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| **Law of the People's Republic of China on Animal Epidemic Prevention** <http://www.npc.gov.cn/zgrdw/english/news/newsDetail.jsp?id=2204&articleId=345100> |
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|  | (Adopted at the 26th Meeting of the Standing Committee of the Eighth National People's Congress on July 3, 1997, promulgated by Order No. 87 of the President of the People's Republic of China on July 3, 1997) Contents Chapter  I    General Provisions Chapter  II   Prevention of Animal Epidemics Chapter  III  Control and Elimination of Animal Epidemics Chapter  IV   Quarantine of Animal and Animal Products Chapter  V    Supervision over Animal Epidemic Prevention Chapter  VI   Legal Responsibility Chapter  VII  Supplementary Provisions Chapter I General Provisions Article 1  This Law is enacted with a view to strengthening administration of animal epidemic prevention, preventing, controlling and eliminating animal epidemics, promoting development of the breeding industry and protecting human health. Article 2  This Law is applicable to all activities conducted to prevent animal epidemics within the territory of the People's Republic of China. The quarantine of entry and exit animals and animal products shall be governed by the Law of the People's Republic of China on the Entry and Exit Animal and Plant Quarantine. Article 3  "Animals" as used in this Law refer to livestock and poultry as well as other animals that are artificially raised or are legally captured. "Animal products" as used in this Law refer to animals' rawhides, raw hair, semen, embryos, fertilized eggs as well as unprocessed trunks, fat, viscera, blood, wool, bones, horns, heads and hoofs. "Animal epidemics" as used in this Law refer to infectious animal diseases and parasitic animal diseases. "Animal epidemic prevention" as used in this law comprises the prevention, control and elimination of animal epidemics as well as the quarantine of animals and animal products. Article 4  Slaughtering of animals shall be subject to quarantine inspection of the trunks, heads, hoofs and viscera of animals conducted and supervised in accordance with this Law. The hygienic inspection of and supervision over the foods made of the slaughtered animals that are quarantined as up to standards shall be conducted in accordance with the provisions of the Food Hygiene Law of the People's Republic of China . Article 5  The State practises the principle of putting prevention first with regard to animal epidemics. Article 6  The administrative department for animal husbandry and veterinary under the State Council shall be in charge of animal epidemic prevention in the whole country. The administrative departments for animal husbandry and veterinary under the local people's governments at or above the county level shall be in charge of animal epidemic prevention in their respective administrative regions. The institutions for supervision over animal epidemic prevention under the people's governments at or above the county level shall effect animal epidemic prevention and exercise supervision over it. The institutions for supervision over animal epidemic prevention in the army shall be in charge of the epidemic prevention among the animals in active service and the animals raised by the army for its own use. Article 7  The people's governments at various levels shall strengthen their leadership over animal epidemic prevention. Article 8  The State encourages and supports scientific research in animal epidemic prevention, promotes the wide use of advanced scientific research findings, disseminates scientific knowledge about animal epidemic prevention, and improves work in this field. Article 9  The people's governments or the administrative departments for animal husbandry and veterinary shall award the units and individuals that have achieved successes or made contributions in animal epidemic prevention and in scientific research in this field of endeavour. Chapter II Prevention of Animal Epidemic Diseases Article 10  In light of the harmfulness of animal epidemics to production of the breeding industry and to human health, the epidemics under control as prescribed by this Law are grouped into the following three categories: (1) Category Ⅰ includes epidemics that menace human beings and animals so seriously that urgent and severe compulsory measures must be taken to prevent, control and eliminate them; (2) Category Ⅱ includes epidemics that are liable to cause heavy economic losses and call for strict measures to control and eliminate them, and to prevent them from spreading; (3) Category Ⅲ includes epidemics that are common and frequently-occurring, and are  liable to cause heavy economic losses and need to be controlled and for which sterilization is necessary. The catalogues of the specific diseases under the three categories of epidemics  mentioned above shall be worked out and issued by the administrative department for animal husbandry and veterinary under the State Council. Article 11  The administrative department for animal husbandry and veterinary under the State Council shall formulate national plans for animal epidemic prevention. The administrative department for animal husbandry and veterinary under the State Council shall, in light of the animal epidemic situations at home and abroad and the need for protecting production of the breeding industry and human health, draw up and announce measures for animal epidemic prevention in good time. The State practises a planned immunization system with regard to animal epidemics that seriously harm production of the breeding industry and human health and implements compulsory immunization. The catalogues of the animal epidemics that are subject to compulsory immunization shall be worked out and issued by the administrative department for animal husbandry and veterinary under the State Council. With regard to prevention of the animal epidemics that are not subject to compulsory immunization, the administrative departments for animal husbandry and veterinary under the local people's governments at or above the county level shall formulate plans thereon and submit them to the people's governments at the same level for approval before implementation. Article 12  The State shall take measures to prevent and eliminate animal epidemics that are seriously harmful to production of the breeding industry and to human health. There shall be appropriate reserve of the medicines, biological products and relevant materials needed for preventing and eliminating animal epidemics, which shall be incorporated into the plans for national economic and social development . Article 13  The institutions for supervision over animal epidemic prevention shall improve the publicity and education, technical guidance and training in animal epidemic prevention and consultancy service therefor, and see to it that the plans for immunization against animal epidemics are carried out . Animal epidemic prevention organizations of townships, nationality townships and towns shall, under the guidance of the institutions for supervision over animal epidemic prevention, see to it that animal epidemics are effectively prevented. Article 14  Units and individuals that raise and deal in animals or manufacture and deal in animal products shall , in accordance with the provisions of this Law and relevant State regulations, immunize the animals against epidemics in a planned way and prevent such diseases effectively and place themselves under the monitoring and supervision of the institutions for supervision over animal epidemic prevention. Article 15  Animal-raising farms shall wipe out animal epidemics without delay. Breeding stock and poultry must be up to the health standards set by the State. Article 16  The means of transport and the bedding, padding and packaging materials for animals and animal products shall meet the requirements for animal epidemic prevention set by the administrative department for animal husbandry and veterinary under the State Council. Epidemic-infected animals and their excrement, products of epidemic-infected animals, and carcasses of animals that died of illness or of uncertain causes must be handled according to the relevant regulations of the administrative department for animal husbandry and veterinary under the State Council, and may not be disposed of at will. Article 17  Animal pathogenic microbe shall be preserved, utilized, and transported in compliance with the administration system and operation procedures prescribed by the State. Where pathological materials of disease-infected animals are needed specially for scientific research, teaching or epidemic prevention, they shall be transported in accordance with the relevant regulations of the State. Institutions for scientific research of animal epidemics shall, in accordance with the relevant State regulations, exercise strict control over the laboratory animals so as to prevent the spread of animal epidemics. Article 18  It is forbidden to deal in the animals and products of the animals as follows: (1) that are relevant to the animal epidemic occurring in a blockaded epidemic       area; (2) that are vulnerable to infection in an epidemic area; (3) that fail to undergo quarantine inspection as is required by law or fail to pass the quarantine inspection; (4) that have already contracted the epidemic; (5) that died of illness or of uncertain causes; or (6) that are under other circumstances not conforming to regulations of the State regarding animal epidemic prevention. Chapter III Control and Elimination of Animal Epidemics Article 19  The administrative department for animal husbandry and veterinary under the State Council shall exercise unified control over and publicly announce the animal epidemic situations throughout the country, and may also, when necessary, authorize the administrative departments for animal husbandry and veterinary under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government to publicly announce the animal epidemic situations in their respective administrative regions. Article 20  Any units or individuals that discover or suspect an animal to have contracted an epidemic shall immediately report the matter to the local institutions for supervision over animal epidemic prevention. The said institutions shall take prompt measures and report the matter to the higher authorities according to relevant State regulations. No units or individuals may conceal a report or make a false report about or prevent another unit or person from reporting on the epidemic situations. Article 21  When an animal epidemic of Category Ⅰoccurs, the administrative department for animal husbandry and veterinary under the local people's government at or above the county level shall promptly dispatch people to the scene to demarcate the epidemic place, epidemic area and vulnerable area, and to collect pathological materials of disease-infected animals, find out the source of the epidemic, and immediately report to the people's government at the same level, requesting it to decide on blockading the epidemic area, and report, level by level, the epidemic situations to the administrative department for animal husbandry and veterinary under the State Council. The local people's government at or above the county level shall promptly ask the departments and units concerned to take compulsory measures such as isolating, catching and killing, exterminating, sterilizing or giving emergency immunization to the disease-infected animals so as to swiftly keep the epidemic under control and wipe it out,  and inform the neighboring regions of the matter. During the period of blockade, any outflow of animals or products of animals that have contracted or that are suspected to have contracted the epidemic from the epidemic area is prohibited, and the inflow of animals from other areas into the epidemic area is also prohibited, and sterilization and other restrictive measures shall, in light of the need for eliminating the animal epidemic, also be taken for persons, means of transport and other goods entering or leaving the blockaded area. If an epidemic area covers two or more administrative regions, the common people's government at the next higher level of these administrative regions shall make a decision on blockading the epidemic area, or such a decision shall be made jointly by the people's governments at the next higher level of these respective administrative regions. Article 22  When an animal epidemic of Category Ⅱoccurs, the administrative department for animal husbandry and veterinary under the local people's government at or above the county level shall demarcate the epidemic place, epidemic area and  vulnerable area. The local people's government at or above the county level shall, where necessary, ask the departments and units concerned to take such measures as isolating, catching and killing, exterminating, sterilizing or giving emergency immunization to the disease-infected animals and restrictions on the outflow and inflow of animals, animal products and goods that are susceptible to diseases so as to keep the epidemic disease under control and wipe it out. Article 23  The termination of a demarcated epidemic place, epidemic area and vulnerable area as well as the termination of the blockade of an epidemic area shall be announced by the authorities that originally made the decision on the demarcation and the blockade. Article 24 When an animal epidemic of Category Ⅲoccurs, the people's governments at the county and township levels shall, in accordance with the plans for animal epidemic prevention and the relevant regulations of the administrative department for animal husbandry and veterinary under the State Council, organize people to treat it and sterilize the epidemic areas. Article 25  In case an animal epidemic Category Ⅱor Category Ⅲbreaks out and spreads, it shall be dealt with in accordance with the provisions of Article 21 of this Law. Article 26  For the purpose of controlling and eliminating a major animal epidemic, the institution for supervision over animal epidemic prevention may send people to join the existing local checkpoints legally set up to carry out the tasks of supervision and checkup. Provisional checkpoints for animal epidemic prevention and supervision, whenever necessary, may be set up to carry out the tasks of supervision and checkup upon approval of the people's government of a province, autonomous region or municipality directly under the Central Government. Article 27  When an epidemic occurs among both human beings and animals, the administrative department for animal husbandry and veterinary concerned shall exchange information on the epidemic situations with the administrative department of public health and relevant units. These departments and units shall take prompt measures to keep the epidemic under control and wipe it out. Article 28  The relevant units and individuals in an epidemic area shall comply with the regulations for controlling and eliminating the animal epidemic formulated according to law by the people's government at or above the county level and its administrative department for animal husbandry and veterinary. Article 29  When an animal epidemic occurs, the transportation departments, including departments of civil aviation, railways, highways and waterways, shall give priority to transporting the people who are sent to control and eliminate the epidemic and the materials for the purpose, and the telecommunications departments shall transmit reports on the epidemic situations without delay. Chapter IV Quarantine of Animals and Animal Products Article 30  The institutions for supervision over animal epidemic prevention shall, pursuant to the national standards and the trade standards, the measures for quarantine administration and the objects of quarantine as prescribed by the administrative department for animal husbandry and veterinary under the State Council, carry out quarantine inspection on animals and animal products according to law. Article 31  The institutions for supervision over animal epidemic prevention shall be manned with quarantine officers to carry out quarantine inspection on animals and animal products. Such officers shall have the specialized skill necessary for the job, their specific qualifications and the measures for issuing qualification certificates shall be stipulated by the administrative department for animal husbandry and veterinary under the State Council. The administrative departments for animal husbandry and veterinary under the people's governments at or above the county level shall improve training and appraisal of  animal quarantine officers as well as the administration of their affairs. Animal quarantine officers may take up the job and perform quarantine only after they have obtained the necessary qualification certificates. Animal quarantine officers shall perform quarantine according to the rules of quarantine and be responsible for the results thereof. Article 32  The State makes it a rule that such animals as pigs are slaughtered at designated places and that they undergo unified quarantine inspection. The people's governments of provinces, autonomous regions and municipalities  directly under the Central Government shall decide on the types of animals to be slaughtered at designated places and to undergo unified quarantine inspection and the areas for the purpose in their respective administrative regions; the specific slaughter houses(places) shall be determined by the people's governments of cities(including those not divided into districts) and counties through consultation with the departments concerned. The institutions for supervision over animal epidemic prevention shall carry out quarantine inspection on the animals slaughtered at slaughter houses(places) and affix to them the uniform seal of quarantine inspection as is used by all such institutions. The slaughter quarantine at the slaughter houses and integrated meat-packing plants as decided through consultation by the administrative department for animal husbandry and veterinary and the administrative department for commodity circulation under the State Council shall be conducted according to the relevant regulations of the State Council, and it shall be subject to supervision according to law. Article 33  Measures for administration of quarantine of such animals as pigs slaughtered by individual farmers for their own use shall be drawn up by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government. Article 34  The institutions for supervision over animal epidemic prevention, when performing quarantine according to law, shall collect a quarantine fee according to the regulations set by the administrative departments of finance and price control under the State Council. They may not impose any extra charges, neither may they collect the same fee a second time. Article 35  The institutions for supervision over animal epidemic prevention may not engage in any profit-making activities. Article 36  The breeding animals, their semen, embryos and fertilized eggs to be introduced from another place of the country shall be subject to formalities for prior examination and approval, in respect of quarantine, by the local institution for supervision over animal epidemic prevention and must pass quarantine inspection. Article 37  Captured wild animals that might spread animal epidemics must undergo and pass the quarantine inspection conducted by the institution for supervision over animal epidemic prevention at the place of their capture or the place of acceptance before they are sold or transported. Article 38  The institutions for supervision over animal epidemic prevention shall issue quarantine certificates for animals and animal products that have passed quarantine inspection and shall, in addition, place the quarantine inspection marks or sealings which are used by such institutions on such animal products. Animals or animal products that fail to pass quarantine inspection shall be subjected to anti-epidemic sterilization or other innocent treatment by the owners thereof under the supervision of animal quarantine officers. Those that cannot undergo innocent treatment shall be exterminated. Article 39  Animals may be sold or transported and may participate in exhibitions, performances and competitions on the strength of quarantine certificates. Animal products may be sold or transported on the strength of quarantine certificates and quarantine inspection marks or sealings. Article 40  Quarantine certificates may not be transferred, altered or forged. The form of the quarantine certificates and the measures for control of such certificates shall be drawn up by the administrative department for animal husbandry and veterinary under the State Council Chapter V Supervision over Animal Epidemic Prevention Article 41  The institutions for supervision over animal epidemic prevention shall exercise supervision over animal epidemic prevention according to law. When performing their tasks of monitoring and supervision, the institutions for supervision over animal epidemic prevention may take samples from animals and animal products, keep them for further quarantine inspection or conduct random inspection; conduct or repeat quarantine inspection on animals and animal products for which no quarantine certificates have been obtained; isolate and dispose of the animals that have contracted the epidemic or that are suspected to have contracted the epidemic and seal up and dispose of the products of animals that have contracted the epidemic. Article 42   Before having the animals and animal products transported by rail, highway, waterway, or air, the consignors must produce quarantine certificates; the carriers may only accept for carriage against the quarantine certificates. The institutions for supervision over animal epidemic prevention shall have the power to supervise and check the transportation of animals and animal products according to law. Article 43  When performing their tasks of supervision and inspection, the supervisors of animal epidemic prevention shall present their papers, and the units and the individuals concerned shall assist and cooperate with them. When conducting supervision and inspection of animal epidemic prevention, the institutions for supervision over animal epidemic prevention and their officers may not charge fees. Article 44  The sites of animal-raising farms, storage houses, slaughter houses, integrated meat-packing plants, other designated slaughter houses(places) and cold storage houses of animal products shall be selected and designed in conformity with the requirements for animal epidemic prevention laid down by the administrative department for animal husbandry and veterinary under the State Council. Article 45  Animal-raising farms, slaughter houses ,integrated meat-packing plants and other designated slaughter houses (places) shall raise and deal in animals or manufacture and deal in animal products in conformity with the requirements for animal epidemic prevention laid down by the administrative department for animal husbandry and veterinary under the State Council, and place themselves under the supervision and inspection by the institutions for supervision over animal epidemic prevention. Institutions that are engaged in veterinary activities shall have specialized technicians qualified for the work and obtain veterinary permits issued by the administrative departments for animal husbandry and veterinary. Persons suffering from an infectious disease which may be contracted by both human beings and animals may neither directly make diagnosis for or treat animals, nor raise or deal in animals, nor manufacture or deal in animal products. Chapter VI Legal Responsibility Article 46  Whoever, in violation of the provisions of this Law, commits any of the following acts shall be given an administrative warning by the institution for supervision over animal epidemic prevention ; if he refuses to set it right, the said institution itself shall handle the case according to law and all the cost thus incurred shall be borne by the offender: (1) failing to carry out timely immunization and sterilization with regard to the animals he raises or deals in, according to the plan of compulsory immunization against animal epidemics and relevant State regulations; (2) failing to clean and sterilize, according to relevant State regulations, the means of transport, bedding, padding and packaging materials for animals and animal products; or (3) failing to dispose of, according to relevant State regulations, epidemic-infected animals and their excrement, products of epidemic-infected animals, or carcasses of animals that died of illness or of uncertain causes. Article 47  Whoever, in violation of the provisions of Article 17 of this Law, preserves, utilizes or transports animal pathogenic microbe or transports pathological materials of disease-infected animals shall be given an administrative warning by the institution for supervision over animal epidemic prevention and may also be fined not more than 2,000 yuan. Article 48  Whoever, in violation of the provisions of this Law, deals in the following animals or animal products shall be ordered by the institution for supervision over animal epidemic prevention to stop doing so, which shall take prompt measures to recover the animals and animal products already sold out and confiscate the illegal gains and the animals and animal products not yet sold. If the circumstances are serious, he may also be fined not more than five times the illegal gains: (1) that are relevant to the animal epidemic occurring in a blockaded epidemic area; (2) that are vulnerable to infection in an epidemic area; (3) that fail to pass quarantine inspection although they have undergone it according to law; (4) that have already contracted the epidemic (5) that died of illness or of uncertain causes; or (6) that are under other circumstances not conforming to regulations of the State regarding animal epidemic prevention. Article 49  Whoever, in violation of the provisions of this Law, deals in animals or animal products that are subject to quarantine inspection according to law but fail to obtain any quarantine certificate shall be ordered by the institution for supervision over animal epidemic prevention to stop dealing in them, which shall confiscate the illegal gains; the animals and the animal products not yet sold shall be subjected to quarantine inspection according to law and dealt with in accordance with the provisions of Article 38 of this Law. Article 50  Whoever ,in violation of the provisions of Article 42 of this Law, fails to implement the provisions on transporting animals and animal products by virtue of quarantine certificates shall be given an administrative warning and ordered to set it right by the institution for supervision over animal epidemic prevention; if the circumstances are serious, the consignor and the carrier may each be fined not more than three times the freight. Article 51  If a person transfers, alters or forges a quarantine certificate, his illegal gains shall be confiscated by the institution for supervision over animal epidemic prevention and the quarantine certificate seized. If a person transfers or alters a quarantine certificate, he shall, in addition, be fined not less than 2,000 yuan but not more than 5,000 yuan, where the amount of his illegal gains exceeds 5,000 yuan, he shall be fined not less than one time but not more than three times the amount of his illegal gains. If a person forges a quarantine certificate, he shall, in addition, be fined not less than 10,000 yuan but not more than 30,000 yuan, where the amount of his illegal gains exceeds 30,000 yuan, he shall be fined not less than one time but not more than three times the amount of his illegal gains. If a crime is constituted, the person shall be investigated for criminal responsibility according to law. Article 52  If a unit that raises and deals in animals or manufactures and deals in animal products, in violation of the provisions of paragraph 1 of Article 45 of this Law, fails to meet the requirements for animal epidemic prevention, it shall be given an administrative warning and ordered to make amends by the institution for supervision over animal epidemic prevention. If it refuses to do so, it shall, in addition, be fined not less than 10,000 yuan but not more than 30,000 yuan. Article 53  Any unit that, in violation of the provisions of this Law, conceals a report or makes a false report on animal epidemic situations or obstructs another unit or person from reporting on such situations, shall be given an administrative warning by the institution for supervision over animal epidemic prevention and be fined not less than 2,000 yuan but not more than 5,000 yuan; the persons who are directly in charge and the other persons who are directly responsible for the violation shall be given administrative sanctions according to law. Article 54  Whoever, in violation of the provisions of this Law, evades quarantine inspection, thus resulting in the occurrence of a major animal epidemic and consequently causing heavy losses to production of the breeding industry and seriously harming human health, shall be investigated for criminal responsibility according to law. Article 55  If a quarantine officer, in violation of the provisions of this Law, issues quarantine certificates for or affix quarantine seals on animals or animal products that have not undergone quarantine inspection or fail to pass the quarantine inspection, he shall be given a demerit or his qualifications as a quarantine officer be revoked by his work unit or by the competent higher authorities. If the circumstances are serious, he shall be expelled from the unit. If the violation as mentioned in the preceding paragraph causes harm to the parties concerned, the unit to which the quarantine officer belongs shall be liable for compensation. Article 56  If a member of the institution for supervision over animal epidemic prevention abuses his power, neglects his duty, commits irregularity for the benefit of his relatives or friends, conceals a report or delays reporting on epidemic situations, or falsifies a result of quarantine inspection, where his act constitutes a crime, he shall be investigated for criminal responsibility according to law; if the circumstances are not serious enough to constitute a crime, he shall be given administrative sanctions according to law. Article 57  Whoever obstructs a member of the institution for supervision over animal epidemic prevention from performing his duty according to law, if a crime is constituted, shall be investigated for criminal responsibility according to law; if the circumstances are not serious enough to constitute a crime, he shall be punished in accordance with the regulations on administrative penalties for public security. Chapter VII Supplementary Provisions Article 58  This Law shall go into effect as of January 1,1998.  |
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