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No. 376

Regulations on Preparedness for and Response to Emergent Public Health Hazards, adopted at the Seventh Executive Meeting of the State Council on May 7, 2003, are hereby promulgated and shall be effective as of the date of promulgation.

Premier: Wen Jiabao May 9, 2003

Regulations on Preparedness  
for and Response to Emergent  
Public Health Hazards

(Adopted at the Seventh Executive Meeting of the State Council on May 7, 2003, promulgated by Decree No. 376 of the State Council of the People's Republic of China on May 9, 2003, and effective as of the date of promulgation)

**Chapter I General Provisions**

Article 1 These Regulations are formulated for the purposes of effectively preventing, timely controlling, minimizing and eliminating emergent public health hazards, safeguarding the health of the public and the safety of their lives, and maintaining normal social order.

Article 2 As used in these Regulations, the term “emergent public health hazard” (hereinafter referred to as emergent hazard) refers to major epidemics of infectious diseases, large amount of aggregated cases from any disease with unknown reasons, severe food poisoning and occupational poisonings, as well as other public health contingencies that break out unexpectedly and result in, or are likely to result in, severe harm to the health of the public.

Article 3 Upon the outbreak of any emergent hazard, the State Council shall set up a national headquarters for response to the emergent hazard, composing of the relevant departments of the State Council and the relevant departments of the Army, with the competent leading member of the State Council serving as the commander-in-chief, which shall be responsible for leading and commanding the response to any nationwide emergent hazard in a unified way.

The competent health administrative department and other departments concerned of the State Council shall, within their respective functions and duties, accomplish the work relating to the response to the emergent hazard.

Article 4 Upon the outbreak of any emergent hazard, the people’s government of a province, autonomous region or municipality directly under the Central Government shall set up its own local headquarters for response to the emergent hazard respectively, with the principal leading members of the people’s government of the province, autonomous region or municipality directly under the Central Government serving as the commanders-in-chief respectively, which shall be responsible for leading and commanding the response to the emergent hazard within its administrative area.

The competent health administrative department of the local people’s government at or above the county level shall be responsible for the specific organizational work relating to the investigation into and control of the emergent hazard and the medical care services concerned.

The relevant departments of the local people’s governments at or above the county level shall, within their respective functions and duties, accomplish the work relating to the response to the emergent hazard.

Article 5 In the preparedness for and response to an emergent hazard, it is imperative to follow the guidelines of giving priorities to prevention and exercising unwinking vigilance, and to practise the principles of centralizing leadership, assuming respective responsibilities at corresponding levels, making timely response, adopting decidedly measures, relying on science, and enhancing cooperation.

Article 6 The people's government at or above the county level shall organize scientific research into the prevention and control of the emergent hazard, and keep a stockpile of materials, equipment, facilities, technologies and human resources for epidemiological investigation, isolation of infectious sources, medical salvation, field management, supervision and inspection, surveillance and testing, and health protection, etc. The expenses therefor shall be included into the finance budgets of the people's government at the corresponding level.

The State shall provide financial support to remote or poverty-stricken areas for preparedness for and response to any emergent hazard.

Article 7 The State encourages and supports international exchange and cooperation in terms of the technologies for surveillance, precaution and lash-up response to an emergent hazard.

Article 8 The relevant department of the State Council and the local people's government at or above the county level and its department concerned shall establish a strict responsibility system for the prevention of and the response to any emergent hazard respectively and earnestly perform its own functions and duties, so as to ensure the smooth progress of the response to the emergent hazard.

Article 9 The people's government at or above the county level and its competent health administrative department shall grant appropriate benefits and health allowances to medical workers who participate in the response to an emergent hazard, cite and reward those who participate in and make contributions to the response to the emergent hazard, and give benefits and pensions according to the provisions of the State to those who contract illness, become disabled or die as a result of the participation in such work.

## Chapter II Prevention and Preparedness

Article 10 The competent health administrative department of the State Council shall, in light of the requirements of providing guidance to an emergent hazard according to its classification and making rapid response thereto, work out a national emergency preparedness plan for the emergent hazard, and submit it to the State Council for approval.

The people's government of a province, autonomous region or municipality directly under the Central Government shall, on the basis of the national emergency preparedness plan for the emergent hazard, work out its own emergency preparedness plan for the emergent hazard by taking into consideration actual local conditions.

Article 11 A national emergency preparedness plan for the emergent hazard shall include the following main contents:

- (1) the composition of the headquarters for the response to the emergent hazard

- and the functions and duties of the relevant departments;
- (2) the surveillance and precaution of the emergent hazard;
- (3) the systems for collecting, analyzing, reporting and distributing information about the emergent hazard;
- (4) the technical and surveillance institutions for the response to the emergent hazard and their tasks;
- (5) guidelines for the emergent hazard grading and the schemes for response;
- (6) the prevention and field control of the emergent hazard; the stockpile and allocation of emergency facilities, equipment, medications for patient treatment, medical devices and other materials and expertise;
- (7) the establishment and training of professional task forces for quick response to the emergent hazard.

Article 12 An emergency preparedness plan for an emergent hazard shall be timely amended in light of the changes in the emergent hazard and the problems arising from its implementation.

Article 13 Local people's governments at various levels shall, in accordance with the provisions of laws and administrative regulations, accomplish the work of the prevention of infectious diseases and other work relating to public health, so as to prevent the occurrence of any emergent hazard.

'The competent health administrative department and other related departments of the people's government at or above the county level shall educate the public on the response to an emergent hazard, so as to enhance the awareness of precaution against and the ability for response to the emergent hazard in the whole society.

Article 14 The State shall establish a unified system for the prevention and control of any emergent hazard.

Local people's governments at or above the county level shall establish and improve the surveillance and precaution systems for any emergent hazard.

The competent health administrative department of the people's government at or above the county level shall designate an appropriate institution to conduct routine surveillance over any emergent hazard, and ensure the normal operation of the surveillance and precaution systems.

Article 15 A surveillance plan shall be worked out for surveillance and precaution in light of the classification of an emergent hazard, and the surveillance data shall be

analyzed and assessed in a scientific and comprehensive way. A potential hazard identified at an early stage or a possible emergent hazard shall be reported in time in accordance with the procedures and time limit set forth in these Regulations.

Article 16 ‘The relevant department of the State Council, the local people’s government at or above the county level and its department concerned shall, in accordance with the requirements laid down in the emergency preparedness plan for an emergent hazard, guarantee the stockpile of the emergency facilities, equipment, medications for patient treatment, medical devices and other materials.

Article 17 People’s governments at or above the county level shall strengthen the establishment of first aid medical service networks, provide them with appropriate medications for patient treatment, technologies and equipment, and assign appropriate personnel to them, so as to improve the treatment and rescue ability of medical and health institutions to respond to various emergent hazards.

The local people’s government at or above the level of a city divided into districts shall set up a specialized hospital of infectious diseases to meet the needs for preventing and treating such diseases, or designate a medical institution capable of preventing and treating infectious diseases to undertake related work.

Article 18 The competent health administrative department of the local people’s government at or above the county level shall offer regular training to a medical and health institution and its staff members in terms of tile knowledge amid skills needed for rapid response to any emergent hazard, organize medical and health institutions to conduct regular maneuvers for rapid response to the emergent hazard, and popularize the latest knowledge and advanced technologies.

### Chapter III Reporting and Information Releasing

Article 19 The State shall establish a system for reporting the emergent hazard.

The competent health administrative department of the State Council shall work out the norms for reporting the emergent hazard and set up a system for reporting the information on severe and emergent epidemic situations.

Under one of the following circumstances, people’s governments of provinces, autonomous regions or municipalities directly under the Central Government shall, within one hour upon receipt of reports, report to the competent health administrative department of the State Council:

- (1) outbreak or epidemic, or possible - outbreak or epidemic, of infectious diseases;
- (2) occurrence or identification of large amount of aggregated cases from any disease with unknown reasons;
- (3) loss of bacterial strains or virus strains of infectious diseases;
- (4) occurrence or possible occurrence of severe food poisonings or occupational

poisonings.

The competent health administrative department of the State Council shall make an immediate report to the State Council on the emergent hazard which is likely to cause a significant impact on the general public.

Article 20 Upon identification of any of the circumstances specified in Article 19 of these Regulations, surveillance institutions, medical and health institutions and other relevant units related to the emergent hazard shall, within two hours, report to the local competent health administrative departments of the People's governments at the county level. The competent health administrative departments receiving the reports shall, within two hours, report to the people's governments at the same level, and, at the same time, report to the competent health administrative departments of the people's governments at the higher level and the competent health administrative department of the State Council.

People's governments at the county level shall, within two hours upon receipt of the reports, report to the people's governments at the level of a city divided into districts or to the people's governments at the next higher level. The people's governments at the level of a city divided into districts shall, within two hours upon receipt of the reports, report to the people's governments of provinces, autonomous regions or municipalities directly under the Central Government.

Article 21 No unit or individual shall withhold the truth about, delay the report on, or make a false report on the emergent hazard, or incite other persons to do so.

Article 22 Local people's governments and competent health administrative departments which have received reports on the emergent hazard shall, while making reports as required by these Regulations, organize immediate investigation, verification and confirmation of the reported matters, take necessary control measures and timely report the progress of their investigation.

Article 23 The competent health administrative department of the State Council shall, in light of time situation of the emergent hazard, timely distribute the relevant information to the relevant departments of the State Council, the competent health administrative departments of the people's governments of provinces, autonomous regions or municipalities directly under the Central Government and the relevant departments of the Army.

The competent health administrative departments of the people's governments of provinces, autonomous regions or municipalities directly under the Central Government in places where the emergent hazard breaks out shall timely distribute the relevant information to the competent health administrative departments of the people's governments of adjacent provinces, autonomous regions or municipalities directly under the Central Government.

The competent health administrative departments of the people's governments of

provinces, autonomous regions or municipalities directly under the Central Government which have received the information distributed shall, as necessary, timely notify the medical and health institutions within their administrative areas.

The relevant departments of the local people's governments at or above the county level shall, upon outbreak of an emergent hazard or upon identification of any circumstances likely to cause an emergent hazard, timely distribute the relevant information to the competent health administrative departments of the people's governments at the same level.

Article 24 The State shall establish a system for accusation in -teens of the emergent hazard, and make public uniform telephone numbers for making reports or accusations concerning the emergent hazard.

Any unit or individual has the right to report potential risks of an emergent hazard to the people's governments and their relevant departments, or to make accusations to the people's governments at the higher level and their relevant departments against the failure to perform, or to perform as required, the duty of making response to the emergent hazard by local people's governments and their relevant departments. The people's governments and their relevant departments which have received the report or information shall organize immediate investigation into and disposition of the potential risks of the emergent hazard or the failure to perform, or perform as required, the duty of making response to the emergent hazard.

The people's governments at or above the county level and their relevant departments shall reward the units or individuals that have contributed meritorious service by making accusations in terms of the emergent hazard.

Article 25 The State shall establish a system for the releasing of information on time emergent hazard.

The competent health administrative department of time State Council is responsible for releasing the information on the emergent hazard to the public. When necessary, it may authorize the competent health administrative departments of the people's governments of provinces, autonomous regions or municipalities directly under tire Central Government to release to the public the information on the emergent hazard within their respective administrative areas.

The information shall be released in a timely, accurate and comprehensive way.

#### Chapter IV Emergency Response

Article 26 Upon the outbreak of an emergent hazard, the competent health administrative department shall organize experts to conduct comprehensive assessment in respect of the emergent hazard, so as to draw a preliminary conclusion in respect of its classification and make proposals on whether to initiate the emergency preparedness plan for the emergent

hazard.

Article 27 Where the national emergency preparedness plan for the emergent hazard is to be initiated across the country or different provinces, autonomous regions or municipalities directly under the Central Government, the matter shall be reported by time competent health administrative department of the State Council to time State Council for approval before time initiation. Where the emergency preparedness plan for the emergent hazard is to be initiated within a province, autonomous region or municipality directly under the Central Government, the people's government of the province, autonomous region or municipality directly under- the Central Government shall decide the implementation and make a report to the State Council.

Article 28 The national headquarters for response to the emergent hazard shall supervise and provide guidance for the response to lime emergent hazard, and local people's governments at various levels and their related departments shall offer cooperation

The headquarters for response to the emergent hazard of provinces, autonomous regions or municipalities directly under the Central Government shall supervise and provide guidance for the response to time emergent hazard within their respective administrative areas.

Article 29 Professional technical institutions for the emergent hazard designated by the competent health administrative departments or other relevant departments of the people's governments at or above the provincial level shall be responsible for the technical investigation, verification, management, control and evaluation of the emergent hazard.

Article 30 With regard to any newly identified acute infectious disease, the competent health administrative department of the State Council shall, in light of degree of the harm caused and the intensity of the epidemic, timely announce it as a statutory infectious disease in accordance with the Law of the People's Republic of China on Prevention and Treatment of Infectious Diseases; if it is to be announced as a Class A infectious disease, the decision thereof shall be made by the State Council.

Article 31 Before an emergency preparedness plan is initiated, the relevant departments of the people's governments at or above the county level shall, in light of the actual situation of the emergent hazard, make adequate preparations and take necessary emergency measures.

Upon the initiation of the emergency preparedness plan, the relevant departments of the people's governments in places where the emergent hazard breaks out shall, in accordance with their functions and duties laid down in the plan, subject themselves to the unified command of the headquarters for response to the emergent hazard, assume their offices in due time, and take necessary control measures.

Medical and health institutions, surveillance institutions and scientific research

institutions shall subject themselves to the unified command of the headquarters for response to the emergent hazard and cooperate and assist with each other, so as to concentrate their strength on the relevant scientific research work.

Article 32 Upon the outbreak of an emergent hazard, the relevant departments of the State Council, local people's governments at or above the county level and their departments concerned shall guarantee the production and supply of medical rescue equipment, medications for patient treatment, medical devices and other materials needed for rapid response to the emergent hazard. The competent administrative departments of railways, communications and civil aviation shall guarantee timely transport of these supplies.

Article 33 To meet the needs for response to the emergent hazard, the headquarters for response to the emergent hazard shall have the right to dispatch persons and mobilize stockpiled materials, means of transportation and related facilities or equipment in an emergent way, or, if necessary, have the persons evacuated or isolated, and may blockade the epidemic areas of infectious diseases according to law.

Article 34 To meet the needs for response to the emergent hazard, the headquarters for response to the emergent hazard may take control measures over food and water sources.

Competent health administrative departments of the local people's governments at or above the county level shall take control measures over time site of the emergent hazard, popularize the knowledge on the prevention and control of the emergent hazard, and take immediate measures, such as emergency vaccination, offering of medicines for preventive purposes, or community-based protection, for the population who are vulnerable to infections or harms.

Article 35 The personnel who participate in response to the emergent hazard shall, in accordance with the requirements in the preparedness plans, take health protection measures and work under the guidance of technical personnel.

Article 36 The professional technical institution designated by the competent health administrative department or other relevant departments of the State Council shall have the power to enter the site of the emergent hazard to conduct investigations, take samples, carry out technical analysis or inspections, provide technical guidance for making response to the emergent hazard in locality, and the relevant units and individuals shall offer cooperation and may not refuse to do so under any pretext.

Article 37 With regard to any newly identified acute infectious diseases, large amount of aggregated cases from any disease with unknown reasons, severe food poisonings or occupational poisonings, the competent health administrative department of the State Council shall, in a prompt way, organize strength to work out relevant technical standards, norms and control measures.

Article 38 Where a patient or suspected patient of an infectious disease is identified on any means of transportation to whom emergency control measures need to be taken as required by the competent health administrative department of the State Council, the responsible person of such means of transportation shall notify the next stop in the most immediate way and make a report to the operating unit of the means of transportation. The next stop and the operating unit of the means of transportation shall make a prompt report to the competent administrative department of the operating unit of the means of transportation and the competent health administrative department of the local people's government at or above the county level. Upon receipt of the report, the competent health administrative department shall immediately organize the personnel concerned to take appropriate measures for sanitary treatment.

For persons on the means of transportation who are in close contact with patients of an infectious disease, control measures shall be taken over them according to the laws and administrative regulations on the prevention and control of infectious diseases by the competent health administrative departments of the people's governments at or above the county level in places where the means of transportation stops or the competent administrative departments of railways, communications or civil aviation in accordance with their respective functions and duties.

Where emergency control measures against infectious diseases need to be taken over frontier ports or over persons, means of transportation, goods, containers, baggage, or postal bags, etc. on entry or exit, the matter shall be governed by time laws and administrative regulations on frontier health quarantine.

Article 39 Medical and health institutions shall render medical rescues and field aid to those who contract diseases because of the emergent hazard, and shall admit and treat the persons who come to seek medical advice, and make detailed and complete medical records, if any patients need to be transferred, such patients and copies of their medical records shall be transferred as required to the medical institutions admitting and, treating them or to the designated medical institutions.

Medical and health institutions shall take health protection measures, so as to protect against cross-infection and pollution.

Medical and health institutions shall take medical observation measures over the persons who are in close contact with the patients of infectious diseases, and such persons shall offer cooperation.

In case of admission for treatment of any patients or suspected patients of infectious diseases, medical institutions shall make reports to local institutions for disease prevention and control according to law. The institutions which have received the reports shall conduct immediate investigations into those who are likely to be affected and take necessary control measures based on the need.

Article 40 In case of the outbreak or epidemic of any infectious disease, subdistrict

offices, people's governments of towns (townships), residents' committees and villagers' committees shall, by following the principles of solidarity and cooperation and of community-based disease prevention and control, organize their strength to assist the competent health administrative departments, other relevant departments and medical and health institutions in collecting and reporting the information of epidemic situations, evacuating and isolating persons, and implementing public health measures, and popularize the knowledge on the prevention and control of infectious diseases among residents or villagers.

Article 41 With regard to the floating population in areas where an infectious disease breaks out or prevails, local people's governments at or above the county level in places where the emergent hazard breaks out shall accomplish the work of prevention and carry out relevant public health control measures. Measures for on-the-spot isolation, observation and treatment shall be taken over the patients and suspected patients of the infectious disease. For those who need to be treated or transferred, the matter shall be dealt with in accordance with the provisions of Paragraph 1, Article 39 of these Regulations.

Article 42 Relevant departments and medical and health institutions must conduct early detection, early reporting, early isolation and early treatment with respect to infectious diseases, and cut off the transmission route so as to prevent the dissemination of infectious diseases.

Article 43 People's governments at or above the county level shall grant necessary funds to ensure the provision of timely and effective medical treatment to persons who contract diseases or become disabled owing to the emergent hazard. The specific measures therefor shall be formulated by the finance department, the competent health administrative department and the competent labor and social security administrative department of the State Council.

Article 44 In the emergent hazard, patients, suspected patients or persons in close contact with patients of infectious diseases, who are required to be isolated for medical treatment, or be subject to medical observation, shall offer cooperation when the competent health administrative departments or relevant institutions take sanitary measures; if they refuse to do so, the public security organs shall assist to enforce these measures according to law.

## Chapter V Legal Liability

Article 45 Where local people's governments at or above the county level or their competent health administrative departments fail to perform the duty to report the emergent hazard in accordance with these Regulations, or withhold the truth about, delay the report or make a false report on the emergent hazard or incite other persons to do so, the principal leading members of the people's governments or the principal responsible persons of their competent health administrative departments shall be given an administrative sanction of demotion or dismissal from posts according to law. If such acts cause dissemination or epidemic of infectious diseases or cause other serious risks to the

health of the public, the said leading members or responsible persons shall be given an administrative sanction of discharge from public employment according to law. If a crime is constituted, criminal liability shall be investigated according to law.

Article 46 Where relevant departments of the State Council, local people's governments at or above the county level or their relevant departments fail to produce, supply, transport or reserve the facilities, equipment, drugs or medical devices and other materials needed for making response to the emergent hazard in accordance with these Regulations, the principal leading members of the people's governments or the principal responsible persons of the departments shall be given an administrative sanction of demotion or dismissal from posts according to law. If such acts cause dissemination or epidemic of infectious diseases or cause other serious risks to the health of the public, the said leading members or responsible persons shall be given an administrative sanction of discharge from public employment according to law. If a crime is constituted, criminal liability shall be investigated according to law.

Article 47 Where, upon time outbreak of an emergent hazard, local people's governments at or above the county level or their relevant departments fail to offer cooperation in the investigation conducted by the relevant departments of the people's governments at the higher level, or obstruct or interfere with such investigation by other means, time principal leading members of the people's governments or the principal responsible persons of the departments shall be given an administrative sanction of demotion or dismissal from posts according to law, If a crime is constituted, criminal liability shall be investigated according to law.

Article 48 Where the competent health administrative departments or other relevant departments of the people's governments at or above time county level neglect duties or commit malfeasance or dereliction of duties in the investigation into or control of the emergent hazard , or in the medical treatment process, the people's governments at the same level or the relevant departments of the people's governments at the higher level shall order them to make corrections, circulate a notice of criticism or give them a warning; the principal responsible persons, the persons in charge bearing responsibility and other persons responsible shall be given an administrative sanction of demotion or dismissal from posts according to law; if such acts cause dissemination or epidemic of infectious diseases or cause other serious risks to the public health, such persons shall be given an administrative sanction of discharge from public employment according to law, If a crime is constituted, criminal liability shall be investigated according to law.

Article 49 Where the relevant departments of the people's governments at or above the county level refuse to perform their duties to make response to the emergent hazard, the people's governments at the same level or the relevant departments of the people's governments at the higher level shall order them to make corrections, circulate a notice of criticism or give them a warning; the principal responsible persons, the persons in charge bearing responsibility and other persons responsible therefor shall be given an administrative sanction of demotion or dismissal from posts according to law; if such acts cause dissemination or epidemic of infectious diseases or cause other serious risks to the

health of the public, such persons shall be given an administrative sanction of discharge from public employment according to law. If a crime is constituted, criminal liability shall be investigated according to law.

Article 50 Where a medical and health institution commits any of the following acts, the competent health administrative department shall order it to make corrections, circulate a notice of criticism or give it a warning, or revoke its License for Medical Institutions if the circumstances are serious; the principal responsible persons, the persons in charge bearing responsibility and other persons directly responsible therefor shall be given a disciplinary sanction of demotion or dismissal from posts according to law; if such acts cause dissemination or epidemic of infectious diseases or cause other serious risks to the health of the public and thereby constitutes a crime, criminal liability shall be investigated according to law.

(1) failing to perform the duty to report the emergent hazard in accordance with these Regulations or withholding the truth about, delaying the report or making a false report on the emergent hazard;

(2) failing to timely take control measures in accordance with these Regulations;

(3) failing to perform the duty of emergent hazard surveillance in accordance with these Regulations;

(4) refusing to admit patients;

(5) refusing to follow the command of the headquarters for response to the emergent hazard.

Articles 51 Where, in making response to the emergent hazard, any unit or individual concerned fails to perform the duty to report the emergent hazard in accordance with these Regulations, withholds the truth about, delays the report or makes a false report on the emergent hazard, obstructs the personnel dealing with the emergent hazard from carrying out their duties, refuses the professional technical institution designated by the competent health administrative department or other relevant departments of the State Council the entry into the site of the emergent hazard, or fails to offer cooperation in the investigation, sampling, technical analysis and inspection, the relevant responsible person shall be given an administrative or a disciplinary sanction according to law; if such act violates the Regulations of the People's Republic of China on Administrative Penalties for Public Security and thereby constitutes a violation of public security administration, the public security organ shall impose a punishment according to law. If a crime is constituted, criminal liability shall be investigated according to law.

Article 52 Where, during the period of the emergent hazard, anyone spreads rumors, forces up commodity prices, defrauds consumers, or disturbs public order or market order, the public security organ or the administrative department for industry and commerce shall impose an administrative punishment according to law, if a crime is constituted, criminal

liability shall be investigated according to law.

#### Chapter VI Supplementary Provisions

Article 53 When participating in response to an emergent hazard, medical and health institutions of the Chinese People's Liberation Army and those of the Armed Police Forces shall comply with these regulations and the relevant provisions of the Army.

Article 54 These Regulations shall be effective as of the date of promulgation.