

**Implementation Rules on Regulations on Public Places Sanitation Administration
(MOH Order No. 80)**

The "Implementation Rules on Regulations on Public Places Sanitation Administration" were reviewed and adopted by the ministerial affairs meeting of the Ministry of Health on February 14, 2011. The Implementation Rules are now being promulgated, and will go into effect on May 1, 2011.

Minister Chen Zhu

March 10, 2011

Chapter I General Rules

Article 1: The Implementation Rules have been formulated in accordance with the "Regulations on Public Places Sanitation Administration".

Article 2: While operating public venues, operators shall observe relevant health laws, administrative regulations and departmental rules, as well as all pertinent health codes and standards. Operators shall disseminate knowledge of public places sanitation, prevent the spread of communicable diseases and protect the health of the general public, providing customers with a respectable and healthy environment.

Article 3: The Ministry of Health oversees all public place sanitation management and supervision tasks.

Local health administration of the People's Government at or above the county level are responsible for public place sanitation management and supervision tasks within their administrative areas.

Health management and supervision tasks at national borders, ports and in vessels/vehicles crossing borders shall be carried out by the Entry-Exit Inspection and Quarantine Bureau in accordance with relevant laws.

The health unit of the Railway Administration is responsible for health supervision and management in all train stations, waiting rooms and railway carriages within its jurisdiction, and in public places in which services are provided to railway personnel.

Article 4: Based on the requirements for public place sanitation management and supervision, the health administration of the People's Government at or above the county level shall establish a full-fledged team of public place sanitation supervisors and a public health monitoring apparatus, and draw up, organize and implement a

public place sanitation supervision plan.

Article 5: Encourage and support public venues in organizing and carrying out education for self-disciplinary practices. Prompt public venue operators to operate in compliance with the law, advance the establishment of a trustworthy image for the sector, and disseminate public place sanitation knowledge.

Article 6: Any entity or individual with knowledge of actions that transgress the Rules has the right to report them to the authorities. The health administration unit that files the report shall investigate and resolve the issue in a timely manner, and provide a response in accordance with regulations.

Chapter II Sanitation Management

Article 7: The legal representative or person in charge of a given public venue is the main person responsible for maintaining sanitation and safety within the area of operation.

Public venue operators shall establish a sanitation management department or assign full/part time sanitation management personnel, taking full responsibility for public area sanitation tasks, establishing a solid sanitation management system and filing all sanitation management records.

Article 8: Public area sanitation management records should include the following content:

- (I) Status of the sanitation management department and personnel, as well as the sanitation management system
- (II) Test results for air quality, microclimate (humidity, temperature, wind speed), water quality, natural light, lighting and noise
- (III) [Methods for] cleaning, sanitizing, or replacing utensils used by customers, as well as test results
- (IV) Status of sanitation facility usage, maintenance and inspection
- (V) Status of central air conditioning and ventilation system cleaning and sanitization
- (VI) Status of arrangements for health inspection by on-site personnel and status of training and evaluation
- (VII) Status of public sanitation product inventory, validation and management
- (VIII) Emergency response plan or solution for public area incidents hazardous to health
- (IX) Records of other details required by the provincial, autonomous region, or city

directly governed by the State Council health administration

There shall be assigned staff for the filing of public area sanitation management records. Records should be catalogued and kept on file for at least two years.

Article 9: Public place operators shall establish a sanitation training program, impart related laws and public area sanitation knowledge to on-site personnel, followed up by an evaluation. Those who do not pass the evaluation will not be scheduled to work.

Article 10: Public place operators shall arrange an annual health checkup for on-site personnel. On-site personnel may assume their post only after obtaining a valid health certificate.

Personnel with a communicable disease of the digestive tract such as dysentery, typhoid fever, viral hepatitis A or viral hepatitis E, as well as employees suffering from active tuberculosis or suppurative/exudative skin disease shall not do any work involving direct interaction with the customer until they have fully recovered.

Article 11: Public place operators shall ensure that the air in public spaces is well ventilated. Indoor air quality shall comply with national health standards and requirements.

Public places using a central air conditioning and ventilation system shall comply with relevant standards and regulations for public place central air conditioning and ventilation systems.

Article 12: Drinking water supplied to customers by public place operators shall comply with the national health standard for drinking water. Swimming pool and public bathhouse water quality shall comply with national health standards and requirements.

Article 13: Public place lighting and noise levels shall comply with national health standards and requirements. Natural light should be used for public places whenever possible. When natural light is inadequate, public place operators shall install lighting proportional to the scale of the public space. Public place operators shall take measures to reduce noise.

Article 14: Public place operators shall ensure that utensils given to customers are sanitary and safe to use. Utensils meant for repeated use shall be given out one per customer, and washed, sanitized and maintained in accordance with relevant

standards and regulations. The repeated use of disposable utensils is prohibited.

Article 15: Public place operators shall install equipment and public restrooms for cleansing, sterilizing, maintaining cleanliness and washing proportional to the scale and nature of operations.

Public place operators shall establish a system to maintain sanitization facilities/equipment, conduct regular inspections of sanitization facilities/equipment, and ensure that they are operating normally. Operators are not allowed to remove or alter sanitization facilities/equipment, or use them for another purpose.

Article 16: Public place operators shall possess facilities/equipment to effectively prevent and control mosquitoes, flies, cockroaches, rats and other vectors, as well as facilities/equipment specifically for waste storage, and ensure that they are operating normally, and that waste is disposed of in a timely manner.

Article 17: The locale, design and renovation of public places shall comply with relevant national standards and requirements.

Public places shall not operate during renovations. For partial renovations, operators shall ensure that indoor air quality in areas not being renovated is up to standard.

Article 18: Smoking is prohibited in indoor public places. Public place operators shall place warnings and no-smoking signs in conspicuous locations.

The smoking section in outdoor public places must not be placed along walkways where people must pass.

Cigarette vending machines may not be installed in public places.

Public place operators shall disseminate information on the health hazards of smoking, and assign full (part) time staff to stop any person smoking.

Article 19: Public place operators shall perform tests on public place air, microclimate, water quality, natural light, lighting, noise level and utensils meant for use by customers according to health standard requirements. The tests shall be performed at least once every year. If the results of the test are below standard, operators shall rectify the situation in a timely manner.

Public place operators who do not have the capacity to test may entrust the testing.

Public place operators shall post actual test results in a conspicuous location.

Article 20: Public place operators shall formulate a public place health hazard emergency response plan or solution, and perform regular status checkups of all

public place sanitation systems and measures, obviating any hidden public health hazards in a timely manner.

Article 21: Operators shall immediately respond to public area incidents that pose a health hazard, prevent the spread of such hazards, and report the incident to the health administration of the People's Government at the county level in a timely manner.

Neither entities nor individuals may conceal, delay, or falsify information regarding health hazard incidents; nor may they ask someone else to conceal, delay, or falsify such information.

Chapter 3 Sanitation Supervision

Article 22: The government manages health licenses for public places.

Public place operators shall, in accordance with regulations, apply for a health license from the health administration of the People's Government at or above the county level. Those places without a health license will not be allowed to operate.

The particular scope of public place health supervision shall be announced by the health administration of the province, autonomous region, or city directly governed by the State Council.

Article 23: Public place operators shall submit the following information when applying for a health license:

(I) Health license application form:

(II) Identification of the legal representative or person in charge

(III) Map showing the location of the public place, two-dimensional diagram of the place, and two-dimensional layout of the facilities

(IV) Public place sanitation test results or assessment report

(V) Details of the public place sanitation management system

(VI) Other materials required by the health administration of the province, autonomous region or city directly governed by the State Council.

Those using a central air conditioning and ventilation system shall provide sanitation test results or assessment report for the central air conditioning and ventilation system.

Article 24: The People's Government health administration at the county level or higher shall, within twenty days of receiving and processing the application, perform a review of the information submitted, conduct an on-site inspection, and, for those

who meet all conditions, grant a public place health license. For those who do not meet the conditions, a license will not be granted and a letter will be written explaining the reasons why.

Article 25: The following information shall be printed on the public place health license: the license number; name of the establishment; legal representative or person in charge; type/modes of operation; address of the place of operation; the department issuing the license; time of issue; and validity.

A public place health license is valid for four years, with a reassessment every two years.

The public place health license shall be posted in the place of operation in a conspicuous location.

Article 26: All new public place construction, remodeling or expansion shall meet relevant health standards or requirements. Operators shall set up preventive health review procedures according to relevant regulations.

Preventive health review procedures and actual requirements shall be determined by the health administration of the People's Government of the province, autonomous region or city directly governed by the State Council.

Article 27: Public place operators that change the title of their establishment, legal representative or person in charge shall submit modifications to the health administration that issued the license.

Public place operators that change the type/mode of operation or address of the place of operation shall apply for a new health license with the health administration of the People's Government at or above the county level.

Public place operators that need to extend their health license shall apply with the health administration that issued the license at least 30 days prior to the date of expiry.

Article 28: The health administration of the People's Government at or above the county level shall organize and perform monitoring and analysis of public place sanitationhazard factors, in this way providing a scientific basis for laws, regulations, health standards, and the implementation of supervision/management.

The disease control and prevention unit at or above the county level shall be responsible for the task of monitoring public place sanitationhazard factors as instructed by the health administration.

Article 29: The health administration of the People's Government at or above the county level shall implement quantitative, hierarchical management of public place supervision, facilitate public place sanitation self-management, and improve the transparency of health supervision data.

Article 30: The health administration of the People's Government at or above the county level shall, based on a health supervision quantitative assessment, determine the health credibility rating and frequency of regular supervision.

The public place health credibility rating shall be posted in a conspicuous location in the public place.

Article 31: The health administration of the People's Government at or above the county level shall monitor and inspect public places. In accordance with relevant health standards and requirements, the administration shall employ methods for on-site sanitation monitoring, sampling, referencing and duplicating documents, and conducting enquiries. The relevant entity or individual shall neither refuse nor conceal [any information requested].

Article 32: The health administration of the People's Government at or above the county level shall step up random health inspections of public places, and announce the results of random inspections to the greater community.

Article 33: In response to public area incidents that pose a health hazard, the health administration of the People's Government at or above the county level may, in accordance with the law, take temporary measures to control the situation by sealing off the venue or placing items in containment.

Those places or objects that have been verified by testing to be contaminated shall be sterilized or destroyed. In accordance with the law, containment measures shall be lifted for places or objects found to be uncontaminated, or objects acceptable for use following sterilization.

Article 34: Technical services for sanitation testing, monitoring and assessment shall be carried out. The technical service unit shall be professionally and technically competent, and proceed with all tasks in accordance with relevant health standards and requirements. The technical service unit shall not falsify test, monitoring or assessment reports.

The health administration of the People's Government of the province, autonomous region or city directly governed by the State Council shall perform an evaluation of

the technical service unit's professional and technical competency.

Chapter 4 Legal Liability

Article 35: In the case of a public place that operates without first obtaining a public place health license, the health administration of the People's Government at or above the county level shall issue a warning and order the venue to rectify the situation before the specified time, and impose a fine of CNY 500 up to CNY 5,000. A CNY 5,000 to 30,000 fine shall be issued in the following situations:

(I) Places operating without a license that have been fined by the health administration in the past

(II) Operating without a license for more than three months

(III) Operating with an altered, transferred, resold or forged health license

For those operating with an altered, transferred, resold or forged health license, the health administration that originally issued the license shall revoke it.

Article 36: For a public place operator in the circumstances below, the health administration of the People's Government at or above the county level shall issue a warning and order venue operators to rectify the situation before the specified time, and fine venue operators no more than CNY 2,000. Those who do not rectify the situation before the specified time, resulting in public place non-compliance with health quality standards and requirements, will be fined between CNY 2,000 and CNY 20,000. In the case of a serious offense, the administration may order the suspension of business or even revoke the health license.

(I) The operator did not perform tests on public place air, microclimate, water quality, natural light, lighting, noise level or utensils for use by customers in accordance with regulations.

(II) The operator did not wash, sanitize, or maintain the cleanliness of utensils for use by customers in accordance with regulations, or used disposable items repeatedly.

Article 37: For a public place operator in the circumstances below, the health administration of the People's Government at or above the county level shall order the operator to rectify the situation within the specified time. Those who fail to rectify the situation within the specified time period will be given a warning and fined between CNY 1,000 and CNY 10,000. Those who refuse to be supervised shall be fined between CNY 10,000 and CNY 30,000. In the case of a serious offense, the administration may order the suspension of business or even revoke the health license.

- (I) The operator failed to establish a sanitation management system or a sanitation management department; or did not assign full (part) time sanitation management personnel; or did not create sanitation management records in accordance with requirements.
- (II) The operator failed to organize on-site staff to conduct training for health law knowledge and public place health knowledge; or did not assign on-site staff to conduct evaluations for health law knowledge and public place health knowledge training.
- (III) The operator failed to install equipment and washrooms for cleaning, sanitizing, maintaining cleanliness, and washing in accordance with regulations; or terminated their use without authorization; or used them for another purpose.
- (IV) The operator failed to keep facilities/equipment for the prevention and control of rats, mosquitoes, roaches and other vectors, as well as facilities/equipment specifically for waste storage in accordance with regulations; or terminated or removed facilities/equipment for the prevention and control of rats, mosquitoes, roaches and other vectors, as well as facilities/equipment specifically for waste storage without authorization.
- (V) The operator failed to obtain a certificate of inspection and other related information for public sanitation items in accordance with regulations.
- (VI) The operator did not go through with preventive health review procedures for new public place construction, remodeling or expansion in accordance with regulations.
- (VII) The operator began using a public place central air conditioning and ventilation system prior to sanitation testing or after receiving an unsatisfactory assessment score.
- (VIII) The operator failed to post the public place health license, sanitation test results and credibility rating in accordance with regulations.
- (IX) The operator failed to go through with second review procedures for the public place health license.

Article 38: The health administration of the People's Government at or above the county level shall issue a rectification order, a warning, and a CNY 500 to CNY 5,000 fine to public places that allow on-site personnel without a valid health certificate from the scheduled checkup to come into direct contact with customers. Those that fail to rectify the situation within the specified time will be fined CNY 5,000 to CNY 10,000.

Article 39: The health administration of the People's Government at or above the

county level shall issue a CNY 5,000 to CNY 30,000 fine to public place operators who do not take immediate action to resolve a public place incident posing a threat to [public] health. In the case of a serious offense, the administration may order the suspension of business or even revoke the health license. For a case that constitutes a criminal act, it will be investigated further to determine criminal liability.

Article 40: Public place operators that violate other health laws or administrative regulations shall receive an administrative penalty. Penalization will proceed in accordance with relevant health laws or administrative regulations.

Article 41: If the health administration of the People's Government at or above the county level or any of the administration's employees are negligent in their duties, abuse their authority or accept bribes, the concerned department shall, according to the law, discipline the person in charge of the unit, the manager directly responsible, and all others found responsible. For a case that constitutes a criminal act, it will be investigated further to determine criminal liability.

Chapter 5 Supplementary Rules

Article 42: Below is a definition of terms used in the Implementation Rules:

A central air conditioning and ventilation system refers to all equipment, vents, parts, devices and meters that conduct centralized processing movement and distribution of air in a room or enclosed space while achieving the set parameters for air temperature, humidity, cleanliness and air velocity.

A public place incident posing a health hazard refers to the spread of an infectious disease in a public place or an incident that is hazardous to public health due to air/water quality below the health standard, or due to contaminated utensils or facilities.

Article 43: These Rules shall go into effect on May 1, 2011, at which time the ""Implementation Rules on Regulations on Public Places Sanitation Administration "" promulgated on March 11, 1991, will be null and void.