

## **PROCEDURES OF SHANGHAI MUNICIPALITY ON THE PREVENTION AND TREATMENT OF AIDS**

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### Article 1 Purpose and Basis

With a view to preventing and controlling the incidence and prevalence of AIDS and safeguarding human health, these Procedures are formulated in accordance with the Law of the People's Republic of China on Prevention and Treatment of Infectious Diseases and the State provisions concerning the prevention and treatment of AIDS, and in the light of the actual circumstances in this Municipality.

### Article 2 Scope of Application

These Procedures are applicable to the prevention and treatment work of AIDS within the administrative areas of this Municipality.

### Article 3 Duties of Government

The people's governments at all levels shall exercise leadership in the prevention and treatment work of AIDS, draw up the prevention and control plans of AIDS, arrange and ensure the outlays for the prevention and treatment of AIDS, and organize and coordinate relevant departments in doing good teamwork of preventing and treating AIDS.

### Article 4 Competent and Coordinating Departments

The Shanghai Municipal Public Health Bureau (hereinafter referred to as the Municipal Public Health Bureau) is the competent department of the prevention and treatment work of AIDS in this Municipality. The district and county public health bureau shall take charge of the prevention and treatment work of AIDS under their respective jurisdiction.

The Shanghai entry-exit inspection and quarantine department shall, according to its functions and duties, take charge of AIDS monitoring at border checkpoints and of HIV-infection tests of those leaving and entering the border.

The administrative departments of planning, finance, public security, judiciary, foreign affairs, foreign trade and economic cooperation, education, transportation, tourism, radio, film, and television, press and publication, culture and family planning shall, according to their respective duties, team up with public health administrative departments for the implementation of these Procedures.

### Article 5 Prevention and Treatment Organizations

The municipal, and district/county sanitation and anti-epidemic organizations shall take charge of the exercise of preventing and controlling AIDS, the undertaking of AIDS monitoring, HIV-infection tests and medical administration of and professional instruction to, AIDS patients and HIV-infected persons, and the launching of health education and intervention of behavior under their respective jurisdiction.

The medical organizations shall undertake the diagnosis and treatment of AIDS and fulfill the

measures for the prevention of, and control over, AIDS within their scope of duties.

#### Article 6 Principles of Prevention and Treatment

In the work of prevention and treatment of AIDS, the principle of putting prevention first and combining prevention, control and treatment must be followed, publicity education and intervention of behavior must be strengthened, and social tackling of the problem in a comprehensive way must be exercised.

The whole society shall attach importance to, and give support to, the prevention and treatment work of AIDS.

#### Article 7 Protection of Rights and Interests

The legitimate rights and interests of AIDS patients and HIV-infected persons and their relatives shall be protected by law.

#### Article 8 Publicity and Education

The people's governments and relevant departments at all levels shall take measures to publicize the meanings of, and popularize the knowledge of, the prevention and treatment of AIDS, and carry out the education of AIDS prevention and control.

The mass media such as radio, film, television, press shall launch publicity of public welfare nature and by spreading the knowledge of AIDS prevention and control.

Ordinary higher education institutions, ordinary high schools and secondary vocational and technical schools shall include the knowledge of AIDS prevention and treatment into health education courses or lectures on the special topic.

#### Article 9 Preventive Measures for Key Units

Units open to the public, travel agencies and agencies sending or recruiting labor personnel overseas shall propagate the knowledge of AIDS prevention and treatment to their staff, labor personnel sent abroad or tourists.

Articles used in barber's shops, beauty parlors, public bathhouses and other public establishments which may injure the skin and mucous membrane must be sterilized according to provisions of laws.

Guest houses, hotels and other establishments shall do a good job of AIDS prevention under the guidance of the Municipal Public Health Bureau.

#### Article 10 Control Over the Infection From Medical Care and Prevention Against the Infection From Laboratories

The medical organizations and sanitation and anti-epidemic organizations shall carry out the provisions of laws on sterilization and isolation, intensify the sterilization of medical instruments interposed in the human body that may injure the skin and mucous membrane, standardize the rules of diagnosis and treatment, and safely dispose of the discarded articles.

The units engaged in HIV experiments must strictly follow the administration systems and operation rules set by the public health administrative departments so as to prevent the infection from laboratories and the spread of HIV.

The Municipal Public Health Bureau shall perfect the administration systems and operation rules in line with actual conditions.

#### Article 11 Control of Blood and Blood Products

The blood collecting and supplying agencies and the producers of blood products shall have blood, blood products and blood donors undergo HIV- infection tests according to the provisions set by the State and this Municipality.

Import and export of blood and blood products must be done according to the relevant State provisions.

No unit or individual person shall use the blood products banned to be imported by the public health administrative department under the State Council.

#### Article 12 Control of Donation Activities

Those who donate human tissues, organs, cells, bone marrow, blood or sperm shall undergo HIV-infection tests.

AIDS patients and HIV-infected persons are forbidden to donate human tissues, organs, cells, bone marrow, blood or sperm.

The unit engaged in research of AIDS prevention and treatment, if in need of use or preservation of the AIDS patients' or HIV-infected persons' human tissues, organs, cells, bone marrow, blood or sperm, shall obtain approval from the Municipal Public Health Bureau, unless otherwise stipulated by the State.

#### Article 13 Control of Strains

The preservation, transmission and use of HIV strains shall follow the relevant State provisions. No unit or individual person shall be allowed to exchange, transmit or use the strain at discretion.

#### Article 14 Monitoring of AIDS

The sanitation and anti-epidemic agencies and the Shanghai entry-exit inspection and quarantine department shall do a good job of AIDS monitoring in the key units and crowds according to their respective duties and the relevant provisions set by the State and this Municipality.

#### Article 15 Subjects for HIV-infection Tests

The following subjects shall take HIV-infection tests:

1. Those in close contact with AIDS patients or HIV-infected persons;
2. Suspected AIDS patients;
3. Suspected STD patients;
4. Prostitutes, whore-goers and drug addicts;
5. Those who have received HIV-contaminated blood, blood products, human tissues, organs, cells, bone marrow or sperm;

6. Both clients who apply for registration of foreign-related marriage;
7. Persons who enter and leave the border according to laws, regulations and rules; and
8. Other persons, animals and articles required by the Municipal Public Health Bureau for controlling epidemic situation.

#### Article 16 Administration of Test Laboratories

The establishment, examination and approval, and administration of AIDS- test laboratories shall follow the relevant provisions set by the State and this Municipality.

Without approval, no unit or individual person shall be allowed to undertake HIV-infection test activities.

#### Article 17 Diagnosis of AIDS

The diagnosis of AIDS patients and HIV-infected persons shall follow the national standard.

The diagnosis of suffering from AIDS or infection with HIV shall be notified to the patient himself or herself.

#### Article 18 Epidemiological Investigation

The district and county sanitation and anti-epidemic organizations shall set up personal files of AIDS patients and HIV-infected persons within their respective jurisdiction and pay regular follow-up visits according to the provisions of law.

Any unit or individual person under epidemiological investigation on AIDS made by the sanitation and anti-epidemic organizations shall provide information according to the facts.

#### Article 19 Adjustment of Working Post

When a sanitation and anti-epidemic organization considers that the work an AIDS patient or HIV-infected person is now undertaking has the danger of transmitting and spreading HIV, it shall notify that AIDS patient or HIV-infected person to adjust his or her working post within 1 month. If no adjustment is made within the limited time period, the sanitation and anti-epidemic organization shall notify his or her work unit. After receiving the notification, the work unit shall adjust the working post of the AIDS patient or HIV-infected person under the guidance of the sanitation and anti-epidemic organization, but shall not discharge the labor contract for this reason.

#### Article 20 Medical Control

The AIDS patient and HIV-infected person shall be under medical control by the sanitation and anti-epidemic organization in the district or county where the patient or infected person lives.

If the person mentioned in the above Section is a criminal suspect held in custody, a criminal or a person under education through labor and a person in the house of correction, the person must be under medical administration by the remand house under the guidance of the sanitation and anti-epidemic organization. When the person is permitted to leave the remand place, the remand house shall make a report to the Municipal Public Health Bureau.

#### Article 21 Disinfection

The daily disinfection work of AIDS patients and HIV-infected persons shall be done by themselves and their family members or by the detaining unit under the guidance of the sanitation and

anti-epidemic institution.

The district and county sanitation and anti-epidemic organizations shall take charge of the final disinfection work of the AIDS patients and HIV- infected persons within their respective jurisdiction.

#### Article 22 Disposal of Corpses

After the death of AIDS patients or HIV-infected persons, their corpses shall be sent to the crematory to be cremated under the supervision of local district or county sanitation and anti-epidemic organization.

No unit or individual person shall be allowed to transport the corpse of the AIDS patient or HIV-infected person out of this Municipality.

#### Article 23 Handling of Persons From Outside the Country

If the person named in Article 21 and 22 is an alien, an overseas Chinese, a resident of HKSAR, of Macao region, or of Taiwan region, the Shanghai entry-exit inspection and quarantine department shall be in charge of taking all measures for his/her tutelage and disinfection during his or her stay until he or she leaves the country. If the said person dies, the Shanghai entry-exit inspection and quarantine department shall be responsible for the supervision of cremation.

#### Article 24 Duties of Units and Individual Persons

All the relevant units and individual persons shall give cooperation to the measures taken by public health administrative departments or sanitation and anti-epidemic organizations according to law to prevent and control the incidence and prevalence of AIDS.

### CHAPTER IV REPORT AND PUBLICATION OF EPIDEMIC SITUATION

#### Article 25 Preliminary Report of Epidemic Situation

Upon making a confirmed diagnosis of the AIDS patient and HIV-infected person, the medical organizations and AIDS-test laboratory shall send a report promptly to the local district or county sanitation and anti- epidemic organization according to legal procedures. No concealment or delayed report of AIDS epidemic situation shall be allowed.

Upon discovering a suspected AIDS patient, any unit or individual person shall make a timely report to the nearby medical organization or sanitation and anti-epidemic organization. If the suspected AIDS patient is an alien, an overseas Chinese, a resident of HKSAR, of Macao region or of Taiwan region, a timely report shall be sent to the Shanghai entry-exit inspection and quarantine department.

#### Article 26 Secondary Report of Epidemic Situation

Upon receiving the epidemic situation report from the medical organization and AIDS-test laboratory, the sanitation and anti-epidemic organization shall send the report within 12 hours to the sanitation and anti-epidemic organization on a higher level and the public health administrative department on the same level.

Upon receiving the epidemic situation report from the sanitation and anti-epidemic organization, the public health administrative department shall report to the public health administrative department on a higher level and the people's government on the same level.

Upon receiving the AIDS epidemic situation report involving an alien, an overseas Chinese, or a resident of HKSAR, of Macao region or of Taiwan region, the Municipal Public Health Bureau shall report to the Shanghai entry-exit inspection and quarantine department within 24 hours.

Upon discovering AIDS epidemic situation at the border checkpoint, the Shanghai entry-exit inspection and quarantine department shall report to the Municipal Public Health Bureau within 24 hours.

#### Article 27 Report of Major Epidemic Situation

Upon discovering a major epidemic situation of AIDS, the sanitation and anti-epidemic organization shall report promptly to the sanitation and anti-epidemic organization on a higher level and the public health administrative department on the same level.

Upon receiving the major epidemic situation report of AIDS, the public health administrative department shall report promptly to the public health administrative department on a higher level and the people's government on the same level, and shall verify the epidemic situation and take appropriate measures.

#### Article 28 Publication of Epidemic Situation

The Municipal Public Health Bureau shall publish the AIDS epidemic situation of this Municipality. No other unit or individual person shall be allowed to publish the AIDS epidemic situation.

### CHAPTER V RIGHTS AND DUTIES OF AIDS PATIENTS AND HIV-INFECTED PERSONS

#### Article 29 Rights

The AIDS patients and HIV-infected persons are entitled to get medical services, to work, to obtain employment, to study and to participate in social activities.

#### Article 30 Confidentiality

Any unit and individual person shall keep secret for the AIDS patient and HIV-infected person, and shall not reveal the name, address, work unit, case record and other information of the AIDS patient and HIV- infected person.

#### Article 31 No Discrimination

Any unit and individual person shall not discriminate against AIDS patients and HIV-infected persons and their relatives.

Except for the provisions of Article 34 of these Procedures, the medical organizations shall not shirk their duty or refuse to let the AIDS patient and HIV-infected person consult a doctor.

No unit and individual person shall infringe on the rights of AIDS patients and HIV-infected persons and their relatives to get medical services, to work, to obtain employment, to study and to participate in social activities.

#### Article 32 Accepting Guidance and Adopting Measures

The AIDS patients and HIV-infected persons shall accept the medical guidance of medical organizations or sanitation and anti-epidemic organizations and adopt effective measures so as to prevent the transmission and spread of HIV, and avoid endangering other people.

#### Article 33 Information

In case of sexual contact with another person, the AIDS patient and HIV- infected person shall inform his or her partner in advance of the fact that he or she has developed AIDS or become infected with

HIV.

The HIV-infected person who registers for marriage shall, before marriage registration, give his or her partner the fact that he or she has been infected with HIV. The HIV-infected person who applies for marriage registration shall go to the sanitation and anti-epidemic organization with his or her partner to receive medical guidance.

#### Article 34 Consulting a Doctor at the Designated Hospital

The AIDS patient and HIV-infected person shall receive relevant medical services under the guidance of the sanitation and anti-epidemic organization. The patient in need of hospitalization, clinic surgery, dialytic treatment, stomatological treatment or diagnosis and treatment by way of interposition shall consult a doctor at the medical organization designated by the Municipal Health Bureau.

#### Article 35 Administrative Punishments Imposed by Public Health Administrative Department

Any of the following acts in violation of these Procedures shall be ordered by the public health administrative department to be corrected within the prescribed time limit, and shall be given administrative punishments according to the seriousness of the violation:

1. Those who violate the provisions under Article 9, Sections 1 and 3, or Article 12, 16, or 28, shall be given warnings or be fined from RMB 50 yuan to 1,000 yuan.
2. Those who violate the provisions under Article 9, Section 2 shall be given warnings or be fined from RMB 300 yuan to 3,000 yuan.
3. Those who violate the provisions under Article 22, or 32 shall be fined from RMB 50 yuan to 3,000 yuan.

Those who violate the provisions under Article 10, Sections 1 and 2 or Article 13, 19, 25, 26 or 27 of these Procedures shall be punished by the health administrative department according to the Law of the People's Republic of China on the Prevention and Treatment of Infectious Diseases and the implementation procedures thereof, and relevant provisions.

Those who violate the provisions under Article 11 of these Procedures shall be punished by the public health administrative department according to the Regulations on The Administration of Blood Products and the Procedures on the Administration of Blood Collecting and Supplying Organizations and of Blood.

Medical professionals who violate the provisions under Article 30 of these Procedures shall be punished by the public health administrative department according to the Law of the People's Republic of China on Practicing Doctors.

#### Article 36 Administrative Punishments Imposed by the Entry-Exit Health Inspection and Quarantine Department

Border-crossing persons who violate the provisions of entry-exit health inspection and quarantine shall be punished by the Shanghai entry-exit inspection and quarantine department according to the Law of the People's Republic of China on Border Health Quarantine and the rules for its implementation, and relevant laws and regulations.

#### Article 37 Punishment Procedures

The public health administrative department, when giving administrative punishments, shall issue a

written decision on administrative punishments and, when collecting fines, shall issue a uniform receipt for forfeiture printed by the municipal finance department.

Fines shall be turned into the State Treasury according to the provisions of laws.

#### Article 38 Review and Litigation

If the party concerned disagrees with the specific administrative act of the public health administrative department, it may apply for administrative review or may bring an administrative suit in accordance with the provisions of the Regulations on Administrative Review and the Administrative Litigation Law of the People's Republic of China.

If the party concerned neither applies for review or takes legal action nor perform the specific administrative act within the legal time limit, the department that has done the specific administrative act may apply to the people's court for enforcement according to the provisions of the Administrative Litigation Law of the People's Republic of China.

#### Article 39 Handling of Obstruction of Duties

Those who refuse or obstruct the performance of duties by the administrative personnel of the public health administrative department in violation of the Regulations of the People's Republic of China on Public Security Administration and Imposition of Punishment shall be punished by the public security departments according to law.

If the wrongful act is serious enough to constitute a crime, the wrongdoer shall be prosecuted for his/her criminal liability according to law.

#### Article 40 Investigation of Law Enforcers' Violations of Law and Discipline

The administrative personnel of the public health administrative departments shall abide by the law, observe discipline and enforce law impartially. Those who neglect their duty, abuse their power, practise favoritism, extort or accept bribes and unjust enforcement shall be given disciplinary sanction by their work units or the competent department on a higher level. In case their acts constitute a crime, the wrongdoers shall be prosecuted for their criminal liability according to law.

### CHAPTER VII SUPPLEMENTARY PROVISIONS

#### Article 41 Definition of Terms

1. AIDS stands for acquired immunodeficiency syndrome.
2. The AIDS patient means the person who is found to be HIV-antibody- positive, and clinically gets conditional infection or malignant tumor or has less than 200/ml in CD4 lymph-cell counts.
3. The HIV-infected person means the person who is found to be HIV- antibody-positive without symptoms or can not be diagnosed as an AIDS patient.
4. The AIDS monitoring means the planned, systematic, long term observation of the incidence, epidemic and impact factors of AIDS in human crowd.
5. The HIV-infection test human immunodeficiency virus test means the laboratory determination of HIV or other corresponding markers on human blood, tissue fluid, excrement, tissues, organs, sperm and relevant blood products, biological tissues or other articles.
6. Those in close contact with AIDS patients and HIV-infected persons mean the spouses, sexual partners and other persons living together with the AIDS patients and HIV-infected persons, and the



drug addicts using the same syringes or injectors with the AIDS patients and HIV-infected persons, and the children of HIV-infected mothers.

7. Medical administration means a series of measures which are taken for observation of the development of AIDS patients' and HIV-infected persons' condition to prevent the spread of HIV by providing medical and psychological consultation.

8. The public places mean commercial entertainment establishments, public bathhouses, barber's shops, beauty parlors, guest houses, hotels, hostels and other commercial establishments offering accommodations.

#### Article 42 Date of Implementation

These Procedures shall become effective on March 1, 1999, and the Procedures of Shanghai Municipality for the Implementation of Monitoring and Control of AIDS approved by the Shanghai Municipal People's Government on December 22, 1998 shall be repealed at the same date.

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