

Frontier Health and Quarantine Law of the People's Republic of China (2007 Amendment) [Revised]

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Frontier Health and Quarantine Law of the People's Republic of China

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CHAPTER I GENERAL PROVISIONS

Article 1. This Law is formulated in order to prevent infectious diseases from spreading into or out of the country, to carry out frontier health and quarantine inspection and to protect human health.

Article 2. Frontier health and quarantine offices shall be set up at international seaports, airports and ports of entry at land frontiers and boundary rivers (hereinafter referred to as "frontier ports") of the People's Republic of China. These offices shall carry out the quarantining and monitoring of infectious diseases, and health inspection in accordance with the provisions of this Law.

Health administration departments under the State Council shall be in charge of frontier health and quarantine work throughout the country.

Article 3. Infectious diseases specified in this Law shall include quarantinable infectious diseases and infectious diseases to be monitored.

Quarantinable infectious diseases shall include plague, cholera, yellow fever and other infectious diseases determined and announced by the State Council.

Infectious diseases to be monitored shall be determined and announced by health administration departments under the State Council.

Article 4. Persons, conveyances and transport equipment, as well as articles such as baggage, goods and postal parcels that may transmit quarantinable infectious diseases, shall undergo quarantine inspection upon entering or exiting the country. No entry or exit shall be allowed without the permission of a frontier health and quarantine office. Specific measures for implementation of this Law shall be stipulated in detailed regulations.

Article 5. On discovering a quarantinable infectious disease or a disease suspected to be quarantinable, a frontier health and quarantine office shall, in addition to taking necessary measures, immediately notify the local health administration department; at the same time, it shall make a report to the health administration department under the State Council by the most expeditious means possible, within 24 hours at the latest. Post and telecommunications departments shall give priority to transmissions of reports of epidemic diseases.

Messages exchanged between the People's Republic of China and foreign countries on the epidemic situation of infectious diseases shall be handled by the health administration department under the State Council in conjunction with other departments concerned.

Article 6. When a quarantinable infectious disease is prevalent abroad or within China, the State Council may order relevant sections of the border to be blockaded or adopt other emergency measures.

CHAPTER II QUARANTINE INSPECTION

Article 7. Persons and conveyances on entering the country shall be subject to quarantine inspection at designated places at the first frontier port of their arrival. Except for harbour pilots, no person shall be allowed to embark on or disembark from any means of transport and no articles such as baggage, goods or postal parcels shall be loaded or unloaded without the

health and quarantine inspector's permission. Specific measures for the implementation of this Law shall be stipulated in detailed regulations.

Article 8. Persons and conveyances exiting the country shall be subject to quarantine inspection at the last frontier port of departure.

Article 9. When foreign ships or airborne vehicles anchor or land at places other than frontier ports in China, the persons in charge of the ships or airborne vehicles must report immediately to the nearest frontier health and quarantine office or to the local health administration department. Except in cases of emergency, no person shall be allowed to embark on or disembark from the ship or airborne vehicle, and no articles such as baggage, goods and postal parcels shall be loaded or unloaded without the permission of a frontier health and quarantine office or the local health administration department.

Article 10. When a quarantinable infectious disease, a disease suspected to be quarantinable or a death due to an unidentified cause other than accidental harm is discovered at a frontier port, the relevant department at the frontier port and the person in charge of the conveyance must report immediately to the frontier health and quarantine office and apply for provisional quarantine inspection.

Article 11. According to the results of an inspection made by quarantine doctors, the frontier health and quarantine office shall sign and issue a quarantine certificate for entry or exit to a conveyance either uncontaminated by any quarantinable infectious disease or already given decontamination treatment.

Article 12. A person having a quarantinable infectious disease shall be placed in isolation by the frontier health and quarantine office for a period determined by the results of the medical examination, while a person suspected of having a quarantinable infectious disease shall be kept for inspection for a period determined by the incubation period of such disease. The corpse of anyone who died from a quarantinable infectious disease must be cremated at a nearby place.

Article 13. Any conveyance subject to entry quarantine inspection shall be disinfected, deratized, treated with insecticides or given other sanitation measures when found to be in any of the following conditions:

- (1) having come from an area where a quarantinable infectious disease is epidemic;
- (2) being contaminated by a quarantinable infectious disease; or
- (3) revealing the presence of rodents which affect human health or insects which are carriers of disease.

Apart from exceptional cases, when the person in charge of the foreign conveyance refuses to allow sanitation measures to be taken, the conveyance shall be allowed to leave the frontier of the People's Republic of China without delay under the supervision of the frontier health and quarantine office.

Article 14. A frontier health and quarantine office shall conduct sanitation inspections and disinfect, derat, treat with insecticides or apply other sanitation measures to articles such as

baggage, goods and postal parcels that come from an epidemic area and are contaminated by a quarantinable infectious disease or may act as a vehicle of a quarantinable infectious disease. A consignor or an agent thereof for the transportation of a corpse or human remains into or out of this country must file a declaration with the frontier health and quarantine office; such transportation into or out of this country shall not be allowed until the sanitary inspection is passed.

CHAPTER III MONITORING OF INFECTIOUS DISEASES

Article 15. Frontier health and quarantine offices shall monitor persons on entry or exit for quarantinable infectious diseases and shall take necessary preventive and control measures.

Article 16. Frontier health and quarantine offices shall be authorized to require persons on entry or exit to complete a health declaration form and produce certificates of vaccination against certain infectious diseases, a health certificate or other relevant documents.

Article 17. For persons who suffer from infectious diseases to be monitored, who come from areas in foreign countries where infectious diseases to be monitored are epidemic or who have close contact with patients suffering from infectious diseases to be monitored, the frontier health and quarantine offices shall, according to each case, issue them medical convenience cards, keep them for inspection or take other preventive or control measures, while promptly notifying the local health administration department about such cases. Medical services at all places shall give priority in consultation and treatment to persons possessing medical convenience cards.

CHAPTER IV HEALTH SUPERVISION

Article 18. Frontier health and quarantine office shall, in accordance with state health standards, exercise health supervision over the sanitary conditions at frontier ports and the sanitary conditions of conveyances on entry or exit at frontier ports. They shall:

- (1) supervise and direct concerned personnel on the prevention and elimination of rodents and insects that carry diseases;
- (2) inspect and test food and drinking water and facilities for their storage, supply and delivery;
- (3) supervise the health of employees engaged in the supply of food and drinking water and check their health certificates; and
- (4) supervise and inspect the disposal of garbage, waste matter, sewage, excrement and ballast water.

Article 19. Frontier health and quarantine offices shall have frontier port health supervisors, who shall carry out the tasks assigned by the frontier health and quarantine offices.

In performing their duties, frontier port health supervisors shall be authorized to conduct health supervision and give technical guidance regarding frontier ports and conveyances on entry or exit; to give advice for improvement wherever sanitary conditions are unsatisfactory and factors exist that may spread infectious diseases; and to coordinate departments concerned to take necessary measures and apply sanitary treatment.

CHAPTER V LEGAL LIABILITY

Article 20. A frontier health and quarantine office may warn or fine, according to the circumstances, any unit or individual that has violated the provisions of this Law by committing any of the following acts:

(1) evading quarantine inspection or withholding the truth in reports to the frontier health and quarantine office;

(2) embarking on or disembarking from conveyances upon entry, or loading or unloading articles such as baggage, goods or postal parcels, without the permission of a frontier health and quarantine office and refusing to listen to the office's advice against such acts.

All fines thus collected shall be turned over to the state treasury.

Article 21. If a concerned party refuses to obey a decision on a fine made by a frontier health and quarantine office, he may, within 15 days after receiving notice of the fine, file a lawsuit in a local people's court. The frontier health and quarantine office may apply to the people's court for mandatory enforcement of a decision if the concerned party neither files a lawsuit nor obeys the decision within the 15-day term.

Article 22. If a quarantinable infectious disease is caused to spread or is in great danger of being spread as a result of a violation of the provisions of this Law, criminal responsibility shall be investigated in accordance with Article 178 of the Criminal Law of the People's Republic of China.

Article 23. The personnel of frontier health and quarantine offices must enforce this Law impartially, perform duties faithfully and promptly conduct quarantine inspection on conveyances and persons upon entry or exit. Those who violate the law or are derelict in their duties shall be given disciplinary sanctions; where circumstances are serious enough to constitute a crime, criminal responsibility shall be investigated in accordance with the law.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 24. Where the provisions of this Law differ from those of international treaties on health and quarantine that China has concluded or joined, the provisions of such international treaties shall prevail, with the exception of the treaty clauses on which the People's Republic of China has declared reservations.

Article 25. In cases of temporary contact between frontier defence units of the People's Republic of China and those of a neighbouring country, of a temporary visit at a designated place on the frontier by residents of the border areas of the two countries and of entry or exit of conveyances and persons of the two sides, quarantine inspection shall be conducted in line with the agreements between China and the other country or, in the absence of such an agreement, in accordance with the relevant regulations of the Chinese Government.

Article 26. Frontier health and quarantine offices shall charge for health and quarantine services according to state regulations.

Article 27. The health administration department under the State Council shall, in accordance with this Law, formulate rules for its implementation, which shall go into effect after being submitted to and approved by the State Council.

Article 28. This Law shall go into effect on May 1, 1987. On the same day, the Frontier Health and Quarantine Regulations of the People's Republic of China promulgated on December 23, 1957, shall be invalidated.