws or administrative regulations or the health administration department under the State Council prohibit them from doing because of the likelihood of causing the spread of infectious diseases.

Article 17 The state establishes the system for monitoring infectious diseases.

The health administration department under the State Council shall draw up plans and schemes of the State for monitoring infectious diseases. The health administration departments under the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, in accordance with the said plans and schemes, draw up plans and work schemes for monitoring infectious diseases in their own administrative areas.

Disease prevention and control institutions at different levels shall monitor the outbreak and prevalence of infectious diseases as well as the factors affecting their outbreak and prevalence; and they shall monitor the infectious diseases which have broken out abroad but have not yet broken at home or have newly broken out at home.

Article 18 Disease prevention and control institutions at all levels shall, in the work of prevention and control of infectious diseases, perform the following duties:

(1) to carry out the programs, plans and schemes for prevention and control of infectious diseases;

(2) to collect, analyse and report monitored information about infectious diseases and to forecast the outbreak and epidemic trend of infectious diseases;

(3) to conduct epidemiological investigation on the epidemic situation of infectious diseases and on public sanitation emergencies as well as on-the-spot treatment, and to assess the effects;

(4) to conduct laboratory testing of infectious diseases and to make diagnosis and etiological appraisal;

(5) to carry out immunization programs and to be responsible for control of the use of preventive biological products;

(6) to conduct education and provide consultancy on health and to disseminate knowledge about prevention and treatment of infectious diseases;

(7) to direct and train disease prevention and control institutions at lower levels and their staff members in respect of the monitoring of infectious diseases; and
(8) to conduct application research in prevention and treatment of infectious diseases and make health assessment, and to provide technical consultancy.

Disease prevention and control institutions at the central and provincial levels shall take charge of monitoring the outbreak, prevalence and geographical distribution of infectious diseases, forecasting the epidemic trend of deadly infectious diseases, putting forth preventive and control measures, participating in and directing the investigation on and handling of the epidemic situation that arises, making etiological appraisal of the infectious diseases, establishing a testing system for quality control, and conducting application research and making sanitation assessment.

Disease prevention and control institutions of cities divided into districts and of counties shall take charge of the implementation of the programs and schemes for preventing and controlling infectious diseases, coordinating efforts in immunization and disinfection as well as the control of hazards of vector organisms, disseminating the knowledge about prevention and treatment of infectious diseases, monitoring and reporting the epidemic situation and the outbreak of public sanitation emergencies in their own areas, and conducting epidemiological investigation and testing of common pathogenic microorganisms.

Article 19 The State establishes an early warning system for infectious diseases.

The health administration department under the State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, on the basis of the forecast of the outbreak and epidemic trend of infectious diseases, issue early warning of infectious diseases in a timely manner, and make an announcement, depending on the circumstances.

Article 20 Local people's governments at or above the county level shall make preliminary plans for prevention and control of infectious diseases and report to the people's governments at the next higher level for the record.

A preliminary plan for prevention and control of infectious diseases shall include the following main points:

(1) composition of the headquarters for prevention and control of infectious diseases, and the duties of relevant departments;

(2) systems of monitoring, collecting of information about, analyzing, reporting and circulating of a notice of infectious diseases;

(3) tasks and duties of disease prevention and control institutions and medical agencies in case of the occurrence of the epidemic situation of infectious diseases;

(4) classification of the outbreak and prevalence of infectious diseases and the necessary emergency work plan; and
(5) prevention of infectious diseases and on-the-spot control over epidemic-stricken places or areas, emergency facilities, equipment, medicines for medical treatment, medical apparatus and instruments as well as the storage and transfer of other materials and technologies.

After receiving early warning of infectious diseases issued by the health administration department under the State Council or the people's governments of provinces, autonomous regions or municipalities directly under the Central Government, local people's governments and disease prevention and control institutions shall, in accordance with their preliminary plans for prevention and control of infectious diseases, take necessary preventive and control measures.

Article 21 Medical agencies shall strictly adhere to the control system and operation procedures laid down by the health administration department under the State Council to prevent iatrogenic and hospital infection of infectious diseases.

Medical agencies shall assign special departments or persons the task of reporting the epidemic situation of infectious diseases, preventing and controlling infectious diseases with their own units, and preventing infectious diseases within their responsibility districts, and the tasks of monitoring dangerous factors related to hospital infection in medical activities and of safe protection, disinfection, isolation, and disposal of medical wastes.

Disease prevention and control institutions shall designate special persons to take charge of directing and appraising the work of prevention of infectious diseases within medical agencies and to conduct epidemiological investigation.

Article 22 Laboratories of disease prevention and control institutions and medical agencies and units engaged in experimentation of pathogenic microorganisms shall measure up to the requirements and technical standards specified by the State, establish strict supervision and control systems and exercise strict supervision and control over the samples of the pathogens of infectious diseases in accordance with the specified measures, in order to strictly prevent laboratory infection of the pathogens of infectious diseases and the spread of pathogenic microorganisms.

Article 23 Blood collectors and suppliers and manufacturers of biological products shall strictly abide by the relevant regulations of the State to guarantee the quality of blood and blood products. Illegal collection of blood and getting other persons to sell their blood are prohibited.

When using blood or blood products, disease prevention and control institutions and medical agencies shall observe the relevant regulations of the State, in order to prevent the transmission of diseases via blood transfusion or the use of blood products.

Article 24 People's governments at all levels shall improve their work in preventing and treating the AIDS and take preventive and control measures to guard against the spread of
the AIDS. The specific measures in this regard shall be formulated by the State Council.

Article 25 The administrative departments for agriculture and forestry and other relevant departments under the people's governments at or above the county level shall, in compliance with their respective duties, take charge of the prevention, treatment and control of infectious diseases of animals related to infectious diseases common to human beings and animals.

Wild animals, domestic animals and fowls related to infectious diseases common to human beings and animals shall be sold or transported only after they have passed quarantine.

Article 26 The State establishes the storage of bacterial and virus strains of infectious diseases.

The collection, preservation, carrying, transportation and use of bacterial and virus strains of infectious diseases and the samples of infectious diseases for testing shall be controlled in a classified manner, and a sound and rigorous control system shall be established.

Where it is really necessary to collect, preserve, carry, transport or use bacterial and virus strains of infectious diseases and the samples of infectious diseases for testing that may cause the spread of the infectious diseases under Class A or that are specified by the health administration department under the State Council, the matter shall be subject to approval by the health administration department under the people's government at or above the provincial level. The specific measures in this regard shall be formulated by the State Council.

Article 27 With respect to the sewage, wastes, places and objects contaminated with the pathogens of infectious diseases, the units or individuals concerned shall carry out strict disinfection under the direction of the disease prevention and control institutions or in accordance with the sanitary requirements put forth by them; and in case of refusal to undergo disinfection, local health administration departments or disease prevention and control institutions shall carry out compulsory disinfection.

Article 28 Where plans are made for the construction of such large projects as water conservancy, communications, tourism and energy projects in an area of a natural focus of infection confirmed by the State, sanitary investigation of the construction environment shall, in advance, be conducted by the disease prevention and control institution at or above the provincial level. The construction unit shall, in accordance with the proposals of the disease prevention and control institution, take necessary measures for prevention and control of infectious diseases. During the period of construction, the construction unit shall assign special persons to take charge of sanitation and anti-epidemic work at the construction site. After completion of the construction project, the disease prevention and control institution shall monitor the possible occurrence of infectious diseases.

Article 29 Disinfectant products used for prevention and treatment of infectious diseases, drinking water provided by drinking water suppliers and products related to sanitary safety
of drinking water shall measure up to the sanitary standards and specifications of the State.

Any drinking water supplier engaged in production or supply activities shall obtain a sanitary license according to law.

Manufacturers of disinfectant products to be used for prevention and treatment of infectious diseases and disinfectant products to be manufactured for prevention and treatment of infectious diseases shall be subject to examination and approval by the health administration department under the people's governments at or above the provincial level. The specific measures in this regard shall be formulated by the State Council.

Chapter III Reporting on, Releasing Information on and Announcing the Epidemic Situation

Article 30 When disease prevention and control institutions, medical agencies, blood collectors and supplies or their staff members on duty find the epidemic situation of infectious diseases specified in this Law or the outbreak and prevalence of other infectious diseases or the infectious diseases the causes for the sudden outbreak of which are uncertain, they shall report in adherence to the principle of territorial control in respect of report on epidemic situation and in accordance with the contents, procedure, form and time limit prescribed by the State Council or by the health administration department under the State Council.

When medical agencies of the Army, in the course of providing medical services to the general public, find the epidemic situation of infectious diseases specified in the preceding paragraph, they shall report in accordance with the regulations of the health administration department under the State Council.

Article 31 When any unit or individual finds an infectious disease patient or a suspected one, they shall promptly report to the nearby disease prevention and control institution or medical agency.

Article 32 When disease prevention and control institutions at ports, airports and railway stations or the frontier health quarantine organs find patients of the infectious diseases under Class A or pathogen carriers or suspected patients of infectious diseases, they shall, in accordance with relevant regulations of the State, promptly report to the disease prevention and control institution located at the frontier port or to the health administration department under the local people's government at or above the county level where they are located and release such information to each other.

Article 33 Disease prevention and control institutions shall take the initiative to collect, analyse, investigate and verify information on epidemic situation of infectious diseases. As soon as they receive reports on epidemic situation of infectious diseases under Classes A and B or find the outbreak and prevalence of infectious diseases, they shall report to local
health administration department, which shall immediately report to the local people's governments and, at the same time, to the health administration department at a higher level and to the health administration department under the State Council.

Disease prevention and control institutions shall set up or assign special departments and persons the task of controlling information on the epidemic situation of infectious diseases and making timely verification and analysis of reports on epidemic situation.

Article 34 Health administration departments under the local people's governments at or above the county level shall, without delay, release the epidemic situation of infectious diseases and information on such situation they have monitored or issued an early warning against to the disease prevention and control institutions and medical agencies within their own administrative areas. Upon receiving such information, the disease prevention and control institutions and medical agencies shall immediately inform the persons concerned in their own units.

Article 35 The health administration department under the State Council shall, without delay, release the national epidemic situation of infectious diseases and information on such situation, which it has monitored or against which it has issued an early warning, to the relevant departments under the State Council and the health administration departments under the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government.

Health administration departments under the neighboring or relevant people's governments shall, without delay, release to each other information on the epidemic situation of infectious diseases in their own administrative areas and information on such situation they have monitored or against which they have issued an early warning.

When the relevant departments under the people's governments at or above the county level find epidemic situation of infectious diseases, they shall immediately report to the health administration departments under the people's governments at the corresponding level.

When the competent health department of the Chinese People's Liberation Army finds epidemic situation of infectious diseases, it shall report to the health administration department under the State Council.

Article 36 Animal anti-epidemic agencies and disease prevention and control institutions shall keep each other informed without delay of the epidemic situation of infectious diseases common to animals and human beings that occurs among animals and human beings as well as relevant information.

Article 37 The relevant departments under people's governments, disease prevention and control institutions, medical agencies, blood collectors and suppliers and their staff members that are in duty bound to report the epidemic situation of infectious diseases in accordance with the provisions of this Law shall not conceal the truth about, make a false
Article 38 The State establishes the system for announcing information on epidemic situation of infectious diseases.

The health administration department under the State Council shall regularly announce information on the national epidemic situation of infectious diseases. Health administration departments under the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall regularly announce information on the epidemic situation of infectious diseases in their own administrative areas.

When an infectious disease breaks out and prevails, the health administration department under the State Council shall be responsible for announcing to the public information on the epidemic situation of the infectious disease, and may authorize the health administration departments under the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government to announce to the public information on the epidemic situation of the infectious disease in their own administrative areas.

Information on epidemic situation of infectious diseases shall be announced without delay and accurately.

Chapter IV Control of the Epidemic Situation

Article 39 When finding an infectious disease under Class A, the medical agency shall immediately take the following measures:

(1) to isolate the patients and pathogen carriers for treatment, and to determine the period of isolation according to the results of medical examination;

(2) to treat suspected patients individually in isolation at designated places until a definite diagnosis is made; and

(3) to keep the persons in close contact with the patients, pathogen carriers or suspected patients in medical agencies under medical observation at designated places and to take other necessary preventive measures.

With regard to the persons who refuse treatment in isolation or, before the expiration of the period of isolation, break away from treatment in isolation without approval, the public security organs may assist the medical agencies by taking compulsory measures for treatment in isolation.

When medical agencies find patients of infectious diseases under Class B or C, they shall take necessary measures for treatment and for control of their spread according to the
patients' conditions.

With regard to the places and objects contaminated by pathogens of infectious diseases as well as the medical wastes within their own units, medical agencies shall, in accordance with the provisions of laws and regulations, carry out disinfection and innocent treatment.

Article 40 When finding epidemic situation of infectious diseases or receiving reports on such situation, the disease prevention and control institutions shall immediately take the following measures:

(1) to make epidemiological investigation on the epidemic situation of infectious diseases and, on the basis of the findings after such investigation, to put forth proposals for the delimitation of epidemic spots and areas; to give sanitary treatment to the contaminated places, to keep the persons in close contact under medical observation at the designated places and to take other necessary preventive measures, and to put forth schemes for control of the epidemic situation to health administration departments;

(2) when an infectious disease breaks out and prevails, to give sanitary treatment to epidemic spots and areas, to put forth schemes for control of the epidemic situation to the health administration departments, and to take measures in accordance with the requirements of health administration departments; and

(3) to direct the disease prevention and control institutions at lower levels in implementing the measures for prevention and control of infectious diseases and to coordinate efforts and direct relevant units in handling the epidemic situation of infectious diseases.

Article 41 With respect to the places where there are cases of infectious diseases under Class A or to the persons in the special areas within such places, the local people's governments at or above the county level where the above places are located may carry out isolation measures and, at the same time, report the matter to the people's governments at the next higher level; and upon receiving such report, the people's governments at the higher level shall immediately make a decision on whether to approve the measures or not. Where the people's governments at the higher level decide not to approve the measures, the people's governments that have taken isolation measures shall immediately withdraw such measures.

During the period of isolation, the people's governments that take isolation measures shall guarantee the daily necessities of the persons under isolation; and if such persons have their own units, the units, which they belong to, shall not stop the payment of their wages during the period of isolation.

Withdrawal of isolation measures shall be subject to decision and announcement by the organ that originally makes the decision to take the measures.

Article 42 When an infectious disease breaks out and prevails, the local people's government at or above the county level shall immediately get people organized to control
and treat the disease in accordance with its preliminary plan for prevention and control and cut off the route of transmission; and when necessary, they may take the following emergency measures, subject to reporting to and decision by the people's government at the next higher level, and make the measures known to the public:

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

(2) suspension of work, business and school classes;

(3) closing or sealing off public drinking water sources, foodstuffs and relevant objects contaminated with the pathogens of infectious diseases;

(4) controlling or wiping out wild animals, domestic animals and fowls infected with epidemics; and

(5) closing the places where the spread of infectious diseases may be caused.

When receiving the report of the people's government at a lower level proposing to take the emergency measures as mentioned in the preceding paragraph, the people's government at the higher level shall immediately make a decision.

Withdrawal of the emergency measures shall be subject to decision and announcement by the organ that originally makes the decision to take the measures.

Article 43 When an infectious disease under Class A or B breaks out or prevails, the local people's government at or above the county level may, subject to decision by the government at the next higher level, announce part or the whole of its administrative area as an epidemic area; and the State Council may decide and announce areas across provinces, autonomous regions, and municipalities directly under the Central Government as epidemic areas. The local people's governments at or above the county level may take the emergency measures as specified in Article 42 of this Law in an epidemic area, and carry out sanitary quarantine of persons, goods and materials and means of transport entering or leaving the epidemic area.

People's governments of provinces, autonomous regions, and municipalities directly under the Central Government may decide to blockade an epidemic area of an infectious disease under Class A in their own administrative areas; however, the blockade of an epidemic area in a large or medium-sized city or the blockade of an epidemic area across a province, autonomous region, or municipality directly under the Central Government, as well as the blockade of an epidemic area leading to the interruption of the traffic along a main line of communications, or the blockade of frontiers shall be subject to decision by the State Council.

Termination of the blockade of an epidemic area shall be subject to decision and announcement by the organ that originally makes the decision.
Article 44 When an infectious disease under Class A breaks out, transport sanitary quarantine may be carried out in order to prevent the spread of such disease through the means of transport as well as the persons, goods and materials carried by them. The specific measures in this regard shall be formulated by the State Council.

Article 45 When an infectious disease breaks out and prevails, the State Council shall, in light of the need to control the epidemic situation of the infectious disease, have the power, within the whole country or in areas across a province, autonomous region, or municipality directly under the Central Government, and the local people's governments at or above the country level shall have the power, in their own administrative areas, immediately to mobilize people or transfer stored goods and materials, and provisionally requisition houses and means of transport as well as relevant facilities and equipment.

To persons who are immediately mobilized, reasonable remunerations shall be paid in accordance with relevant regulations. For the houses and means of transport as well as relevant facilities and equipment that are provisionally requisitioned, compensation shall be made according to law; and whatever can be returned shall be returned in a timely manner.

Article 46 The body of a person who dies of an infectious disease under Class A or anthrax shall immediately be given sanitary treatment and cremated at a nearby place. The body of a person who dies of other infectious diseases shall, when necessary, be cremated after sanitary treatment or buried deep as required by relevant regulations.

In order to find out the cause of an infectious disease, medical agencies may, when necessary, perform autopsy on the corpses of patients or suspected patients of infectious diseases for examination in accordance with the regulations of the health administration department under the State Council, and shall inform the family members of the dead of the matter.

Article 47 Where the objects contaminated or likely contaminated with the pathogens of infectious diseases in epidemic areas can be used again after disinfection, they shall be used, sold or transported only after being subjected to disinfection under the direction of local disease prevention and control institutions.

Article 48 When the epidemic situation of an infectious disease occurs, the disease prevention and control institutions or other professional technical agencies related to infectious diseases that are designated by the health administration departments under the people's governments at or above the provincial level may enter the epidemic spots or areas of infectious diseases to make investigation, collect samples and make technical analysis and examination.

Article 49 When an infectious disease breaks out and prevails, manufacturers and suppliers of medicines and medical instruments shall immediately produce and supply the medicines and medical instruments for prevention and treatment of the infectious disease. Railway,
communications and civil aviation services shall give priority to transportation of the persons for handling of the epidemic situation of the infectious disease and the medicines and medical instruments for prevention and treatment of the infectious disease. The relevant departments under the people's governments at or above the county level shall do a good job of coordinating efforts in this endeavor.

Chapter V Medical Treatment

Article 50 People's governments at or above the county level shall strengthen and improve the establishment of their service networks for medical treatment of infectious diseases, assign medical agencies with the conditions and capability for treating infectious diseases the task of treating such diseases, or set up hospitals for infectious diseases in light of the need to treat the diseases.

Article 51 The basic standards, construction design and service process of medical agencies shall be in conformity with the requirements for prevention of hospital infection of infectious diseases.

Medical agencies shall, in accordance with relevant regulations, have the medical instruments in use disinfected; with respect to the medical apparatus that can be used only once according to regulations, they shall be destroyed after they are used.

Medical agencies shall, in accordance with the standards of diagnosis and requirements of treatment for infectious diseases specified by the health administration department under the State Council, take necessary measures to enhance their capability for medical treatment of infectious diseases.

Article 52 Medical agencies shall give medical treatment and on-the-spot rescue to the patients or suspected patients of infectious diseases or provide outpatient service to them, keep written records of the cases and other relevant materials and preserve them properly.

Medical agencies shall practise a system of preliminary and separate examination in respect of infectious diseases; and patients or suspected patients of infectious diseases shall be led to separate, relatively isolated spots for preliminary examination. A medical agency that does not have the capability needed for treatment shall transfer the patients and the copies of their medical records to a medical agency that has such capability. The specific measures in this regard shall be formulated by the health administration department under the State Council.

Chapter VI Supervision and Control

Article 53 Health administration departments under the people's governments at or above the county level shall perform the following duties of supervision and examination
regarding prevention and treatment of infectious diseases:

(1) to supervise and inspect the health administration departments under the people's governments at lower levels as to their performance of the duties prescribed by this Law regarding prevention and treatment of infectious diseases;

(2) to supervise and inspect the work of preventing and treating infectious diseases done by the disease prevention and control institutions and medical agencies;

(3) to supervise and inspect the collection and supply of blood done by blood collectors and suppliers;

(4) to supervise and inspect disinfectant products used for prevention and treatment of infectious diseases as well as the manufacturers of such products, and supervise and inspect the production or supply engaged in by drinking water suppliers as well as the products related to sanitary safety of drinking water;

(5) to supervise and inspect the collection, preservation, carrying, transportation and use of bacterial and virus strains of infectious diseases as well as the samples of infectious diseases for testing; and

(6) to supervise and inspect the sanitary conditions of public places and the units concerned as well as the measures for preventing and controlling infectious diseases.

Health administration departments under the people's governments at or above the provincial level shall take charge of arranging for the handling of important matters regarding prevention and treatment of infectious diseases.

Article 54 When performing their duties of supervision and inspection, health administration departments under the people's governments at or above the county level shall have the right to enter the units subjected to inspection and the places where the epidemic situation of infectious diseases occurs to make investigation and collect evidence, consult or duplicate relevant materials and collect samples. The said units shall cooperate with them and shall not refuse to do so or create obstacles.

Article 55 Where, when performing their duties of supervision and examination, health administration departments under the local people's governments at or above the county level find that public drinking water sources, foodstuffs and relevant objects are contaminated with the pathogens of infectious diseases, which, if no timely control measures are taken, may lead to the spread and prevalence of infectious disease, they may take temporary control measures of closing the public drinking water sources, sealing off the foodstuffs and relevant objects or suspending their sale, and have them tested or disinfected. Foodstuffs which testing proves to be contaminated shall be destroyed; and for foodstuffs which are not contaminated or objects which can be used after disinfection, the control measures shall be withdrawn.
Article 56 When staff members of health administration departments perform their duties according to law, there shall not be less than two of them, and they shall show their law-enforcement certificates and fill out sanitation law-enforcement document. After the sanitation law-enforcement document is verified, the sanitation law-enforcement persons and the parties concerned shall sign their names. If the parties concerned refuse to sign their names, the sanitation law-enforcement persons shall make a note of it.

Article 57 Health administration departments shall, according to law, establish a sound system for internal supervision to supervise the performance of duties by their staff members in accordance with the statutory functions and powers as well as the statutory procedure. Where the health administration departments at higher levels find that such departments at lower levels fail to handle matters within the scope of their duties in time or fail to perform their duties, they shall order them to rectify or directly handle the matters.

Article 58 When performing their duties, health administration departments and their staff members shall subject themselves to supervision by the community and citizens. Units and individuals shall have the right to report violations of this Law to the people's governments at a higher level and the health administration departments under such departments. The people's governments or the health administration departments under them that receive such reports shall immediately conduct investigation and handle the violations.

Chapter VII Guarantee Measures

Article 59 The State incorporates the work of preventing and treating infectious diseases into the national economic and social development plan and local people's governments at or above the county level incorporate such work into the national economic and social development plan of their own administrative areas.

Article 60 Local people's governments at or above the county level shall, in compliance with their own duties, be responsible for allocating funds for the daily prevention and control of and supervision over infectious diseases within their own administrative areas. The health administration department under the State Council shall, in conjunction with the relevant departments under the State Council and on the basis of the prevalent trend of infectious diseases, determine the items for national prevention, control, treatment, monitoring, forecast, early warning, supervision over and inspection of infectious diseases. The Central Government shall offer subsidies to financially difficult areas in their efforts to prevent and treat deadly infectious diseases.

People's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, in light of the prevalent trend of infectious diseases within their own administrative areas and within the scope of the items determined by the health
administration department under the State Council, determine the items for prevention and control of and supervision over infectious diseases, and guarantee funds for the items.

Article 61 The State strengthens the establishment of the system of prevention and treatment of infectious diseases at the grass-roots level and gives assistance to the poverty-stricken areas and areas inhabited by ethnic peoples in their efforts to prevent and treat infectious diseases.

Local people's governments at all levels shall guarantee funds for prevention and treatment of infectious diseases in urban communities and rural areas at the grass-roots level.

Article 62 In matters of medical treatment, the State gives aid to the groups of people with financial difficulties who suffer from special infectious disease by reducing their medical expenses or exempting them from such expenses. The specific measures in this regard shall be formulated by the health administration department under the State Council in conjunction with the department of finance and other departments under the State Council.

Article 63 People's governments at or above the county level shall take charge of storing medicines, medical instruments and other materials for prevention and treatment of infectious diseases to keep them ready for distribution.

Article 64 For persons engaged in prevention, medical treatment, scientific research and teaching of infectious diseases as well as on-the-spot handling of epidemic situation of infectious diseases and for other persons who are in contact with pathogens of infectious diseases in production and other work, the units concerned shall, in accordance with the relevant regulations of the State, take effective sanitary and protective measures and medical care and health measures, and give them reasonable allowances.

Chapter VIII Legal Responsibility

Article 65 Where local people's governments at different levels fail to perform their duties of making report in accordance with the provisions of this Law, or conceal the truth about or make a false report on or delay report on the epidemic situation of infectious diseases or, when an infectious disease breaks out and prevails, fail immediately to coordinate efforts in its treatment and to take control measures, the people's governments at the higher level shall order them to rectify and criticize them in a circular; where their failures or mistakes cause the spread and prevalence of the infectious disease or other serious consequences, the persons in charge who should be held responsible shall be given administrative sanctions according to law; and if a crime is constituted, criminal responsibility shall be investigated according to law.

Article 66 Where the health administration departments under the people's governments at or above the county level commit any of the following acts in violation of the provisions of this Law, the people's governments at the corresponding level or the health administration departments under the people's governments at a higher level shall order them to rectify
and criticize them in a circular; where their violations cause the spread and prevalence of
the infectious disease or other serious consequences, the persons in charge who should be
held responsible and the other persons who are directly responsible shall be given
administrative sanctions according to law; and if a crime is constituted, criminal
responsibility shall be investigated according to law:

(1) failing to perform their duties of circulating a notice of, making a report on or
announcing the epidemic situation of an infectious disease, as required by law, or
concealing the truth about or making a false report on or delaying report on the said
situation;

(2) when an infectious disease breaks out or is likely to spread, failing immediately to take
preventive and control measures;

(3) failing to perform their duties of supervision and inspection according to law, or failing
immediately to investigate and punish violations of law when they find such violations;

(4) failing immediately to investigate and deal with the reports made by units or individuals
about the failures of the health administration departments at lower levels to perform their
duties of prevention and treatment of infectious diseases; and

(5) violations of this Law such as negligence of dereliction of duty.

Article 67 Where the relevant departments under the people's governments at or above
the county level fail to perform their duties of prevention and treatment of and protection
against infectious diseases in accordance with the provisions of this Law, the people's
governments at the corresponding level or the relevant departments under the people's
governments at a higher level shall order them to rectify and criticize them in a circular;
where their failures cause the spread and prevalence of infectious diseases or other serious
consequences, the persons in charge who should be held responsible and the other persons
who are directly responsible shall be given administrative sanctions according to law; and
if a crime is constituted, criminal responsibility shall be investigated according to law.

Article 68 Where the disease prevention and control institutions commit any of the
following acts in violation of the provisions of this Law, the health administration
departments under the people's governments at or above the county level shall order them
to rectify within a time limit, criticize them in a circular and give them a disciplinary
warning; the persons in charge who should be held responsible and the other persons who
are directly responsible shall be demoted, dismissed from office or discharged according to
law, and the practicing certificates of the persons concerned who are responsible may, in
addition, be revoked according to law; and if a crime is constituted, criminal responsibility
shall be investigated according to law:

(1) failing to perform their duty of monitoring infectious diseases according to law;

(2) failing to perform their duties of making a report on and circulating a notice about the
epidemic situation of an infectious disease, as is required by law, or concealing the truth about or making a false report on or delaying report on the epidemic situation of an infectious disease;

(3) failing to take the initiative to collect information about the epidemic situation of infectious disease, or failing immediately to analyse, investigate and verify the information about and report on the epidemic situation of infectious diseases;

(4) when finding the epidemic situation of an infectious disease, failing immediately to take the measures prescribed by this Law in compliance with their duties; and

(5) purposely divulging information and materials relating to personal privacy of an infectious disease patient, a pathogen carrier, a suspected infectious disease patient, or persons in close contact with such patients.

Article 69 Where medical agencies commit any of the following acts in violation of the provisions of this Law, the health administration department under the people's governments at or above the county level shall order them to rectify, criticize them in a circular and give them a disciplinary warning; where their failures cause the spread and prevalence of the infectious disease or other serious consequences, the persons in charge who should be held responsible and the other persons who are directly responsible shall be demoted, dismissed from office, or discharged according to law, and the practicing certificates of the persons concerned who are held responsible may, in addition, be revoked according to law; and if a crime is constituted, criminal responsibility shall be investigated according to law:

(1) failing to perform the tasks of prevention and control of infectious diseases in their own units, of control of hospital infection and of prevention of infectious diseases within their responsibility areas in accordance with relevant regulations;

(2) failing to report the epidemic situation of an infectious disease in accordance with relevant regulations, or concealing the truth about, making a false report on or delaying report on the epidemic situation of an infectious disease;

(3) when finding the epidemic situation of an infectious disease, failing to give infectious disease patients or suspected infectious disease patients medical treatment, on-the-spot rescue, or outpatient treatment or to transfer such patients to other hospitals for treatment in accordance with relevant regulations, or refusing to accept transferred patients;

(4) failing to disinfect the places, objects and medical wastes of their own units that are contaminated with the pathogens of infectious disease or give them innocent treatment in accordance with relevant regulations;

(5) failing to disinfect medical apparatus and instruments in accordance with relevant regulations, or reusing disposable medical apparatus, instead of destroying them in accordance with relevant regulations;
(6) in the course of medical treatment, failing to preserve medical records and materials in accordance with relevant regulations; and

(7) purposely divulging information and materials relating to personal privacy of an infectious disease patient, a pathogen carrier, a suspected infectious disease patient, or persons in close contact with such patients.

Article 70 Where blood collectors and suppliers fail to report the epidemic situation of infectious diseases in accordance with relevant regulations, or conceal the truth about or make a false report on or delay report on such situation, or fail to implement the relevant regulations of the State, leading to the contracting of blood transmission diseases via blood transfusion, the health administration departments under the people's governments at or above the county level shall order them to rectify, criticize them in a circular and give them a disciplinary warning; where their failures cause the spread and prevalence of infectious diseases or other serious consequences, the persons in charge who should be held responsible and the other persons who are directly responsible shall be demoted, dismissed from office or discharged according to law, and the practicing certificates of the blood collectors and suppliers may, in addition, be revoked according to law; and if a crime is constituted, criminal responsibility shall be investigated according to law.

Any agency that illegally collects blood or gets other persons to sell their blood shall be banned by the health administration department under the people's government at or above the county level, its unlawful gains shall be confiscated and it, may, in addition, be fined not more than RMB 100,000 yuan; and if a crime is constituted, criminal responsibility shall be investigated according to law.

Article 71 Where frontier sanitation quarantine organs or animal epidemic prevention organs fail to perform their duty of circulating a notice of the epidemic situation of infectious diseases according to law, the departments concerned shall, within the scope of their duties, order them to rectify and criticize them in a circular; where their failures cause the spread and prevalence of the infectious diseases or other serious consequences, the persons in charge who should be held responsible and the other persons who are directly responsible shall be demoted, dismissed from office or discharged according to law; and if a crime is constituted, criminal responsibility shall be investigated according to law.

Article 72 Where railway, communications and civil aviation services fail to give priority to the transportation of the persons for handling the epidemic situation of an infectious disease or of the medicines, medical apparatus and instruments for prevention and treatment of the infectious disease in accordance with the provisions of this Law, the departments concerned shall instruct it to rectify within a time limit and give them a disciplinary warning; and where serious consequences are caused, the persons in charge who should be held responsible and the other persons who are directly responsible shall be demoted, dismissed from office or discharged according to law.

Article 73 Where a unit commits any of the following acts in violation of the provisions of
this Law, which leads to or may likely lead to the spread and prevalence of infectious diseases, the health administration departments under the people's government at or above the county level shall order them to rectify within a time limit, confiscate its unlawful gains and may, in addition, impose a fine of not more than 50,000 yuan; if it has obtained a license, the department that originally issued the license may suspend or revoke the license according to law; and if a crime is constituted, criminal responsibility shall be investigated according to law:

(1) for a drinking water supplier, failing to keep the drinking water supplied in conformity with the sanitary standards and norms of the State;

(2) failing to keep the products relating to sanitary safety of drinking water in conformity with the sanitary standards and norms of the State;

(3) failing to keep the disinfectant products used for prevention and treatment of infectious diseases in conformity with the sanitary standards and norms of the State;

(4) selling or transporting the objects which are contaminated or are likely contaminated with pathogens of infectious diseases in epidemic areas without having them disinfected; and

(5) for a manufacture of biological products, failing to keep the blood products manufactured in conformity with the quality standards of the State.

Article 74 Any unit that commits one of the following acts in violation of the provisions of this Law, the health administration department under the local people's government at or above the county level shall order it to rectify, criticize it in a circular and give it a disciplinary warning; if it has obtained a license, the license may be suspended or revoked according to law; if its act causes the spread and prevalence of an infectious disease or other serious consequences, the persons in charge who should be held responsible and the other persons who are directly responsible shall be demoted, dismissed from office or discharged according to law, and the practicing certificates of the persons concerned who are held responsible may, in addition, be revoked according to law; and if a crime is constituted, criminal responsibility shall be investigated according to law:

(1) for a disease prevention and control institution, medical agency or unit engaged in pathogenic organism experiments, failing to meet the requirements and technical standards prescribed by the State and failing to keep strict control of the samples of infectious disease pathogens in accordance with relevant regulations, thus causing laboratory infection and the spread of pathogenic micro-organisms;

(2) in violation of the relevant regulations of the State, collecting, preserving, carrying, transporting and using bacterial and virus strains of infectious diseases as well as the samples of infectious diseases for testing; and

(3) for a disease prevention and control institution and medical agency, failing to comply
with the relevant regulations of the State, thus leading to the outbreak of blood transmission diseases due to blood transfusion or the use of blood products.

Article 75 Where a unit sells or transports wild animals, domestic animals and fowls related to infectious diseases common to human beings and animals without quarantine, the animal husbandry and veterinary administration departments under the local people's government at or above the county level shall order it to desist from such illegal act, and impose on it an administrative penalty according to law.

Article 76 Where a unit, without sanitary investigation, constructs such large projects as water conservancy, communications, tourism and energy projects in an area of a natural focus of infection confirmed by the State or fails to take the necessary measures for prevention and control of infectious diseases in accordance with the proposals of the disease prevention and control institution, the health administration department under the people's government at or above the county level shall order it to rectify within a time limit, give it a disciplinary warning, and impose on it a fine of not less than 5,000 yuan but not more than 30,000 yuan; and if it fails to comply at the expiration of the time limit, the said department shall impose on it a fine of not less than 30,000 yuan but not more than 100,000 yuan, and may, in addition, request the people's government concerned, on the strength of its functions and powers, to order discontinuation of construction or close the area.

Article 77 Where a unit or individual violates the provisions of this Law, thus leading to the spread and prevalence of infectious diseases or causing harm or property losses to another person, it/he shall bear civil responsibility according to law.

Chapter IX Supplementary Provisions

Article 78 The meanings of the following terms used in this Law are:

(1) Infectious disease patients and suspected infectious disease patients are persons who conform to the diagnostic standards for infectious disease patients and suspected infectious disease patients, as provided for in the Diagnostic Standards for Infectious Diseases Governed by the Provisions of the Law of the People's Republic of China on Prevention and Treatment of Infectious Diseases promulgated by the health administration department under the State Council.

(2) Pathogen carriers are persons who, infected with the pathogens of infectious diseases, have no clinical symptoms but can discharge pathogens.

(3) Epidemiological investigation refers to investigation and research conducted among groups of people on the geological distribution of diseases and health conditions as well as the decisive factors in order to put forth disease prevention and control measures as well as health care policies.

(4) Epidemic-stricken spots refer to smaller areas within which pathogens spread from the
source of infection or to a single focus of infection.

(5) Epidemic-stricken areas refer to the areas where pathogens can reach when they spread after infectious diseases break out and prevail among groups of people.

(6) Infectious diseases common to human beings and animals refer to infectious diseases which human beings and vertebrates commonly suffer from, such as plague, rabies, schistosomiasis.

(7) Natural focus of infection refers to an area where certain pathogens that may cause infectious diseases to human beings exist and circulate over a long period of time among wild animals in the natural world.

(8) Vector organisms refer to organisms that can transmit pathogens from human beings or other animals to human beings, such as mosquitoes, flies and fleas.

(9) Iatrogenic infection refers to infection caused by the transmission of pathogens in the process of medical services.

(10) Hospital infection refers to infection which inpatients contract in hospitals, including infection contracted during the period of hospitalization and infection contracted in hospital but manifests itself after the patient is discharged from hospital, but excluding infection which is contracted before hospitalization or is already in incubation period at the time of hospitalization. Infection which hospital workers contract in hospital also belongs to hospital infection.

(11) Laboratory infection refers to infection caused through contact with pathogens when working laboratories.

(12) Bacterial and virus strains refer to bacterial and virus strains which may cause the outbreak of the infectious diseases specified in this Law.

(13) Disinfection refers to the killing and elimination of pathogen microorganisms in the environment by chemical, physical or biological methods.

(14) Disease prevention and control institutions refer to the disease prevention and control centers engaged in disease prevention and control as well as the units engaged in professional activities similar to those of the said institutions.

(15) Medical agencies refer to the agencies engaged in disease diagnosis and medical treatment, which have obtained the practicing certificates of medical institutions in accordance with the Regulations on Administration of Medical Institutions.

Article 79 Where there are no provisions in this Law for the control of foodstuffs, medicines, blood, water, medical wastes and pathogenic microorganisms in the process of prevention and control of infectious diseases, for epidemic prevention among animals and
for frontier health quarantine, the provisions of other relevant laws and administrative regulations shall be applicable respectively.

Article 80 This Law shall go into effect as of December 1, 2004.

Source: http://www.npc.gov.cn/englishnpc/Law/2007-12/12/content_1383919.htm