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ENFORCEMENT DECREE OF THE NATIONAL HEALTH PROMOTION ACT

[Enforcement Date 29. May, 2017.] [Presidential Decree No.28071, 29. May, 2017., Partial Amendment]

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Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the National Health Promotion Act and matters necessary for the enforcement thereof. <Amended by Presidential Decree No. 19878, Feb. 8, 2007>

Article 2 (Formulation, etc. of Comprehensive Plans for Promoting National Health) (1) For the efficient formulation of comprehensive plans for promoting national health (hereinafter referred to as "comprehensive plan") under Article 4 of the National Health Promotion Act (hereinafter referred to as the "Act"), the Minister of Health and Welfare shall prepare beforehand, guidelines for preparation of proposals for comprehensive plans and notify the heads of relevant central administrative agencies thereof by the end of December two years preceding that when the comprehensive plan is to be implemented. <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

(2) The heads of relevant central administrative agencies shall prepare proposals for plans under their respective jurisdictions based on the guidelines for preparation of proposals for comprehensive plans referred to in paragraph (1) and submit them to the Minister of Health and Welfare by the end of March the year immediately preceding that when the comprehensive plan is to be implemented, and the Minister of Health and Welfare shall prepare a comprehensive plan compiling them and finalize it, following deliberation by the National Health Promotion Policy Deliberative Committee established under Article 5 of the Act. <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

(3) The Minister of Health and Welfare shall notify a finalized comprehensive plan to each of the heads of relevant central administrative agencies and the Special Metropolitan City Mayor, Metropolitan City Mayors, and Do Governors (hereinafter referred to as "Mayor/Do Governor"). <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

[This Article Newly Inserted by Presidential Decree No. 19878, Feb. 8, 2007]

Article 3 (Formulation of Implementation Plans)

Each Mayor/Do Governor shall formulate an implementation plan of the relevant Special Metropolitan City,

Metropolitan City, or Do (hereinafter referred to as "City/Do") for each year, based on the notified comprehensive plan and notify the heads of Sis/Guns/Gus (limited to the heads of autonomous Gus; hereinafter the same shall apply) thereof, and the head of each Si/Gun/Gu shall formulate and carry out an implementation plan of the relevant Si/Gun/Gu (limited to an autonomous Gu), based on the notified implementation plan.

[This Article Newly Inserted by Presidential Decree No. 19878, Feb. 8, 2007]

Article 4 (Term of Office of Members, Operation, etc. of the National Health Promotion Policy

Deliberative Committee) (1) A member of the National Health Promotion Deliberative Committee established under Article 5 of the Act (hereinafter referred to as the "Committee") shall hold office for a term of two years, and may be consecutively appointed for further term: Provided, That the term of office of a member who is a public official shall be the period during which he/she holds office.

(2) The chairperson of the Committee shall represent the Committee and exercise the overall control of its affairs.

(3) A majority of the members of the Committee shall constitute a quorum, and any decision thereof shall require the concurring vote of a majority of those present.

(4) The Committee may have specialized committees by field, to professionally research and assess matters to be deliberated.

(5) Except as expressly provided for in this Decree, matters necessary for the operation of the Committee shall be determined by the chairperson, following resolution by the Committee.

[This Article Newly Inserted by Presidential Decree No. 19878, Feb. 8, 2007]

Article 4-2 (Dismissal of Members of Committee)

Where a member of the Committee as prescribed in Article 5-2 (3) of the Act falls under any of the following, the Minister of Health and Welfare may dismiss or withdraw nomination of the concerned member from the Committee:

1. Where the member becomes unable to perform his/her duties as a member of the Committee due to mental disorder;
2. Where the member has committed a misdeed in connection with his/her duties;
3. Where the member is deemed unsuitable as a member of the Committee due to his/her neglect of duties, injury to dignity or other reasons;
4. Where the member voluntarily expresses that it is impracticable to conduct his/her duties.

[This Article Newly Inserted by Presidential Decree No. 26844, Dec 31, 2015]

Article 5 (Payment, etc. of Allowances)

Members present at a Committee meeting may be paid allowances and travel expenses within budgetary limits: Provided, That the same shall not apply to a member, who is a public official, attending a meeting in direct relation to the affairs under his/her duty.

[This Article Newly Inserted by Presidential Decree No. 19878, Feb. 8, 2007]

Article 6 (Executive Secretary)

To deal with administrative affairs of the Committee, the Committee shall have one executive secretary, who shall be appointed by the Minister of Health and Welfare, from among public officials belonging to the Ministry of Health and Welfare. <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

[This Article Newly Inserted by Presidential Decree No. 19878, Feb. 8, 2007]

Article 7 (Entrustment of Operation of Organization for Assisting in Promotion of National Health)

The Minister of Health and Welfare and a Mayor/Do Governor may entrust any of the following persons with the operation of the organization for assisting in the promotion of national health under Article 5-3 (1) of the Act:

<Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

1. A government-funded research institute under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes, Etc.;
2. The Korea Health Industry Development Institute under the Korea Health Industry Development Institute Act;
3. A research institute related to promotion of national health, which is established or fully or partially subsidized operation expenses by the Government;
4. Other non-profit corporations or research institutes established for the purpose of promotion of national health, and universities or colleges under the Higher Education Act.

[This Article Newly Inserted by Presidential Decree No. 19878, Feb. 8, 2007]

Article 8 Deleted. <by Presidential Decree No. 17523, Feb. 25, 2002>

Article 9 Deleted. <by Presidential Decree No. 19878, Feb. 8, 2007>

Article 10 (Scope of Contents of Advertisement) (1) Deleted. <by Presidential Decree No. 23347, Dec. 6, 2011>

(2) Advertisement referred to in Article 7 (2) 1 of the Act shall comply with the standards for advertisement specified in attached Table 1. <Amended by Presidential Decree No. 23347, Dec. 6, 2011; Presidential Decree No. 25840, Dec. 9, 2014>

Article 11 (Procedures, etc. for Change in Contents of Advertisement or Prohibition of Advertisement)

When the Minister of Health and Welfare intends to order a person who fails to satisfy the standards for advertisement referred to in Article 10 (2) to change the contents of the advertisement or prohibit the advertisement, or to request him/her to make corrections to the commercial broadcast under Article 7 (3) of the Act, he/she shall first seek opinions from related experts: Provided, That this shall not apply where any urgent necessity exists or in the case of insignificant matters. <Amended by Presidential Decree No. 17523, Feb. 25, 2002; Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 23347, Dec. 6, 2011>

Article 12 Deleted. <by Presidential Decree No. 24223, Dec. 7, 2012>

Article 13 (Alcoholic Beverages Subject to Marking of Warning Phrases)

Alcoholic beverages subject to marking of warning phrases to the effect that excessive drinking is harmful to health on containers of the selling alcoholic beverages under Article 8 (4) of the Act means beverages which contain one-percent or higher alcohol content among alcoholic beverages under the Liquor Tax Act. <Amended by Presidential Decree No. 19878, Feb. 8, 2007>

Article 14 Deleted. <by Presidential Decree No. 23347, Dec. 6, 2011>

Article 15 (Locations to Install Tobacco Vending Machines) (1) Locations where the installation of tobacco vending machines is permitted under Article 9 (2) of the Act are as follows: <Amended by Presidential Decree No. 24223, Dec. 7, 2012>

1. Places where persons under the age of 19 years are prohibited from entrance under other statutes protecting minors, etc.;
 2. Inside of stores or places of business operated by authorized retailers or other persons who sell tobacco;
 3. Smoking areas installed for smokers under the latter part of Article 9 (4) of the Act with the exception of its subparagraphs among public-use facilities: Provided, That they shall be limited to smoking areas where a person who installs a tobacco vending machine, is able to ensure that no person under the age of 19 years can use the tobacco vending machine.
- (2) Notwithstanding paragraph (1), installation of tobacco vending machines shall not be permitted at locations where it is prohibited to install tobacco vending machines under statutes protecting minors, etc.

Article 16 (Details and Methods of Marking the Warning Picture, etc. on Packaging of Tobacco) (1) The details of warning pictures and phrases to be inscribed, pursuant to Article 9-2 (1) and (3) of the Act, on packaging of the tobacco falling under each of the following subparagraphs shall be specific enough to clearly inform the details prescribed in Article 9-2 (1) 1 through 3 of the Act:

1. The cigarette prescribed in subparagraph 1 of Article 27-2;
 2. The pipe tobacco prescribed in subparagraph 3 of Article 27-2;
 3. The cigar prescribed in subparagraph 4 of Article 27-2;
 4. The rolling tobacco prescribed in subparagraph 5 of Article 27-2;
 5. The inhaling tobacco prescribed in subparagraph 7 of Article 27-2.
- (2) The details of the warning pictures and phrases specified in paragraph (1) shall be prescribed and publicly notified by the Minister of Health and Welfare. In such cases, the Minister of Health and Welfare may also provide a public notice of the standards and methods for utilization of the inscription content.
- (3) The Minister of Health and Welfare shall, in the case of publicly notifying details of warning picture and phrase pursuant to paragraph (2), follow the classification under each of the following subparagraphs. In such cases, a grace period of at least six months shall be given for enforcement of the concerned public notice:
1. Periodic public notice: maximum 10 warning pictures and phrases shall be publicly announced once every 24 months;
 2. Ad-hoc public notice: In the case of newly adopting or altering the details of inscription of the warning pictures and phrases, it shall be publicly notified from time to time.
- (4) Methods of marking the warning picture, warning phrase, carcinogens, and the telephone number for smoking cessation consultation (hereinafter referred to as "warning picture, etc.") to be inscribed on packaging of the tobacco prescribed in each subparagraph of paragraph (1) of this Article, pursuant to Article 9-2 (1) and (3) of the Act, shall be as prescribed in attached Table 1-2.
- (5) In the case of altering the methods of marking the warning picture, etc. under paragraph (4), a grace period of at least six months shall be given for the enforcement thereof.
- (6) With respect to the tobaccos falling under any of the following subparagraphs, a manufacturer or an importer for sale (hereinafter referred to as "manufacturer, etc.") of the tobaccos as prescribed in the Tobacco Business Act (referring to the tobacco in each subparagraph of paragraph (1)) may, for one year from the date of the public notice under paragraph (3) or from the alteration under paragraph (5), sell the tobaccos after inscribing the warning picture, etc. in accordance with the existing details and methods of inscription:
1. Tobaccos ordered, manufactured or imported before the aforementioned public notice or alteration;
 2. Tobaccos manufactured or imported within six months after the aforementioned public notice or alteration.

(7) Other than the matters provided for in paragraphs (1) through (6), detailed matters necessary for providing the details and methods of marking the warning picture, etc. shall be prescribed by Ordinance of the Ministry of Health and Welfare.

[This Article Newly Inserted by Presidential Decree No. 27238, Jun. 21, 2016]

Article 16-2 (Details and Methods of Inscribing the Warning Picture, etc. on Electronic Cigarettes,

etc.) (1) "Tobacco prescribed by Presidential Decree, including electronic cigarettes" in Article 9-2 (4) of the Act means the following tobacco:

1. Electronic cigarettes specified in subparagraph 2 of Article 27-2;
2. Chewing tobacco specified in subparagraph 6 of Article 27-2;
3. Waterpipe tobacco specified in subparagraph 8 of Article 27-2;
4. Snus specified in subparagraph 9 of Article 27-2.

(2) Pursuant to Article 9-2 (4) of the Act, the content of the warning pictures and phrases to be inscribed on the packing of the tobacco falling under each subparagraph of paragraph (1) of this Article shall be specific and clear enough to inform the harm of smoking, the fact that smoking may cause human's nicotine dependency and addiction and the facts, etc. as classified under each of the following subparagraphs in accordance with characteristics of tobacco:

1. Electronic cigarettes under subparagraph 2 of Article 27-2: The information that they contain tobacco specific nitrosamines, formaldehyde, etc.;
2. Chewing tobacco under subparagraph 6 of Article 27-2 and the snus under subparagraph 9 of Article 27-2: The information that they can be the cause of diseases, including oral cancer;
3. Waterpipe tobacco under subparagraph 8 of Article 27-2: The content that it causes the same hazard as cigarettes, such as detection of tar, and that it risks respiratory infection, such as tuberculosis, depending on the method of use.

(3) Methods of marking the warning picture, etc. (excluding carcinogenic substance; the same shall apply in this Article) to be inscribed on packaging of the tobacco falling under each of the following subparagraphs of paragraph (1) of this Article, pursuant to Article 9-2 (4) of the Act, shall be as prescribed in attached Table 1-2.

(4) With respect to the details and methods of marking the warning picture, etc. to be inscribed on packaging of the tobaccos falling under each subparagraph of paragraph (1), including the grace period for enforcement thereof and other matters, the provisions of Article 16 (2), (3) and (5) through (7) shall apply mutatis mutandis.

[This Article Wholly Amended by Presidential Decree No. 27238, Jun. 21, 2016]

Article 16-3 (Details and Methods of Inscribing the Warning Phrase, etc. for Advertisement of

Tobacco) (1) "Advertisements specified by Presidential Decree" in the main sentence of Article 9-2 (1) of the Act means the following advertisements (including sales promotional activities; hereinafter the same shall apply):

1. Advertisement using sign boards, posters, stickers and the advertising materials prescribed by Ordinance of the Ministry of Health and Welfare and displayed or posted within the authorized retailer's place of business as prescribed in Article 9-4 (1) 1 of the Act;
2. Advertisement published in a magazine pursuant to Article 9-4 (1) 2 of the Act.

(2) The details of a warning phrase to be inscribed on the advertisement of tobacco in accordance with the main sentence of Article 9-2 (1) of the Act and paragraph (3) of the same Article of the Act shall be subject to each of the following subparagraphs. In such cases, specific inscriptions of the warning phrase shall be determined and

publicly notified by the Minister of Health and Welfare:

1. In the case of tobacco (excluding the tobaccos falling under each subparagraph of Article 16-2 (1)): It shall be clearly informed that smoking is harmful to a smoker's health and may threaten others' health and that the quantity of inhaled tar differs depending on a smoker's smoking habit and other facts;
 2. In the case of a tobacco falling under each subparagraph of Article 16-2 (1): It shall be clearly informed that smoking may cause a smoker's nicotine dependency and addiction and the facts.
- (3) Upon providing a public notice of a detailed inscription of a warning phrase pursuant to the latter part of paragraph (2), the Minister of Health and Welfare shall give a grace period of at least six months for the enforcement of the aforementioned public notice.
- (4) Methods of inscribing the warning phrase, carcinogens, and the telephone number for smoking cessation consultation (hereinafter referred to as "warning phrase, etc.") to be inscribed for advertisement of tobacco pursuant to the main sentence of Article 9-2 (1) of the Act and paragraph (3) of the same Article of the Act shall be as prescribed in attached Table 1-3.
- (5) In the case of altering the methods of marking the warning phrase, etc. under paragraph (4), a grace period of at least six months shall be given for the enforcement thereof.

[This Article Wholly Amended by Presidential Decree No. 27238, Jun. 21, 2016]

Article 16-4 (Methods, Procedures, etc. for Verification of Contents of Advertisement) (1) Where the Minister of Health and Welfare deems that a tobacco advertisement contains any content which has not been verified in connection with national health, he/she may verify whether the content of the relevant advertisement is true.

(2) Before advertising tobacco, the manufacturers, etc. may submit an application for verifying whether the content of the relevant advertisement is true to the Minister of Health and Welfare, as prescribed by Ordinance of the Ministry of Health and Welfare.

(3) Where necessary to verify whether the content of an advertisement is true under paragraph (1) or (2), the Minister of Health and Welfare may request the manufacturer, etc. to submit the relevant data and examine and verify the data submitted.

(4) Where having verified whether the content of an advertisement is true under paragraph (1) or (2), the Minister of Health and Welfare shall notify the manufacturer, etc. of the result thereof in writing.

[This Article Newly Inserted by Presidential Decree No. 25761, Nov. 20, 2014]

Article 16-5 (Qualifications, etc. of Anti-Smoking Advisors) (1) "Qualified persons prescribed by Presidential Decree" in Article 9-5 (1) of the Act means any of the following:

1. Persons who belong to a non-profit corporation under Article 32 of the Civil Act or non-profit, non-governmental organizations registered under Article 4 of the Assistance for Non-Profit, Non-Governmental Organizations Act and are recommended by the heads of the relevant corporations or organizations;
2. Persons of at least three months of work experience in health policy, such as policy for health and anti-smoking, or persons who a Mayor/Do Governor or the head of a Si/Gun/Gu deems to have experience corresponding thereto.

(2) "Matters prescribed by Presidential Decree" in Article 9-5 (2) 4 of the Act means affairs related to public relations campaigns for anti-smoking and support for anti-smoking education in regional communities.

(3) The scope of duties of anti-smoking advisors under Article 9-5 (2) of the Act shall be as specified in attached

Table 1-4. <Amended by Presidential Decree No. 27238, Jun. 21, 2016>

(4) A Mayor/Do Governor or the head of a Si/Gun/Gu shall conduct education for anti-smoking advisors on the statutes related to anti-smoking, necessity of anti-smoking, attitude of anti-smoking advisors, etc. pursuant to Article 9-5 (5) of the Act. In such cases, a Mayor/Do Governor or the head of a Si/Gun/Gu may conduct joint education for anti-smoking advisors for the efficiency of education.

(5) A Mayor/Do Governor or the head of a Si/Gun/Gu may pay anti-smoking advisors allowances within budgetary limits, to assist their activities.

(6) Matters necessary to operate a system for anti-smoking advisors, other than those prescribed in paragraphs (1) through (5), shall be prescribed by ordinance of the relevant local government.

[This Article Newly Inserted by Presidential Decree No. 25513, Jul. 28, 2014]

Article 17 (Content of Health Education)

Health education provided for in Article 12 of the Act shall include the following:

1. Matters concerning the practice of healthy living, such as anti-smoking and temperance;
2. Matters concerning the prevention of diseases, including chronic degenerative diseases;
3. Matters concerning the nutrition and dietary life;
4. Matters concerning the oral cavity health;
5. Matters concerning the public health;
6. Matters concerning the sports activities for health promotion;
7. Other matters concerning the projects for health promotion.

Article 18 (Criteria, etc. for Qualifications for Health Education Specialists by Grade) (1) The criteria for qualifications for health education specialists by grade under Article 12-2 (3) of the Act shall be as specified in attached Table 2.

(2) A person who intends to be issued with a certificate of health education specialist shall submit an application for the issuance of a certificate of health education specialist to the Minister of Health and Welfare, together with documents verifying the relevant qualifications, as prescribed by Ordinance of the Ministry of Health and Welfare.

<Amended by Presidential Decree No. 22075, Mar. 15, 2010>

[This Article Newly Inserted by Presidential Decree No. 21228, Dec. 31, 2008]

Article 18-2 (Implementation, etc. of State Examinations) (1) The Minister of Health and Welfare shall implement State examinations for qualifications for health education specialists under Article 12-3 of the Act (hereinafter referred to as "examination") at least once each year. <Amended by Presidential Decree No. 22075, Mar. 15, 2010>

(2) The Minister of Health and Welfare shall entrust the administration of a State examination to the Korea Health Personnel Licensing Examination Institute under the Korea Health Personnel Licensing Examination Institute Act, pursuant to the proviso to Article 12-3 (1) of the Act. <Amended by Presidential Decree No. 26742, Dec. 22, 2015>

(3) When the head of an institution entrusted with the administration of an examination under paragraph (2) (hereinafter referred to as "examination administration institution") intends to implement an examination, he/she shall first obtain approval from the Minister of Health and Welfare and publicly announce the date and time of examination, places for examination, period of submission of application for examination, expected date and method of announcement of applicants who pass the examination, and other matters necessary for the

examination by not later than 90 days before the examination: Provided, That places for examination may be publicly announced not later than 30 days before the examination after finalizing the number of applicants for examination by region. <Amended by Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 23759, May 1, 2012>

(4) Subjects of examination referred to in Article 12-3 (4) of the Act shall be as specified in attached Table 3.

(5) The examination shall be conducted by method of written examination, and persons who pass the examinations shall be those who earn at least 40 percent of scores of each subject and, at the same time, at least 60 percent of total scores of all subjects.

[This Article Newly Inserted by Presidential Decree No. 21228, Dec. 31, 2008]

Article 18-3 (Qualifications for Applying Examination and Administration of Examination) (1)

Qualifications for applying examination under Article 12-3 (4) of the Act shall be as specified in attached Table 4.

(2) A person who intends to apply for the examination shall submit an application for the examination specified by the head of the examination administration institution to the head of the examination administration institution (including submission in the form of electronic document).

(3) Upon conducting an examination, the head of the examination administration institution shall determine and announce the persons who have passed the examination and inform the Minister of Health and Welfare of the following matters pertaining to the relevant successful examinees: <Amended by Presidential Decree No. 22075, Mar. 15, 2010>

1. Names and addresses;
2. Their serial numbers of success in the examination and the date they have passed an examination.

[This Article Newly Inserted by Presidential Decree No. 21228, Dec. 31, 2008]

Article 18-4 (Examiners) (1) Where the head of an examination administration institution intends to conduct an examination, he/she shall commission examiners, from among persons who have expertise in each subject for examination.

(2) Examiners referred to in paragraph (1) may be paid allowances and travel expenses within budgetary limits.

[This Article Newly Inserted by Presidential Decree No. 21228, Dec. 31, 2008]

Article 18-5 (Request for Cooperation of Relevant Institutions, etc.)

If necessary for the smooth performance of administration of an examination, the head of an examination administration institution may request the cooperation of the State, local governments, or relevant institutions and organizations for provision of places for examination, supervision of examination, etc.

[This Article Newly Inserted by Presidential Decree No. 21228, Dec. 31, 2008]

Article 19 (Time of National Nutrition Survey)

The time to conduct a national nutrition survey under Article 16 of the Act (hereinafter referred to as "nutrition survey") shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

Article 20 (Objects of Survey) (1) The nutrition survey shall be conducted on households selected by the Minister of Health and Welfare by determining the districts and standards every three years and the members thereof. <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

(2) The Minister of Health and Welfare may conduct a nutrition survey on persons deemed especially necessary

to improve nutrition, such as that of senior citizens and pregnant women, by fixing a separate survey period.

<Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

(3) The competent Mayor/Do Governor shall notify the households selected as the objects of survey under paragraph (1) and the persons who became subjected to the survey under paragraph (2) of the purport thereof.

Article 21 (Survey Items) (1) A nutrition survey shall be conducted by classifying it into health condition survey, food intake survey, and dietary life survey.

(2) A health condition survey shall be conducted on the following matters:

1. Physical condition;
2. Nutrition-related symptoms;
3. Other matters concerning the health status.

(3) A food intake survey shall be conducted on the following matters:

1. General matters of households subject to survey;
2. State of meal-consumption during a specific period;
3. State of food-intaking during a specific period.

(4) A dietary life survey shall be conducted on the following matters:

1. General matters concerning the meal-consumption of household members;
2. Cooking facilities and environment of households subject to survey;
3. Prices and methods of procurement of foods used during a specific period.

(5) Details of matters to be surveyed under paragraphs (2) through (4) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

Article 22 (Nutrition Surveyors and Nutrition Advisors) (1) Persons in charge of nutrition survey (hereinafter referred to as "nutrition surveyors") shall be appointed or commissioned by a Mayor/Do Governor from among any of the following persons:

1. Persons licensed as doctors, dieticians, or nurses;
2. Persons who have completed a course on food science or nutrition science at a junior college or higher school.

(2) The head of a Si/Gun/Gu shall appoint persons in charge of giving advice on national nutrition (hereinafter referred to as "nutrition advisors") to implement nutrition improvement projects referred to in Articles 15 and 16 of the Act, and nutrition advisors shall be appointed from among persons licensed as dieticians: Provided, That where no person is licensed as a dietician, a person licensed as a doctor or nurse may be appointed instead.

(3) Matters necessary for the duties of nutrition surveyors and nutrition advisors shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

Article 23 (Oral Cavity Health Projects)

"Projects prescribed by Presidential Decree" in Article 18 (1) 4 of the Act means the following projects:

<Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 23347, Dec. 6, 2011>

1. Tooth pit and fissure filling projects to prevent tooth-decay;
2. Fluoride mouth rinsing projects;

3. Projects prescribed by Ordinance of the Ministry of Health and Welfare to promote the oral cavity health.

Article 24 Deleted. <by Presidential Decree No. 17523, Feb. 25, 2002>

Article 25 Deleted. <by Presidential Decree No. 17523, Feb. 25, 2002>

Article 26 (Fund Account)

In order to ensure the transparent management of the revenue and expenditure of the National Health Promotion Fund referred to in Article 22 of the Act (hereinafter referred to as the "Fund"), the Minister of Health and Welfare shall establish an account for the Fund at the Bank of Korea. <Amended by Presidential Decree No. 17523, Feb. 25, 2002; Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

Article 27 (Accounting Agency of Fund)

In order to perform affairs related to the revenue and expenditure of the Fund, the Minister of Health and Welfare shall appoint a fund revenue collecting officer, a fund treasurer, a fund disbursing officer, and a fund accounting public officer, from among public officials under his/her control. <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

[This Article Wholly Amended by Presidential Decree No. 17824, Dec. 30, 2002]

Article 27-2 (Classification of Tobacco)

Classification of tobacco under Article 23 (1) of the Act shall be as follows: <Amended by Presidential Decree No. 28071, May 29, 2017>

1. Cigarettes: Tobacco made by shredding leaf tobacco of a certain width after adding flavoring, etc. and rolling it with cigarette paper for easy smoking with a cigarette manufacturing machine, or similar type of tobacco that can be used for smoking;
2. Electronic cigarettes: Tobacco made to cause the same effect as the smoking by inhaling nicotine-contained solution or shredded tobacco into the body through respiratory organ with an electronic device;
3. Pipe tobacco: Tobacco made for smoking with a pipe, which is manufactured by shredding the special high-quality leaf tobacco of comparatively wide width, after adding rich flavoring thereto and undergoing special processing, such as pressing and heat treatment;
4. Cigars: Tobacco wrapped in tobacco leaves, which is made by wrapping the filler leaves, the subject of taste of smoking, with middle leaves that form the structure and shape and, thereafter, wrapping it with outer leaves to make its appearance beautiful;
5. Rolling tobacco: Tobacco made by cutting leaf tobacco finely and adding light flavoring to a low class leaf tobacco or flavoring to a rather high class leaf tobacco, for use in a tobacco pipe or for use after personally rolling it with cigarette paper;
6. Chewing tobacco: Tobacco processed to cause the same effect as smoking by chewing in the mouth;
7. Inhaling tobacco: Powder-type tobacco made to cause the same effect as smoking by applying specially processed tobacco powder around the nose, etc. and inhaling the smell thereof;
8. Waterpipe tobacco: Tobacco made to inhale the smoke of tobacco after filtering it through water using a device;
9. Snus: Tobacco power packed after specially processing to cause the same effect as smoking by sucking or keeping it in the mouth, nicotine-contained candies, or tobacco made in similar shapes.

[This Article Newly Inserted by Presidential Decree No. 25513, Jul. 28, 2014]

Article 27-3 (Security for Payment of Charges for National Health Promotion) (1) The amount of security to secure the payment of charges for national health promotion (hereinafter referred to as "charges") which may be furnished by a manufacturer or an importer and distributor of tobacco under Article 23-2 of the Act shall be at least 120 percent (at least 110 percent in the case of cash or an insurance policy underwriting premium) of the amount prescribed as follows:

1. In the case of a tobacco manufacturer, the total of the following amounts:
 - (a) The amount of charges for which a payment notice is due to be issued to the relevant manufacturer under Article 23 (3) of the Act;
 - (b) The unpaid amount among charges for which payment notices have been issued;
2. In the case of an importer and distributor of tobacco, the total of the following amounts:
 - (a) The amount of charges for which a payment notice is due to be issued to the relevant importer and distributor under Article 23 (3) of the Act;
 - (b) The unpaid amount among charges for which payment notices have been issued.

(2) The types of security shall be limited to any of the following: [<Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>](#)

1. Money;
2. A State bond or local government bond;
3. Securities prescribed and publicly notified the Minister of Health and Welfare;
4. An insurance policy underwriting premium;
5. Land;
6. A building, factory foundation, mining foundation, ship, aircraft, or construction machinery, which is insured and registered.

(3) When an importer and distributor of tobacco intends to clear customs, he/she shall submit a certificate of security for payment of charges for national health promotion issued by the Minister of Health and Welfare as prescribed by Ordinance of the Ministry of Health and Welfare (hereinafter referred to as "certificate of security for payment") to the head of the customs office located at the place of clearance, and the head of the customs office shall permit the customs clearance within the extent of the security stated in the certificate of security for payment. [<Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>](#)

[This Article Newly Inserted by Presidential Decree No. 19878, Feb. 8, 2007]

Article 27-4 (Method of Providing, Evaluation, etc. of Security) (1) The method of providing security for charges shall be as follows: [<Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>](#)

1. Any person who intends to provide any money or securities as security for payment of charges, shall deposit them in the depository and submit the receipt of deposit to the Minister of Health and Welfare: Provided, That in the case of registered State bonds, local bonds or corporation debentures, the purport to provide security shall be registered, and the certificate of registration shall be submitted;
2. Any person who intends to provide a insurance policy underwriting premium as security for payment of charges, shall submit the insurance policy underwriting premium to the Minister of Health and Welfare;
3. Any person who intends to provide any land, building, factory foundation, mining foundation, ship, aircraft, or

construction machinery as security for payment of charges, shall present the certificate of registration thereof to the Minister of Health and Welfare, and the Minister of Health and Welfare shall take procedures for registration for creation of mortgage accordingly.

(2) Article 66 of the Framework Act on Local Taxes shall apply mutatis mutandis to the assessment of the value of security for payment. In such cases, "insurance policy underwriting tax premium" shall be deemed "insurance policy underwriting premium". <Amended by Presidential Decree No. 22394, Sep. 20, 2010; Presidential Decree No. 27958, Mar. 27, 2017>

[This Article Newly Inserted by Presidential Decree No. 19878, Feb. 8, 2007]

Article 27-5 (Exception to Request for Provision of Security)

The Minister of Health and Welfare may choose not to request persons who have continuously operated the business of manufacturing or importing and distributing tobacco for at least three years and have neither been delinquent in the payment of charges nor intentionally evaded it during the recent three years and persons rated by credit rating agencies to be at least the criteria prescribed by the Ministry of Health and Welfare to furnish the security for charges. <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22075, Mar. 15, 2010>

[This Article Newly Inserted by Presidential Decree No. 19878, Feb. 8, 2007]

Article 27-6 (Appropriation of Charges with Security)

When a person who has furnished security under Article 27-3 fails to pay or underpays charges by the prescribed deadline, the security may be appropriated for the charges, additional charges, and expenses for disposition on default. In such cases, deficit shall be collected and any balance thereof shall be returned, if any. <Amended by Presidential Decree No. 25513, Jul. 28, 2014>

[This Article Newly Inserted by Presidential Decree No. 19878, Feb. 8, 2007]

Article 28 Deleted. <by Presidential Decree No. 19878, Feb. 8, 2007>

Article 29 Deleted. <by Presidential Decree No. 19878, Feb. 8, 2007>

Article 30 (Use of Fund)

"Projects prescribed by Presidential Decree" in Article 25 (1) 11 of the Act means the following projects:

<Amended by Presidential Decree No. 23347, Dec. 6, 2011; Presidential Decree No. 25513, Jul. 28, 2014>

1. Projects for management of chronic degenerative diseases;
2. Projects for guidance and training under Article 27 of the Act;
3. Projects for funding sports activities for health promotion;
4. Projects for creating smoke-free environments in regional communities, such as operation of anti-smoking advisor system.

Article 31 (Delegation of Authority) (1) In accordance with the provisions of Article 29 (1) of the Act, the Minister of Health and Welfare shall delegate the following matters to Mayors/Do Governors: <Amended by Presidential Decree No. 19878, Feb. 8, 2007; Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 22003, Jan. 27, 2010; Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 23347, Dec. 6, 2011>

1. Order to change or prohibit the contents of an advertisement under Article 7 of the Act or request for correction under the relevant Acts (in the case of newspapers or magazines, limited to those publishing

offices of which are located within the districts under their respective jurisdiction, but excluding those that have registered, under Article 9 (1) 9 of the Act on the Promotion of Newspapers, Etc., the whole country as their main circulation districts; in the case of commercial broadcasts, limited to those produced and broadcasted targeting mainly the residents of the districts under their respective jurisdiction; and in the case of advertisements, limited to those installed or distributed mainly in the districts under their respective jurisdiction);

2. Prohibition of, or restriction on, advertisements of tobacco under Article 9-4 of the Act (limited to advertisements conducted in the districts under their respective jurisdiction, excluding advertisements conducted through magazines).
- (2) Deleted. <by Presidential Decree No. 17523, Feb. 25, 2002>

Article 32 (Entrustment of Duties) (1) The Minister of Health and Welfare may entrust the following matters to corporations or organizations prescribed in paragraph (2), pursuant to Article 29 (2) of the Act: <Amended by Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 21228, Dec. 31, 2008; Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 25761, Nov. 20, 2014; Presidential Decree No. 27238, Jun. 21, 2016>

1. Projects for aiding a healthy living under Article 6 (1) of the Act;
2. Performing health education under Article 12 (1) of the Act;
3. Affairs related to the issuance of certificates of health education specialists under Article 12-2 (1) of the Act;
4. Survey and research for health promotion and prevention of chronic degenerative diseases;
5. Medical examination under Article 20 of the Act;
6. Matters concerning sports activities for health promotion;
7. Examining and confirming data necessary for verification as to whether the content of an advertisement of tobacco is true under Article 16-4 (3).

(2) Corporations or organizations to which the Minister of Health and Welfare may partially entrust his/her duties under Article 29 (2) of the Act shall be as follows: <Amended by Presidential Decree No. 17523, Feb. 25, 2002; Presidential Decree No. 19878, Feb. 8, 2007; Presidential Decree No. 20679, Feb. 29, 2008; Presidential Decree No. 21228, Dec. 31, 2008; Presidential Decree No. 22075, Mar. 15, 2010; Presidential Decree No. 25761, Nov. 20, 2014>

1. The National Health Insurance Corporation under the National Health Insurance Act;
2. General hospitals and hospitals (including dental hospitals and oriental medical hospitals) under the Medical Service Act;
3. Corporations or organizations related to health education, prescribed and publicly announced by the Minister of Health and Welfare;
- 3-2. The Korea Health Promotion Institute under Article 5-3 of the Act;
4. Other corporations or organizations performing projects for health promotion.

(3) Upon entrusting the duties prescribed in subparagraphs of paragraph (1), the Minister of Health and Welfare shall provide a public notice of the institutions entrusted with his/her duties and details of such duties. <Newly Inserted by Presidential Decree No. 25761, Nov. 20, 2014>

Article 32-2 (Management of Sensitive Information and Personally Identifiable Information) (1) The Minister of Health and Welfare (including persons to whom the authority of the Minister of Health and Welfare is

entrusted under Articles 18-2 and 32) may manage the data which contain information on health under Article 23 of the Personal Information Protection Act, information falling under criminal record material under subparagraph 2 of Article 18 of the Enforcement Decree of the same Act, and resident registration numbers or alien registration numbers under subparagraph 1 or 4 of Article 19 of the same Decree, if it is inevitable to perform the following affairs:

1. Administrative affairs related to the issuance of certificates of health education specialists and the verification of disqualifications under Article 12-2 of the Act;
2. Administrative affairs related to the management of the State examination under Article 12-3 of the Act and the announcement of persons who have passed the examination.

(2) The Minister of Health and Welfare may manage the data which contain information on health under Article 23 of the Personal Information Protection Act or resident registration numbers under subparagraph 1 of Article 19 of the Enforcement Decree of the same Act, if it is inevitable to perform the nutrition survey under Article 16 of the Act.

[This Article Newly Inserted by Presidential Decree No. 23488, Jan. 6, 2012]

Article 32-3 (Reexamination of Regulations)

The Minister of Health and Welfare shall examine appropriateness of the criteria for the imposition of administrative fines prescribed in Article 33 (1) and attached Table 5 every two years counting from January 1, 2015 (referring to a date preceding January 1 of the year that comes every two years), and shall take measures for improvement, etc.

[This Article Newly Inserted by Presidential Decree No. 25840, Dec. 9, 2014]

Article 33 (Criteria for Imposition, etc. of Administrative Fine) (1) The criteria for the imposition of an administrative fine under Article 34 of the Act shall be as specified in attached Table 5.

(2) The authority imposing administrative fines under Article 34 of the Act shall be classified as follows:

<Amended by Presidential Decree No. 24223, Dec. 7, 2012; Presidential Decree No. 28071, May 29, 2017>

1. In cases falling under Article 34 (1) 1 or 2, (2) 1, or (3) of the Act (limited to cases of smoking in a non-smoking area designated under Article 9 (4) and (5) of the Act): The head of a Si/Gun/Gu;
2. In cases falling under Article 34 (1) 3 or 4 of the Act: The Minister of Health and Welfare;
3. In cases falling under Article 34 (2) 3 of the Act: The Minister of Health and Welfare, a Mayor/Do Governor, or the head of a Si/Gun/Gu;
4. In cases falling under Article 34 (3) of the Act (limited to cases of smoking in a non-smoking area designated under Article 9 (6) of the Act): A Mayor/Do Governor or the head of a Si/Gun/Gu who has designated the relevant non-smoking area.

[This Article Wholly Amended by Presidential Decree No. 23347, Dec. 6, 2011]

+ ADDENDA

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation: Provided, That the provisions of Article 10 and attached Table 1 shall enter into force on January 1, 1996.

+ ADDENDA <Presidential Decree No. 15732, Feb. 28, 1998>

Article 1 (Enforcement Date)

**+ ADDENDA <Presidential Decree No. 17267, Jun. 30, 2001>
Article 1 (Enforcement Date)**

*** ADDENDUM <Presidential Decree No. 17523, Feb. 25, 2002>**

This Decree shall enter into force on the date of its promulgation.

**+ ADDENDA <Presidential Decree No. 17824, Dec. 30, 2002>
Article 1 (Enforcement Date)**

*** ADDENDUM <Presidential Decree No. 18312, Mar. 17, 2004>**

This Decree shall enter into force on the date of its promulgation.

**+ ADDENDA <Presidential Decree No. 19513, Jun. 12, 2006>
Article 1 (Enforcement Date)**

*** ADDENDUM <Presidential Decree No. 19878, Feb. 8, 2007>**

This Decree shall enter into force on the date of its promulgation.

**+ ADDENDA <Presidential Decree No. 20679, Feb. 29, 2008>
Article 1 (Enforcement Date)**

**+ ADDENDA <Presidential Decree No. 21148, Dec. 3, 2008>
Article 1 (Enforcement Date)**

**+ ADDENDA <Presidential Decree No. 21228, Dec. 31, 2008>
Article 1 (Enforcement Date)**

**+ ADDENDA <Presidential Decree No. 21424, Apr. 17, 2009>
Article 1 (Enforcement Date)**

**+ ADDENDA <Presidential Decree No. 22003, Jan. 27, 2010>
Article 1 (Enforcement Date)**

**+ ADDENDA <Presidential Decree No. 22075, Mar. 15, 2010>
Article 1 (Enforcement Date)**

**+ ADDENDA <Presidential Decree No. 22394, Sep. 20, 2010>
Article 1 (Enforcement Date)**

**+ ADDENDA <Presidential Decree No. 23347, Dec. 6, 2011>
Article 1 (Enforcement Date)**

**+ ADDENDA <Presidential Decree No. 23488, Jan. 6, 2012>
Article 1 (Enforcement Date)**

**+ ADDENDA <Presidential Decree No. 23759, May 1, 2012>
Article 1 (Enforcement Date)**

▣ **ADDENDUM <Presidential Decree No. 24223, Dec. 7, 2012>**

This Decree shall enter into force on December 8, 2012.

▣ **ADDENDUM <Presidential Decree No. 25513, Jul. 28, 2014>**

This Decree shall enter into force on July 29, 2014.

▣ **ADDENDUM <Presidential Decree No. 25761, Nov. 20, 2014>**

This Decree shall enter into force on November 21, 2014.

⊕ **ADDENDUM <Presidential Decree No. 25840, Dec. 9, 2014>**
Article 1 (Enforcement Date)

⊕ **ADDENDA <Presidential Decree No. 26742, Dec. 22, 2015>**
Article 1 (Enforcement Date)

▣ **ADDENDUM <Presidential Decree No. 26844, Dec. 31, 2015>**

This Decree shall enter into force on the date of its promulgation.

⊕ **ADDENDA <Presidential Decree No. 27238, Jun. 21, 2016>**
Article 1 (Enforcement Date)

⊕ **ADDENDA <Presidential Decree No. 27958, Mar. 27, 2017>**
Article 1 (Enforcement Date)

▣ **ADDENDUM <Presidential Decree No. 28071, May 29, 2017>**

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of subparagraph 2 (d) of attached Table 5 shall enter into force on June 3, 2017.