

AIDS Prevention Policy of China

(Issued on January 29th, 2006)

Chapter 1 General

Article 1. in order to prevent and control the incidence and prevalence of AIDS, to protect human health and public health, infectious disease law, the enactment of this Ordinance.

Article 2. AIDS prevention put prevention first and combine prevention policy, the government established organizational leadership, departmental responsibilities and the whole society to participate in the mechanism, strengthen publicity and education to undertake behaviour intervention and rescue measures Implement a comprehensive prevention and treatment.

Article 3 No unit or individual may discriminate against HIV-infected persons and AIDS patients and their families. HIV-infected persons and AIDS patients and their families in marriage, employment, medical care, schooling and other legitimate rights and interests are protected by law.

Article 4. unified leadership of the people's governments at or above the county level AIDS prevention and control work, establish sound coordinating mechanisms and responsibility for AIDS prevention and control, the departments concerned will undertake the work of AIDS prevention and treatment evaluation and supervision. responsibilities for the supervision and management of AIDS prevention should be divided among the relevant departments of people's governments at or above the county level.

Article 5. the State Council's health department, in conjunction with other relevant departments is in charge of the national AIDS control plan; Local people's governments at or above the county level follow the Regulations and the national AIDS control planning, develop and implement the administrative organization of regional AIDS prevention action plan.

Article 6. The state encourages and supports trade unions, the Communist Youth League, women's federations, the Red Cross and other organizations to assist people's governments at all levels to carry out AIDS prevention and control work. Residents and the village committee should assist local people's governments at all levels and relevant government departments related to AIDS prevention and control laws, regulations, policies and knowledge of the publicity and education on AIDS prevention and the development of public welfare undertakings, and do a good job in AIDS prevention and control work.

Article 7. The people's governments at all levels and relevant government departments shall adopt measures to encourage and support relevant organizations and individuals in accordance with the Regulations and the National AIDS Control planning and AIDS prevention action plan, to participate in the work of AIDS prevention, treatment and donations, to be easy for people infected with HIV risk behaviour, intervention for HIV infection, AIDS patients and their families to provide care and assistance.

Article 8 The state encourages and supports AIDS prevention, diagnosis, and treatment-related scientific research, raise the scientific and technological standards of AIDS prevention and treatment; Encourage and

support traditional medicine with modern medicine and traditional medicine combine to fight AIDS clinical treatment and research. The state encourages and supports international cooperation and exchanges in AIDS prevention and control work.

Article 9. The people's governments at and above the county level and relevant government departments should give prize and reward to the units and individuals which have made remarkable achievements and contributions in AIDS prevention and control work.

provide grants, allowances to participants getting AIDS or HIV infection due to the execution of public functions, and therefore disease, the loss of the ability to work or dies.

Chapter 2 advocacy and education

Article 10 local people's governments at all levels and relevant government departments shall organize and carry out AIDS prevention and care, non-discrimination, education for HIV-infected, AIDS patients and their families, advocate a healthy and civilized lifestyle, and create a good social environment for AIDS prevention.

Article 11 Local people's governments at all levels and relevant government departments shall provide permanent AIDS prevention billboards or advertisements posted AIDS charity at stations, docks, airports, parks and other public places, as well as passenger trains and ships engaged in the transportation of passengers, organize the distribution of AIDS prevention promotional materials.

Article 12 the people's governments at or above the county level shall strengthen the health department in charge of AIDS prevention and education work of government departments, organizations and individuals to conduct advocacy and education on AIDS prevention and provide technical support. Medical and health institutions shall organize a staff study on AIDS prevention laws, regulations, policies and knowledge; Medical staff in AIDS, sexually transmitted diseases and other diseases related counseling, diagnosis and treatment process should be conducted on the treatment of AIDS prevention education.

Article 13 the departments in charge of education of the people's governments at or above the county level shall guide and supervise the institutions of higher education, secondary vocational schools and normal secondary schools to the prevention and treatment of AIDS into the curriculum, develop extra-curricular educational activities. Institutions of higher education, secondary vocational schools and ordinary secondary schools shall organize students to study the prevention and treatment of AIDS.

Article 14 the population and birth control departments of people's governments at or above the county level shall make use of birth control publicity and technical service networks to organize and conduct AIDS prevention education. combine publicity and education in AIDS prevention with reproductive health services and birth control services.

Article 15 the relevant departments of people's governments at or above the county level engaged in labor intermediary services should strengthen AIDS prevention and education for migrant workers.

Article 16 Land ports of entry-exit inspection and quarantine departments should strengthen AIDS prevention and education to provide advice and guidance to immigrating population on preventing and treating AIDS.

Article 17 The state encourages and supports women's federations and the Red Cross to carry out AIDS prevention and education into the work of women and children and improve women's awareness and ability of AIDS prevention, organize the Red Cross Red Cross volunteers to provide AIDS prevention education.

Article 18 Local people's governments at all levels and relevant government departments shall adopt measures to encourage and support relevant organizations and individuals to provide AIDS prevention and control advice, guidance and education to risk behavior groups easily infected with HIV.

Article 19 Radio, television, newspapers, Internet and other media should publicize the charity of AIDS prevention and control.

Article 20 Agencies, organizations, enterprises and institutions, and individual economic organizations shall organize employees to study on AIDS prevention and control laws, regulations, policies and knowledge, and should support their employees to participate in AIDS prevention education activities.

Article 21 Local people's governments at or above the county level in the health sector should open AIDS telephone counseling services to the public to provide advisory services and AIDS prevention guidance.

Chapter 3 Prevention and Control

Article 22 The state shall establish a sound AIDS surveillance network.

Chinese national health authorities make the national AIDS surveillance plans and programs. Provinces, autonomous regions and municipalities under the health department make the regional AIDS surveillance and working plans according to the national AIDS program, organize AIDS surveillance and special investigations, keep the changes in the AIDS epidemic and trends.

Disease prevention and control institutions are responsible for the popular surveillance activities in incidence of AIDS, the pandemic and its impact and the factors.

Entry and exit inspection and quarantine agencies are responsible for AIDS monitoring on immigration population and will promptly report the results to health authorities.

Article 23 the state AIDS voluntary counseling and voluntary testing system.

medical and public health institutions designated by local people's governments at or above the county level should, according to the AIDS voluntary counseling and testing methods issued by State Council's health department in conjunction with other relevant departments, provide free voluntary HIV counseling, testing and screening for personnel willing to accept.

Article 24 the State Council's health department, in conjunction with other relevant departments can decide AIDS testing conditions according to the local circumstances.

Article 25 the people's governments at or above the provincial health department in charge of medical and public health institutions under the layout and the AIDS epidemic, according to the relevant state regulations to determine the commitment AIDS testing laboratories.

According to the State Council's health standards and norms, the country's entry and exit inspection and quarantine departments shall set up AIDS testing laboratories for the immigration group.

Article 26 Local people's governments at or above the county level and relevant government departments should follow the regulations, according to the administrative region of the AIDS epidemic, shall take measures to encourage and support neighborhood and villagers committees, and other relevant organizations and individuals to promote AIDS prevention and intervention measures to help people infected with HIV risk behavior change their behavior.

Relevant organizations and individuals to be easily infected with HIV risk behavior groups to implement intervention measures should comply with the provisions of the Ordinance and the National AIDS Control planning and AIDS prevention action plan requirements.

Article 27 The people's governments at or above the county level should establish AIDS prevention and anti-drug coordination mechanism with relevant departments to implement AIDS prevention and control measures for drug users.

Provinces, autonomous regions and municipalities of health, public security and drug supervision and management departments should coordinate, according to the local situation of AIDS pandemic and drug addicts, take active and steady measures to the drug addiction maintenance treatment, and implement other intervention measures according to plans.

Article 28 the people's governments at or above the county level health, population and birth control, industry and commerce, drug supervision and management, Quality Supervision and Inspection and Quarantine, the State Administration of Radio, Film and Television and other organizations shall promote the use of condoms, establish and improve condom supply networks.

Article 29 the provinces, autonomous regions and municipalities should make sure that the operators of public places place condoms in public places or set up condom sale facilities.

Article 30 workers in public service should, according to "Regulations on the Management of public health,"take periodic health checks to obtain health certification; Operators should check their health certification, personnel without health certification shall not get the permit to work in public services.

Article 31 Public security and judicial administrative organs in accordance with the law of arrest, detention and in prisons, as well as law enforcement penalties asylum education, compulsory drug rehabilitation and re-education through labor, HIV-infected people and AIDS patients should take corresponding measures to prevent the spread of AIDS.

Public security and judicial administrative organs shall take preventative measures, local people's governments at or above the county level should give financial support, disease prevention and control agencies should give technical guidance and coordination.

Article 32 To the medical personnel who are likely to be infected with HIV in the performance of their

duties, , the people's governments at or above the county level and other relevant health authorities should organize AIDS prevention knowledge and professional skills training, the unit shall adopt effective prevention measures and health care measures.

Article 33 the medical and health institutions and entry and exit inspection and quarantine agencies shall, in accordance with the competent departments of the State Council, adhere to the standard principles of protection and strictly implement operating regulations and disinfection management system to prevent the occurrence of HIV infection in hospitals and iatrogenic infection.

Article 34 the disease prevention and control institutions shall, in accordance with the principle of territorial management, provide HIV-infected people and AIDS patients a medical follow-up.

Article 35 blood and plasma banks shall undertake AIDS test to human blood and plasma collected from; Medical institutions and production units are not allowed to supply blood products without AIDS or AIDS testing positive detection in human blood plasma.

Raw plasma blood products shall undertake HIV test to each plasma.

Emergency medical institutions should use temporary blood collection for testing of HIV, the AIDS test results for verification of the blood for clinical use; Without AIDS testing and verification of AIDS detected, the blood shall not collected or used.

Article 36 acquisition or use of human tissues, organs, cells, bone marrow, etc., should carry out AIDS testing first; AIDS testing positive or without AIDS testing shall not be collected or used. However, AIDS prevention teaching and research can be exception,.

Article 37 The import of human blood plasma, tissues, organs, cells, bone marrow, should be approved by the State Council in charge of public health; Imported blood products, in accordance with the provisions of Drugs Act, approved by the State Drug Administration, should obtain a certificate of registration of imported medicine.

Health import approval by the State Council department in charge of human blood plasma, tissues, organs, cells, bone marrow, in accordance with the Frontier Health and Quarantine laws and administrative regulations of the relevant provisions of the quarantine accept entry-exit inspection and quarantine organizations. Fail without quarantine or quarantine may not be imported.

Article 38 HIV-infected people and AIDS patients should fulfill the following duties :

- (1) acceptance of the disease prevention and control institutions or entry-exit inspection and quarantine agencies epidemiological survey and guidance;
- (2) inform the sexual partners the fact of infection;
- (3) during treatment, honestly inform the doctore the incidence of infection;
- (4) take the necessary protective measures against others.

HIV-infected people and AIDS patients should not in any way deliberately spread AIDS.

Article 39 when the disease prevention and control institutions and entry and exit inspection and quarantine agencies carry out AIDS epidemiological survey, investigation units and individuals should

provide true information.

With or without their guardian's consent, any unit or individual is not allowed to open infected with HIV and AIDS patients and their families, the names, addresses, work units, portraits, history may conclude that the specific information and other identity information.

Article 40 the people's governments at or above the county level and entry-exit inspection and quarantine departments in charge of public health institutions can seal HIV contaminated items with evidence, and check or disinfected. Upon examination, the items infected with AIDS virus should be destroyed or disinfected; items not infected with AIDS virus can be used after disinfection and should promptly lift the seal.

Chapter 4 Treatment and Relief

Article 41 medical institutions should provide HIV-infected people and AIDS patients AIDS prevention counseling, diagnosis and treatment services.

Medical institutions are not allowed to refuse infected with HIV or AIDS patients for treatment of the patients, or refusing to shirk its treatment of other diseases.

Article 42 health care workers should the confirmed HIV-infected people and AIDS patients the fact of infection; for those without the behaviour ability or with limited behaviour ability, they should tell their guardians.

43 health institutions in accordance with the State Council's health should be drawn up by departments in charge of prevention of mother-to-child transmission of AIDS technical guidance program, to provide pregnant women with AIDS counseling and testing for HIV-infected pregnant women and their babies, prevention of mother-to-child transmission of HIV counseling, prenatal instruction and block, treatment, post-natal visits, baby up and testing services.

Article 44 People's governments of county level and above should take the following AIDS prevention and care, relief measures :

- (1) to AIDS patients in rural areas and urban AIDS patients with financial difficulties, provide free anti-HIV treatment drugs;
- (2) For those HIV infected or AIDS patients with economic difficulties in both rural and urban areas, appropriate relief against the cost of drugs for opportunistic infections;
- (3) HIV counseling, testing and screening of personnel to provide advice and free testing;
- (4) provide HIV-infected pregnant women free treatment and counseling to prevent mother-to-child transmission of AIDS.

Article 45 for AIDS patients with difficulty in life and HIV-infected orphans left by minors compulsory education should be free of charge in terms of textbooks and miscellaneous expenses; The pre-primary and high school education should be fee remission and other related costs.

Article 46 Local people's governments at or above the county level should offer help with the aid to those living in difficult conditions HIV-infected and AIDS patients and their families.

Article 47 Local people's governments at or above the county level should create conditions to support HIV-infected people and AIDS patients with the ability to work.

Chapter 5 Ensuring Measures

Article 48 the people's governments at or above the county level should take AIDS prevention into their national economic and social development plan, strengthen and improve AIDS prevention, detection, control, treatment and rescue service network building, build sound AIDS prevention and treatment professionals.

The people's governments at all levels should, according to the work of preventing and treating AIDS, include AIDS prevention into the financial budget at the same level.

Article 49 Local people's governments at or above the county level should, according to the level of government responsibility, carry out AIDS prevention and control, and supervision requirements.

Chinese health authorities should, in conjunction with other relevant departments, according to the AIDS epidemic trend, establish national AIDS prevention and related information, training, monitoring, testing and epidemiological investigations, medical treatment, supervision and inspection and other emergency items. Central to the AIDS epidemic in the region and major projects in poor areas of AIDS prevention grant.

Provinces, autonomous regions and municipalities under the administrative needs and AIDS prevention in the AIDS epidemic trend, should confirm AIDS-related projects, and guarantee the implementation of the project funding.

Article 50 the people's governments at or above the county level should, according to the work of AIDS prevention and control needs and trends of the AIDS epidemic, guarantee the reserves of anti-HIV treatment drugs, detection reagents and other materials.

Article 51 Local people's governments at all levels should take supporting measures for relevant organizations and individuals to provide the necessary financial support to AIDS prevention and control activities and facilities. Charitable organizations and individuals involved in the AIDS cause should enjoy tax concessions.

Chapter 6 Legal responsibility

Article 52 If local people's governments at all levels don't fulfil their leadership and duty in preventing and treating AIDS, or don't take measures in AIDS prevention and rescue according to the provisions of this Ordinance organization, they should accept the higher-level people's government notices of criticism to make corrections; if Cause the spread of AIDS, epidemic or other serious consequences, Supervisors responsible shall be given administrative punishment; constitute a crime, be held criminally accountable.

53 the people's governments at or above the county level departments in charge of public health in

violation of this provision, one of the following cases, the people's government of the same level or higher-level government health authorities shall make corrections, notices of criticism; If Cause the spread of AIDS, epidemic or other serious consequences, supervisors and other personnel directly responsible shall be given administrative punishments. constitute a crime, shall be held criminally accountable :

- (1) Failure to fulfill the duties of AIDS prevention education;
- (2) For items may be HIV-contaminated, failed to take measures to control the situation;
- (3) other related dereliction of duty.

Entry and exit inspection and quarantine agencies shall be the above cases, the department in charge will be punished in accordance with the provisions of this article.

Article 54 the relevant departments of people's governments at or above the county level fail to fulfill avocation and education, prevention and control duties, the people's government of the same level or higher-level government authorities shall make corrections, notices of criticism; If Cause the spread of AIDS, epidemic or other serious consequences, supervisors and other personnel directly responsible shall be given administrative punishments. constitute a crime, be held criminally accountable.

Article 55 Health agencies which did not perform their duties in accordance with the Regulations, in any of the following cases, the health department of the people's governments at or above the county level shall order them to mend their ways, give the criticism and warning; Cause the spread of AIDS, epidemic or other serious consequences, the responsible supervisors and other personnel who are directly responsible will be given demotion, removal from office, dismissal of the action, and the agency can get revoke the license to practice or responsibility; constitute a crime, shall be held criminally accountable :

- (1) Failure to fulfill the duties of AIDS Surveillance;
- (2) fail to provide for free counseling and screening detection;
- (3) fail to carry out AIDS testing to the provisional blood collected for emergency clinical use; fail to verify testing results, or apply AIDS-positive blood for clinical testing;
- (4) Failure to comply with standards of protection principles, or non-implementation operation procedures and disinfection management system, hospital infection or AIDS occurrence of iatrogenic infection;
- (5) failure to take effective health protection measures and health measures;
- (6) declined to refuse treatment for AIDS patients infected with HIV or other diseases, or HIV infection; fail to provide counseling, diagnosis and treatment services to AIDS patients.
- (7) No medical follow-up for person infected with HIV or AIDS patients;
- (8) Fail to provide technical guidance on the prevention of mother-to-child transmission of AIDS to HIV-infected pregnant women and their babies according to the provisions.

Entry and exit inspection and quarantine agencies have the circumstances of (1), (4), (5), its superior authority shall be punished according to the preceding paragraph.

Article 56 medical institutions in violation of the 2nd stipulates of Article 39 that open HIV-infected people, AIDS patients or their families information shall be punished in accordance with the Law on Prevention and Treatment of Infectious Diseases.

Entry and exit inspection and quarantine agencies, institutions or other family planning technical service units and individuals who violate the provisions of Article 39, paragraph 2, open infected with HIV, AIDS patients or their families information, their superior departments shall make corrections, criticism, issue warnings, responsible for the competent staff and other personnel who are directly responsible shall be

disciplined. In serious cases, the original certification agencies shall cancel the license of the units or responsible persons.

Article 57, blood and plasma bank in violation of regulations, with one of the following situations, if constitute a crime, shall be held criminally liable; if not, shall be punished by the superior government departments at and above the county level in accordance with the Blood Donation Law and the "Regulations on the Management of Blood Products"; If cause the spread of AIDS, epidemic or other serious consequences. responsible personnel and other personnel who are directly responsible will be given demotion, removal from office, dismissal of the action, and may revoke the blood bank's license to practice :

- (1) Acquisition of human blood plasma without conducting AIDS testing, or collection of AIDS testing positive human blood and plasma;
- (2) human blood and plasma without AIDS testing or human blood and plasma AIDS testing positive are supplied to blood products units or medical institutions.

Article 58 in violation of 36 acquisition that collect or use of human tissues and organs, cells, bone marrow, the county government health authorities shall make corrections, criticism, or warning; In serious cases, the license to practice shall be withhold or revoked by the original licensing departments.

Article 59 the imports without the approval of the State Council in charge of public health in human blood plasma, tissues, organs, cells, bone marrow, import ports of entry-exit inspection and quarantine departments should be banned or destroyed. Provided, the use of unauthorized entry and exit inspection and quarantine agencies in the import and quarantine human blood plasma, tissues, organs, cells, bone marrow, the people's governments at or above the county level departments shall confiscate the illegal goods and illegal income, in addition a fine of over 3 times and no more than five times the amount of illegal goods value; Supervisors and other personnel responsible, will be punished by the unit directly responsible for his actions according to law or higher authority.

the imported of blood products without the approval of the State Drug Administration shall be punished in accordance with the law on administration of pharmaceuticals.

Article 60 blood banks, clinics, health agencies and blood products production units in violation of laws and administrative regulations, and cause others infected by HIV should be punished in accordance with civil liability.

Article 61 public places service operators who fail to check the health certification of staff or permit staff without health certification to work, the provincial, autonomous regional, and municipal governments determined operators of public places who fail to place condoms in public places or set up condom sale facilities, will be punished by the people's governments at or above the county level health authorities with a warning to improve in a limited period of time, and a possible fine of 500 yuan to 5,000 yuan; if no improvement during warning period, shall be closed. In serious cases, its license will be revoked by the original licensing agency

Article 62 HIV infected or AIDS patients intentionally spread AIDS, will accept civil liability. Constitute a crime, be held criminally accountable.

