

ACT

of July 14, 2000

on protection of public health and amendment to some related Acts

The Parliament has passed the following Act of the Czech Republic:

PART ONE

RIGHTS AND OBLIGATIONS OF PERSONS

**AND EXECUTION OF THE STATE ADMINISTRATION IN PROTECTION
OF PUBLIC HEALTH**

CHAPTER I

BASIC PROVISIONS

§ 1

Subject of the Regulation

The Act provides for rights and obligations of natural and legal persons in the field of protection and promotion of public health and for the structure of the bodies protection of public health, the jurisdiction and powers thereof.

§ 2

Definition of Basic Concepts

(1) Public health is the health condition of the population and of groups thereof. Such health condition shall be determined according to the complex of natural, living and working conditions and the life style.

(2) Protection and promotion of public health is a complex of activities and measures aimed at creation and protection of healthy living and working conditions, and prevention of spreading of contagious and mass diseases, diseases related to work and other important health disorders, and monitoring thereof and compliance therewith.

(3) Evaluation of health risks is an estimate of the degree of importance of burdening of the population exposed to risk factors of living and working conditions and the life style. The result of the evaluation of health risks shall be the basis for management of health risks which is a decision-making process aimed at decreasing health risks.

(4) Introduction of a product to circulation means offering thereof for sale, handing out, sale or other manner of providing the product¹⁾ to a consumer²⁾ or for production or operational purposes. A product for the purposes of this Act shall not consist in water in swimming pools and saunas, and in the material of surfaces specified in § 13 (2).

(5) A contagious disease means a disease, with or without symptoms, caused by the originator of the infection or by a toxin thereof which occurs as a consequence of a transfer of such originator or a toxin thereof from a contagious natural person, animal or non-living substrate to a susceptible natural person.

¹⁾ § 2 of Act No. 22/1997 Coll., on technical requirements for products and amending and supplementing some Acts, as amended by Act No. 71/2000 Coll.

²⁾ § 2 (1) (a) of Act No. 634/1992 Coll., on protection of consumers, as amended by Act No. 104/1995 Coll.

(6) An isolation means a separation of a natural person with a contagious disease from other natural persons for the period of contagiousness of such disease, in a manner that will prevent or limit the transfer of the infection to other natural persons who could further spread the infection.

(7) Quarantine measures consist in

- a) a quarantine which means a limitation of activities of a healthy natural person who has come into contact with a contagious disease or has been in the center of infection during the period of incubation (hereinafter a "natural person suspected of being infected"), and medical examination of such natural person in order to prevent a transfer of the contagious disease during the period of possible spreading of such disease,
- b) medical supervision in which the natural person suspected of being infected is obliged to visit a doctor for the purpose of examination or to undergo an examination on dates as laid down in a preliminary measure of a medical facility of the state medical-prevention care,³⁾ of a person operating a non-state medical facility⁴⁾ or in a decision of the competent body for protection of the public health,
- c) increased medical supervision consisting in medical supervision of a natural person suspected of being infected, on whom prohibition of an activity or modification of working conditions has been imposed in order to limit the possibility of spreading of a contagious disease.

CHAPTER II

CARE FOR LIVING AND WORKING CONDITIONS

Section 1

Water and Products That Come into Direct Contact with Water, Chemical Substances, Chemical Preparations and Water-Works Technologies, Swimming Pools and Saunas

§ 3

Hygienic Requirements for Water

(1) Potable water is a health-safe water which, even if permanently used, does not cause illness or health disorders by presence of microorganisms or substances affecting health of natural persons and their descendants in an acute, chronic or delayed manner, and whose sensually perceptive properties and quality do not prevent use and utilization thereof for hygienic needs of natural persons. Health safety shall be determined according to hygienic limits for microbiological, biological, physical and chemical indicators specified in a regulation for implementation.

(2) The owner or manager of a public water-supply system,⁵⁾ a person who has designated a public well as a source of potable water, and a person, who is a producer of potable water or who provides for alternative withdrawal thereof,⁶⁾ shall be obliged to ensure that the supplied potable water meets requirements pursuant to paragraph 1. For the purposes of this Act, a producer of potable water shall be a natural person carrying out business activities or a legal person, who produces and utilizes potable water as a part of his/her business or other activities or supplies potable water for the purpose of consumption thereof by natural persons.

(3) A producer may produce hot water, which is to be supplied by means of a hot-utility-water distribution system, only from potable water.

(4) On request by persons specified in paragraph 2, the competent body for protection of the public health may, for a limited period of time, permit utilization of water that does not comply with the hygienic limits for indicators for a potable water. Such permission may not be issued if non-compliance with a hygienic limit for any indicator existed for a longer period than a total of 30 days during the last year or if the concerned indicator is the

³⁾ § 11 and § 32 (1)(b) of Act No. 20/1966 Coll., on care for health of the population, as amended.

⁴⁾ Act No. 160/1992 Coll., on medical care in non-state medical facilities, as amended by Act No. 161/1993 Coll.

⁵⁾ § 1 of Decree No. 144/1978 Coll., on public water-supply systems and public sewers, as amended by Decree No. 185/1988 Coll.

⁶⁾ Act No. 138/1973 Coll., on waters (the Water Act), as amended.

one with the highest threshold value or with the risk reference threshold value, and remedy cannot be provided for within 30 days. A regulation for implementation shall provide for the requisites for the proposal.

(5) A body for protection of the public health shall issue permission pursuant to paragraph 4 if supplies of potable water cannot be provided for otherwise and public health will not be endangered. A regulation for implementation shall provide for the requisites for the proposal.

§ 4

Obligations of Persons in Control of Potable Water, Water-Works Treatment of Raw Water and Supplies of Potable Water

(1) Persons specified in § 3 (2) shall be obliged, in the minimal scope and frequency laid down in a regulation for implementation, to control whether hygienic limits for indicators specified in a regulation for implementation or permitted by the competent body for protection of the public health are complied with. The competent body for protection of the public health shall lay down the sites for sampling of potable water on the basis of a proposal by a producer of potable water or at its own instigation. The above persons shall be obliged to keep records of the control; a regulation for implementation shall lay down the requisites for such records. They shall be obliged to submit a copy of the records to the competent body for protection of the public health pursuant to the location of activities.

(2) At its own instigation or on the basis of a proposal by a person specified in § 3 (2), the competent body for protection of the public health may change the scope and frequency of control of potable water as laid down in a regulation for implementation, in the following manner:

- a) increase the above by supplementing indicators whose value is approaching the hygienic limit or other indicators whose occurrence may be expected for the reasons of geological composition, accident or other extraordinary events,
- b) decrease the above in case of demonstrably constant and satisfactory values of indicators of quality of the produced potable water and the source thereof proven by statistically substantial number of data;

a regulation for implementation shall provide for the requisites for the proposal.

(3) In the extent laid down by the competent body for protection of the public health, a person specified in § 3 (2) shall be obliged to ensure control of potable water in an accredited or authorized laboratory.⁷⁾

(4) If a person specified in § 3 (2) establishes occurrence of other substances or components of potable water, that are not provided in a regulation for implementation, (s)he shall promptly notify the competent body for protection of the public health pursuant to the location of his(her) activities thereof. On the basis of such notification or at its own instigation, the body for protection of the public health shall lay down in a decision the hygienic limit for occurrence of such substances or components if these are present in water in a concentration or volume that does not endanger public health. A person specified in § 3 (2) shall be obliged to control compliance with the hygienic limit with a frequency laid down in a regulation for implementation for occurrence of other indicators for potable water.

(5) During water-works treatment of water from which potable water is obtained (hereinafter "raw water"), the persons specified in § 3 (2) may only use chemical substances or chemical preparations and water-works technologies provided for in a regulation for implementation or permitted by the competent body for protection of the public health. On request by a person specified in § 3 (2), the body for protection of the public health shall issue a permission if the supplied water complies with the hygienic requirements pursuant to § 3 (1). A regulation for implementation shall provide for the requisites for the request.

(6) Persons specified in § 3 (2) may only use products, that comply with hygienic requirements pursuant to § 5, for production, distribution and mass supplies of potable water.

(7) A person who provides for mass supplies of potable water to the population from a water-supply system or from a public well that is designated as a source of potable water shall be obliged to inform the customers promptly of any accident or other unpredictable event in supplies of potable water.

⁷⁾ Act No. 22/1977 Coll., as amended by Act No. 71/2000 Coll.

Products Coming into Direct Contact with Potable and Raw Water, Chemical Substances, Chemical Preparations and Water-Works Technologies

(1) The producer or importer of a product intended for direct contact with potable or raw water (hereinafter "products coming into direct contact with water") and the producer or importer of a chemical substance or chemical preparation intended for treatment of raw water into potable water shall be obliged to ensure that the composition thereof and labeling thereof on packaging, tags, in accompanying documentation or instructions for use complies with the hygienic requirements laid down in a regulation for implementation. Further, the producer or importer of products coming into direct contact with water shall be obliged to ensure that the surface treatment of the product complies with the hygienic requirements laid down in a regulation for implementation.

(2) The producer or importer of products coming into direct contact with water shall be obliged, prior to introduction thereof into circulation, to verify through a leach test that no unfavorable effect on potable water will occur. (S)he shall be obliged to keep records of the test. A regulation for implementation shall provide for the manner of carrying out and evaluation of the test and the requisites for the records.

(3) The producer and importer must always equip a product coming into direct contact with water and a chemical substance or chemical preparation, which could cause damage to health of natural persons or deteriorate potable or raw water, with instructions for use and, if necessary, also with instructions for elimination of consequences of incorrect use. The instructions must be in Czech language or in Slovak language, as appropriate.

(4) Otherwise, a special regulation⁷⁾ shall be apply to evaluation of safety of products coming into direct contact with water, for construction products in the sense of the special regulation.⁸⁾

(5) On the basis of a proposal by the producer or importer, the competent body for protection of the public health shall decide on admissibility and contents of, or migration limit for, as appropriate, substances that are not provided for in a regulation for implementation, for products coming into direct contact with water, with the exception of products specified in paragraph 4, as well as on any different surface treatment thereof. The body for protection of the public health shall issue a permission if, according to the submitted certificate, the supplied water will comply with the hygienic requirements pursuant to § 3 (1). A regulation for implementation shall provide for the requisites for the application.

Swimming Pools and Saunas

(1) A natural swimming pool consists in a natural water surface, that is designated as suitable for bathing, and the related operational premises with equipment. An artificial swimming pool consists in a roofed or open construction intended for bathing and related operational premises with equipment.

(2) A person who operates a natural swimming pool, an artificial swimming pool or a sauna (hereinafter a "swimming pool") shall be obliged to meet the conditions laid down in this Act. If the swimming pool is operated as a charge-free service for the purpose of satisfying the needs of natural persons, the person who has designated the swimming pool as such shall be responsible for fulfillment of obligations pursuant to this Act.

(3) A person who operates a swimming pool shall be obliged

- a) to ensure that water in the swimming pool complies with the hygienic limits for quality indicators laid down in a regulation for implementation,
- b) to control and evaluate compliance with the obligation pursuant to letter a) in a manner, with a frequency and in the scope laid down in a regulation for implementation,
- c) to ensure fulfillment of conditions laid down in a regulation for implementation as regards the equipment, cleaning and cleaning-up thereof,
- d) to draw up operational rules in which (s)he shall lay down conditions for operation including the manner of treatment of water, rules of personal hygiene of employees and protection of health of the visitors, and

⁸⁾ Regulation of the Government No. 178/1997 Coll., laying down the technical requirements for construction products, as amended by Regulation of the Government No. 81/1999 Coll.

the manner of cleaning up the environment; (s)he shall submit the draft operational rules and any changes therein to the competent body for protection of the public health for approval,

- e) to keep records of results of controls carried out in the scope pursuant to letter b) and to maintain such records for a period of 5 years.

(4) A person who operates an artificial swimming pool or sauna shall further be obliged

- a) to carry out disinfection and treatment of water in the artificial swimming pool and sauna in a manner specified in a regulation for implementation and to comply with hygienic requirements for the intensity of re-circulation thereof as laid down in a regulation for implementation,
- b) to ensure that water in the source for the artificial swimming pool and sauna has the quality as laid down in a regulation for implementation,
- c) to comply with hygienic requirements laid down in a regulation for implementation for the construction and spatial design thereof,
- d) to provide for microclimate conditions laid down in a regulation for implementation.

(5) If a person specified in paragraph 2 establishes occurrence of other substances or components, that are not provided for in a regulation for implementation, in water contained in the swimming pool or in water in the source for an artificial swimming pool or sauna, (s)he shall notify the competent body for protection of the public health pursuant to the location of his(her) activities promptly thereof. On the basis of such notification or at its own instigation, in a decision, the body for protection of the public health shall lay down the hygienic limit for occurrence of such substances or components if these are present in water in a concentration or volume that does not endanger public health. A person specified paragraph 2 shall be obliged to control compliance with the hygienic limit in a manner and with a frequency laid down in a regulation for implementation for occurrence of other indicators for water.

Section 2

Conditions for Training, Education and Recreation of Children and Youth and Conditions for the Internal Environment of a Structure

§ 7

Hygienic Requirements for Premises and Operation of Schools, Pre-School and Educational Facilities and Recreational Undertakings

(1) Schools,⁹⁾ pre-school and educational facilities included in the network of pre-school facilities, schools and educational facilities¹⁰⁾, with the exception of school libraries, schools in nature and pedagogical-psychological consultancy centers (hereinafter "facilities for training and education") shall be obliged to ensure that hygienic requirements laid down in a regulation for implementation for spatial conditions, equipment, operation, lighting, heating, microclimate conditions, water supplies and cleaning-up are complied with.

(2) A facility for training and education shall provide for the daily regime reflecting age and physical specificities of children and youth, conditions for their physical training and hardening, the regime of boarding, including the drinking regime, and the manner of disposing of clothes and linen, as appropriate, in operational rules.

(3) In order to prevent occurrence and spreading of contagious diseases, the facility for training and education shall be obliged to ensure separation of a child or youth, who exhibits symptoms of an acute disease, from other children and youth and to ensure supervision thereof by an adult natural person.

§ 8

⁹⁾ Act No. 29/1984 Coll., on the system of elementary schools, secondary schools and higher professional schools (the School Act), as amended.

¹⁰⁾ Act No. 564/1990 Coll., on state administration and self-governing in the educational system, as amended.
Act No. 76/1978 Coll., on educational facilities, as amended.

Recreational Undertakings

(1) A recreational undertaking is an organized stay of 20 or more children under 15 years of age for a period exceeding 4 days, the purpose of which consists in strengthening of health of children and increasing physical abilities thereof.

(2) A person who arranges for a recreational undertaking (hereinafter the "arranging person") shall be obliged to provide for location thereof, water supplies and disposal of waste and sewage in accordance with hygienic requirements laid down in a regulation for implementation. Further, the arranging person shall be obliged to comply with hygienic requirements for spatial and functional division of structures and facilities, equipment and lighting thereof, accommodation, cleaning-up, boarding and daily regime as provided for in a regulation for implementation. A regulation for implementation shall lay down which foodstuffs may not be provided or used in preparation of meals by the arranging person, unless conditions specified in such regulation for implementation are complied with.

(3) One month prior to commencement of the recreational undertaking, with the exception of a recreational undertaking abroad, the arranging person shall be obliged to notify the competent body for protection of the public health pursuant to the location of the recreational undertaking, or the place of commencement thereof if a travel recreational undertaking is concerned, as appropriate, of

- a) the term and place thereof,
- b) the number of children taking part in the recreational undertaking, and
- c) the manner of providing thereof with potable water.

§ 9

Conditions for Participation of Children in Schools in Nature and Recreational Undertakings

(1) An elementary school and pre-school facility may send to a school in nature only a child who

- a) is in a health condition appropriate for participation therein,
- b) does not exhibit symptoms of an acute disease (e.g. fever or diarrhea), and
- c) within 14 calendar days prior to departure for the school in nature, has not come into contact with a natural person with a contagious disease or suspected of being infected, and a quarantine measure has been imposed thereon.

(2) The arranging person may accept to a recreational undertaking only a child who complies with the requirements laid down in paragraph 1.

(3) The health condition of the child shall be assessed, and an assessment shall be issued, by a physician for children and youth with whom such child is registered.¹¹⁾ The legal representative of the child shall confirm the facts specified in paragraph 1 (b) and (c) in a written declaration;¹²⁾ such confirmation must not be more than one day old. The legal representative shall submit the assessment on health condition of the child and the written declaration to the arranging person, or the elementary school or pre-school facility sending the child to the school in nature.

§ 10

Conditions for Participation of Natural Persons Active in Schools in Nature and Recreational Undertakings

(1) Natural persons active in schools in nature or recreational undertakings as supervisors or medical officers must be in health condition appropriate for such activity.

(2) A physician, with whom the natural person is registered,¹¹⁾ shall assess the health condition thereof and issue an assessment. The natural persons active in schools in nature or recreational undertakings, with the

¹¹⁾ § 18 of Act No. 48/1997 Coll., on public health insurance and amending and supplementing some related Acts.

¹²⁾ § 36, 37 and 78 of Act No. 94/1963 Coll., on family, as amended.

exception of pedagogical¹³⁾ and medical¹⁴⁾ officers, shall submit the assessment of health condition to the elementary school or pre-school facility sending children to the school in nature, or to the arranging person.

(3) Natural persons active in boarding must comply with requirements for carrying out epidemiologically important activities (§ 19).

§ 11

Obligation of Elementary Schools and Pre-School Facilities Sending Children to Schools in Nature, and of Arranging Persons

(1) Elementary schools and pre-school facilities sending children to schools in nature, and arranging persons shall be obliged to ensure

- a) basic care for health of all participants by a competent natural person (medical officer); for the purposes of this Act, a competent person shall be a natural person who has completed at least a secondary professional school in the following professions: general nurse, children's nurse or birth assistant; a natural person who has completed a first-aid course specialized in medical activities in schools in nature or recreational undertakings; and a student of a medical college after completing the third year of studies,
- b) equipment of a first-aid box for a school in nature or recreational undertaking according to the type of undertaking,
- c) care provided by a physician who is accessible from the place of the school in nature or the recreational undertaking, with the exception of a school in nature and recreational undertaking taking place abroad,
- d) keeping of a medical log and of a list of participants and storing of such records for a period of 6 months following the end of the school in nature or recreational undertaking,
- e) informing of the legal representative of a child of health problems experienced by the child during a school in nature or recreational undertaking, and of any contact thereof with an infection.

(2) Further, the arranging person shall be obliged to provide for an instruction course for all natural persons active in the recreational undertaking, with the exception of the medical officer, on hygienic requirements for such undertakings and on previous occurrence and spreading of contagious diseases and other health disorders, unless such persons have already taken part in such a course.

§ 12

Other Similar Undertakings for Children

In an organized stay of children in a smaller number or for a shorter period of time than as laid down in § 8 (1), with the exception of undertakings arranged for children in a family or similar relation, or in organizing undertakings for children the purpose of which, in addition to strengthening health and increasing physical abilities thereof, consists in acquiring of specific knowledge or capabilities, the person who arranges such undertaking must provide for hygienically suitable condition of the facility, a source of potable water from which adequate supplies can be ensured for the undertaking, and participation of only such natural persons who comply with the conditions laid down in § 10.

§ 13

Internal Environment of Structures and Hygienic Requirements for Outdoor Playgrounds

(1) The users of structures of facilities for training and education, colleges and schools in nature, structures for recreational undertakings, structures of medical facilities of therapeutic preventative care, institutes of social care and accommodation facilities, and structures for trade and for gathering of a great number of persons, shall be obliged to ensure that the internal environment of residence premises¹⁵⁾ in such structure

¹³⁾ § 51 of Act No. 29/1984 Coll., as amended by Act No. 171/1990 Coll.

¹⁴⁾ § 53 of Act No. 20/1966 Coll., as amended by Act No. 548/1991 Coll.

¹⁵⁾ Decree No. 137/1998 Coll., on general technical requirements for construction.

complies with hygienic limits for chemical, physical and biological indicators as laid down in regulations for implementation. This shall in no way prejudice the obligation of the owner of the structure pursuant to the special regulations to maintain the structure in a good construction condition.¹⁶⁾

(2) The operator of an outdoor playground intended for games and sports of children and youth shall be obliged to ensure that the sand used for games or as a surface of the playground, as well as any other materials constituting the surface of the playground, are not contaminated by microbacteria or parasites exceeding hygienic limits provided for in a regulation for implementation.

§ 14

An exception from hygienic requirements laid down in § 7 (1) may be permitted only if protection of public health is not endangered thereby. The competent body for protection of the public health shall decide on permitting an exception.

Section 3

Hygienic Requirements for Operation of Medical Facilities of Therapeutic Preventative Care and of Institutes of Social Care

§ 15

(1) A person operating a non-state medical facility or institute of social care,¹⁷⁾ a medical facility of therapeutic preventative care and/or an institute of state social care (hereinafter a "person providing care") shall be obliged to take hygienic and anti-epidemic measures for prevention of occurrence and spreading of hospital infections. A hospital infection is an infection of an internal (endogenous) or external (exogenous) origin occurred as a consequence of a stay or an operation carried out in a facility of therapeutic preventative care or institute of social care in the relevant period of incubation.

(2) A person providing care shall be obliged to lay down measures pursuant to paragraph 1 in the operational rules. The competent body for protection of the public health shall approve draft operational rules and any changes therein.

§ 16

(1) In occurrence of a hospital infection or in case of a suspicion of occurrence thereof, a person providing care shall be obliged to promptly carry out epidemiological measures to establish the source of the infection and the manner of spreading thereof, in order to prevent further spreading thereof and to treat contagious natural persons and natural person suspected of being infected.

(2) A person providing care shall further be obliged

- a) to keep records of each hospital infection and, on request, provide information thereon to the competent body for protection of the public health pursuant to the location of activities,
- b) to report to the competent body for protection of the public health pursuant to the location of activities promptly any mass occurrence of a hospital infection, hospital infection leading to severe health damage or death; a regulation for implementation shall provide for the manner of reporting.

§ 17

(1) A person providing care shall be obliged to comply with hygienic requirements for admission of natural persons to a facility of therapeutic preventative care or institute of social care and treatment thereof, water

¹⁶⁾ § 86 of Act No. 50/1976 Coll., on territorial planning and construction proceedings (the Construction Code).

¹⁷⁾ Act No. 100/1988 Coll., on social security, as amended.

§ 45 and 46 of Act No. 114/1988 Coll., on jurisdiction of bodies of the Czech Republic in social security, as amended.

supplies, cleaning-up, carrying out and control of disinfection, sterilization and higher degree of disinfection provided for in a regulation for implementation.

(2) Disinfection is a set of measures to destroy microorganisms using physical, chemical or combined procedures which are supposed to interfere with the transfer of infection from its source to a susceptible natural person.

(3) A higher degree of disinfection consists in procedures that ensure killing of bacteria, viruses, microscopic fungi and certain bacterial spores, which, however, do not guarantee killing of other microorganisms (e.g. highly resistant spores) and development stages of worms and eggs thereof important in relation to health.

(4) Sterilization is a process that leads to killing of all microorganisms capable of reproducing, including spores, to irreversible inactivation of viruses and killing of worms and eggs thereof important in relation to health.

(5) A person providing care shall be obliged to keep records of the implemented sterilization and on the results thereof in the scope laid down in a regulation for implementation. A person providing care may use any other manner of sterilization only on the basis of a permission by the competent body for protection of the public health. In application for the permission, the person providing care shall state the manner of sterilization and proof of effectiveness thereof.

§ 18

(1) A person providing care and a person operating a laundry shall be obliged to store clothes and linen from a facility of therapeutic preventative care or institute of social care according to the nature of dirtiness thereof, to transport, wash and dispose of such clothes and linen in a manner laid down in a regulation for implementation. A person operating a laundry, in which clothes and linen from a facility of therapeutic preventative care or institute of social care are washed, shall be obliged to equip such laundry in a manner laid down in a regulation for implementation.

(2) In facilities of therapeutic preventative care and institutes of social care, a person providing care may use only water which complies at least with the indicators and limits for potable water.

Part 4

Hygienic Requirements for Carrying Out Epidemiologically Important Activities

§ 19

Preconditions for Carrying out Epidemiologically Important Activities

(1) Natural persons, who carry out epidemiologically important activities, which are working activities consisting in production of foodstuffs and introduction thereof into circulation¹⁸⁾, with the exception of transport and storage of packaged foodstuffs; in boarding services, production of cosmetic products, barber's trade, chiropody, manicure and operations using special instruments (e.g. solaria and myostimulators) for body care; in cosmetic, massage, recovery and reconditioning services if, during such services, natural persons come into direct contact with foodstuffs, meals, cosmetic products or bodies of customers, must meet the following preconditions:

- a) be in health condition suitable for such activities, and
- b) have the necessary knowledge for protection of public health.

(2) The health condition shall be confirmed, prior to commencement of epidemiologically important activities, in a medical certificate

- a) for a natural person carrying out business activities and the cooperating relatives thereof, by a physician with whom such natural persons are registered,¹¹⁾

¹⁸⁾ § 2 (m) and (n) of Act No. 110/1997 Coll., on foodstuffs and tobacco products and amending and supplementing some related Acts.

- b) in other cases, by a state medical facility implementing preventative care for individual enterprises or a person operating a non-state medical facility implementing preventative care for individual enterprises¹⁹⁾ (hereinafter a "facility implementing preventative care for individual enterprises").

(3) For the purposes of this Act, a relative shall consist in the spouse or partner, natural children, adoptive children, children entrusted to foster-parent or guardian care and natural parents of an entrepreneur, his(her) spouse or partner.

(4) A regulation for implementation shall provide for the scope of necessary knowledge for protection of public health pursuant to paragraph 1 (b). The competent body for protection of the public health pursuant to the location of activities, within execution of the state medical supervision, shall be authorized to verify such knowledge of natural persons carrying out epidemiologically important activities. If, pursuant to a decision of the body for protection of the public health, the concerned natural person does not have the necessary knowledge, (s)he may not carry out epidemiologically important activities until successful passing of an examination before a commission appointed by the competent body for protection of the public health pursuant to the location of activities. The competent body for protection of the public health shall be obliged to allow the natural person to pass the examination within 15 calendar days of the day of receiving application of the natural person for re-examination. A regulation for implementation shall provide for the composition of the commission and for conditions of carrying out the examination.

§ 20

Obligations of Natural Persons Carrying Out Epidemiologically Important Activities

A natural person carrying out epidemiologically important activities shall be obliged

- a) in cases specified in a regulation for implementation or a decision of the competent body for protection of the public health, to undergo medical check-ups and examinations carried out by the physician with whom such natural person is registered,¹¹⁾
- b) to inform the physician, with whom the natural person is registered,¹¹⁾ of the type and nature of his(her) working activities,
- c) to have a medical certificate in possession during performance of working activities and to submit it to the body for protection of the public health on a request thereby,
- d) to use the necessary knowledge for protection of public health in working activities and to comply with the principles of personal and operational hygiene in the extent laid down in a regulation for implementation.

§ 21

Conditions for Carrying Out Epidemiologically Important Activities

(1) A person carrying out epidemiologically important activities shall be obliged to ensure that health of natural persons is not endangered or damaged by a contagious disease or otherwise damaged during such activities. For the purpose of carrying out epidemiologically important activities, (s)he may only use water which complies at least with the indicators and limits for potable water, unless a special regulation lays down otherwise.

(2) A person operating a barber's shop, hair dresser's shop, manicure, chiropody, cosmetic, massage, recovery and reconditioning services and services, in which special instruments for body care are used, shall be obliged to provide for a first-aid box equipped according to the nature of the provided service and to draw up operational rules. In operational rules, (s)he shall set forth the conditions for the activity, use of machines, instruments and other equipment, principles of prevention of occurrence of contagious and other diseases that could be caused by incorrect provision of services, including conditions for disinfection and sterilization, principles of personal hygiene of the employees and protection of health of customers, manner of handling clothes and linen and cleaning of the premises of the operation.

¹⁹⁾ § 18a of Act No. 20/1966 Coll., as amended.

(3) The concerned person shall submit the operational rules pursuant to paragraph 2 to the competent body for protection of the public health for approval. At commencement of activities, (s)he shall hang out the approved operational rules in the premises of the operation.

§ 22

Prohibition of and Conditions for Certain Operations

(1) A person operating cosmetic, massage and recovery services, a hair dresser's shop, barber's shop, manicure, chiropody and services in which special instruments for body care are used, may not carry out operations on diseased skin, manipulation with scars and birth-marks, operations on mucous membranes, eye conjunctivas and corneas.

(2) A person carrying out epidemiologically important activities may carry out operations, in which skin integrity is impaired, only under conditions laid down in a decision issued by the competent body for protection of the public health on the basis of a proposal of such person. A regulation for implementation shall provide for requisites for the proposal.

Further Conditions for Carrying Out Boarding Services

§ 23

(1) A boarding service consists in production, preparation or distribution of meals for the purpose of handing out thereof in the framework of a catering trade,²⁰⁾ in school canteens,²¹⁾ student's canteens, in boarding of soldiers carrying out basic and alternative services, of natural persons in detention and during execution of punishment, in the framework of medical and social services, including spas, in recreational undertakings and other similar undertakings for children (§ 12), in boarding of employees, in serving refreshment²²⁾ and in serving meals as a part of accommodation services, travel services and during mass undertakings.

(2) Meals are foodstuffs, including beverages, that are treated in a cold or hot manner or otherwise so that they can be served directly or reheated for consumption within boarding services.

(3) Boarding services may be provided only at premises that comply with hygienic requirements for location, construction, spatial and dispositional arrangement, water supplies, heating, lighting, removal of waste waters, ventilation and equipment as laid down in a regulation for implementation.

§ 24

(1) A person carrying out boarding services shall also be obliged

- a) in production and preparation of meals, to use only substances, raw materials, semi-finished products and foodstuffs that are health-safe and comply with other requirements laid down in special regulations,²³⁾
- b) to use only technological and working procedures that ensure health safety of the served meals,
- c) in cases provided for in a regulation for implementation or in a decision of the competent body for protection of the public health, to determine technological stages in production, preparation, storage, transport, distribution and introduction into circulation (critical stages), which include the greatest risk of impairing health safety of meals, carry out control thereof and keep records of critical stages, terms and results of controls thereof; in determination of critical stages, (s)he shall be obliged to proceed in a manner specified in a special regulation for foodstuffs,²⁴⁾

²⁰⁾ Act No. 455/1991 Coll., on small business (the Small-Business Act), as amended.

²¹⁾ Act No. 76/1978 Coll., as amended.

²²⁾ § 2 (d) of Decree No. 295/1997 Coll., on hygienic requirements for sale of foodstuffs and scope of equipment of shops.

²³⁾ E.g. Act No. 110/1997 Coll., as amended, Act No. 166/1999 Coll., on veterinary care and amendment to related Acts (the Veterinary Act), as amended.

²⁴⁾ § 2 (1) to (9) of Decree No. 147/1998 Coll., on the manner of determination of critical stages in production technologies.

- d) to comply with the conditions laid down in a regulation for implementation for production, preparation, distribution, transport, labeling, storage and introduction of meals into circulation, including frozen and refrigerated meals,
- e) to ensure that the served meals comply with microbiological and chemical requirements laid down in a regulation for implementation, that they have appropriate sensuous properties and comply with nutrition requirements according to the group of customers for which they are intended,
- f) to take measures against occurrence and spreading of contagious diseases and poisoning caused by the served meals,
- g) to take and store samples of the served meals in cases and manner laid down in a regulation for implementation,
- h) in the scope and under conditions laid down in the special regulation for foodstuffs²⁵⁾, to calculate and designate the nutrition value of the served meals for which (s)he provides a nutrition statement in the menu,²⁶⁾
- i) to use only health-safe materials and objects (§ 25) in production, preparation, packaging, distribution, transport, storage and introduction of meals into circulation,
- j) to ensure that natural persons active in production, preparation, packaging, distribution, transport and storage of meals and in introduction thereof into circulation use clean personal protective working means during the entire course of their activities,
- k) to ensure observance of prohibition of smoking in the scope laid down in the special regulation.²⁷⁾

(2) A person carrying out boarding activities may not chemically preserve and color any meals, with the exception of confectioner's products.

(3) In school canteens, student's canteens, in boarding of soldiers carrying out basic and alternative services, of natural persons in detention and during execution of punishment, in the framework of medical and social services, including spas, in recreational undertakings and other similar undertakings for children (§ 12) and in boarding of employees, a person carrying out boarding activities may not serve meals prepared from thermally untreated eggs and raw meat, including fish. In other boarding activities, such meals may be prepared and served only on the basis of an individual order by the customer.

Section 5

Hygienic Requirements for Objects of Common Use

§ 25

Specification of Objects of Common Use

(1) For the purposes of this Act, objects of common use mean

- a) products which, in their final condition, are in contact with foodstuffs or meals or are intended to be in contact with foodstuffs or meals,
- b) toys,²⁸⁾
- c) cosmetic products, and
- d) products for children under 3 years of age, with the exception of toys and foodstuffs.

(2) A cosmetic product is a substance or preparation intended for contact with the outer parts of the human body (skin, hair system, nails, lips and external sexual organs), teeth and mouth mucous membranes for the

²⁵⁾ Decree No. 293/1997 Coll., on the manner of calculation and designation of the nutrition value of foodstuffs and designation of information on the possible adverse effect on health.

²⁶⁾ § 3 of Decree No. 293/1997 Coll.

²⁷⁾ § 4 (1) (f) (6) of Act No. 37/1989 Coll., on protection against alcoholism and other addictions, as amended.

²⁸⁾ Regulation of the Government No. 171/1978 Coll., laying down the technical requirements for toys.

purpose of cleaning, perfuming, changing the looks and protection thereof, maintaining thereof in good condition or correcting human smells, unless this is a medical substance.²⁹⁾

§ 26

Obligations of Producers, Importers and Persons Introducing Objects of Common Use into Circulation

(1) A producer or importer of objects of common use specified in § 25 (1) (a), (c) and (d) shall be obliged to ensure that objects of common use produced or imported thereby

- a) do not cause damage to health of natural person or an adverse effect on foodstuffs or meals under usual or normally predictable conditions,
- b) comply with the hygienic requirements laid down in a regulation for implementation for composition, properties and microbiological purity thereof; (s)he shall be obliged to evaluate compliance with hygienic requirements for composition and properties under conditions laid down in a regulation for implementation,
- c) are packed in a health-safe packaging, if required by the character thereof,
- d) are designated and equipped with a written statement and instructions for use, and service and cleaning, if appropriate, according to the nature and manner of use thereof. In designation of an object of common use, (s)he shall also be obliged to include information specified in a regulation for implementation, in a manner specified by such regulation. A regulation for implementation shall specify the scope of equipment of objects of common use with a written statement and instructions.

(2) If the producer or importer of an object of common use as referred to in § 25 (1) (a), (c) and (d) cannot be determined, a person who introduces such products into circulation shall be responsible for fulfillment of obligations pursuant to paragraph 1, even though (s)he does not directly affect the properties thereof through his(her) activities. In the extent specified in a regulation for implementation, such person shall be obliged to ensure designation of an object of common use that is not packed in a packaging intended for consumers and is packed at the place of sale on request of the consumer.

(3) On the basis of a proposal by a producer or importer, the competent body for protection of the public health shall decide on admissibility and content of substances that are not specified in lists of substances permitted in cosmetic products in the regulation for implementation, and on admissibility and content of, and migration limit for, as appropriate, substances which are not specified in the regulation for implementation for objects of common use pursuant to § 25 (1) (a). A regulation for implementation shall provide for the requisites for the proposal. A body for protection of the public health may permit such composition of a cosmetic product for a period not exceeding 3 years; for objects of common use pursuant to § 25 (1) (a), for a period not exceeding 2 years. A body for protection of the public health shall permit deviations in the composition of an object of common use provided that the producer or importer specifies facts in the proposal which prove that the proposed composition will not endanger public health. In the decision, the body for protection of the public health may also lay down the manner and extent of designation of the object of common use.

(4) An exception from hygienic requirements laid down in paragraph 1 (b) for products specified in § 25 (1) (d) may be permitted only if the proposed composition will not endanger health of the relevant group of consumers. The competent body for protection of the public health shall decide on permitting the exception on the basis of a proposal by the producer or importer. A regulation for implementation shall provide for the requisites for the proposal.

(5) A producer or importer of toys specified in a regulation for implementation shall be obliged to ensure that migration of substances specified in a regulation for implementation does not exceed the set hygienic limits and that other hygienic requirements for composition of such toys specified in a regulation for implementation are complied with. The producer or importer shall be obliged to evaluate compliance with hygienic requirements under conditions laid down by a regulation for implementation. Otherwise, the safety of toys shall be evaluated pursuant to the special regulation.⁷⁾

Further Provisions on Production and Import of Cosmetic Products

²⁹⁾ Act No. 79/1997 Coll., on medical substances and on amendment to and supplementation of some related Acts, as amended.

§ 27

Obligations of Producers and Importers of Cosmetic Products

(1) Prior to introduction of a cosmetic product into circulation, the producer or importer of the cosmetic product shall be obliged to inform the competent body for protection of the public health of the business name and registered office, for a legal person, or place of business activities, for a natural person, the place of production, place where (s)he stores information laid down in the regulation for implementation, date of commencement of production or import and the list of cosmetic products which (s)he intends to produce or import. Further, for the purposes of providing first aid, the producer or importer shall be obliged to provide the competent body for protection of the public health, in the extent specified in a regulation for implementation, with information on substances contained in the cosmetic product that could endanger health of certain natural persons; the competent body for protection of the public health may only use such information for the set purpose.

(2) Further, for control purposes, a producer or importer of a cosmetic product shall be obliged to submit information laid down in a regulation for implementation to the competent body for protection of the public health, on its request and within the deadline, in the extent and in the language as specified thereby. The Code of Administrative Procedure shall not apply to such procedure.

§ 28

Conditions for Omitting Specification of Ingredients on the Packaging of a Cosmetic Product

(1) On request of a producer submitted for the reason of protection of trade secrets, the competent body for protection of the public health may permit omission of specification of one or more substances used in composition of a cosmetic product (hereinafter an "ingredient") within designation of such cosmetic product. A regulation for implementation shall provide for the requisites for the request.

(2) If a body for protection of the public health upholds the request, it shall also lay down in a decision the registration number assigned thereby to the request, which shall be stated by the producer on the packaging of the cosmetic product within designation of ingredients.

(3) A decision pursuant to paragraph 1 shall be valid for a period of 5 years. On request by the producer, the competent body for protection of the public health, following evaluation of safety of the ingredient and of the reasons of keeping secrecy thereof, may exceptionally prolong validity of the decision by the maximum of 3 years. In his(her) request, the producer shall specify reasons for prolonging the period of confidentiality of ingredients of the cosmetic product.

(4) The producer shall be obliged to notify the body for protection of the public health, that has issued a decision on upholding a request for omission of specification of an ingredient,

- a) of any changes in information contained in the request pursuant to paragraph 1,
- b) of any change in the name of the cosmetic product containing the ingredient whose designation was permitted to keep secret, at the latest 15 days prior to introduction of the product with the new name into circulation.

(5) Following evaluation of changes pursuant to paragraph 4 or if necessary for the purposes of protection of public health, a body for protection of the public health shall be authorized to revoke a permit pursuant to paragraph 1.

§ 29

Conditions for Production of Cosmetic Products and Introduction Thereof into Circulation

(1) A producer of cosmetic products shall be obliged to identify a production method complying with the proper production practice that will ensure production of health-safe cosmetic products, to appoint a natural person responsible for production thereof and, in designation of the cosmetic product, to comply with the terminology of ingredients specified in a regulation for implementation. A natural person responsible for production of cosmetic products must have education and practice specified in a regulation for implementation.

(2) Prior to introducing a cosmetic product into circulation, both the producer and the importer shall be obliged to ensure evaluation of safety thereof for the health of natural persons. Such evaluation must be carried out pursuant to the principles of a good laboratory practice in verification of chemical substances.³⁰⁾ The producer or importer may entrust with evaluation of a cosmetic product only a natural person with education and practice laid down in a regulation for implementation.

Section 6

Protection against Noise, Vibrations and Non-Ionizing Radiation

Noise and Vibrations

§ 30

Persons who use or operate, as appropriate, machines and equipment, which are sources of noise or vibrations, operators of airports³¹⁾ and owners or administrators, as appropriate, of ground communications,³²⁾ railways and other objects, the operation of which causes noise (hereinafter "sources of noise or vibrations"), shall be obliged to ensure by means of technical, organizational and other measures that the noise does not exceed hygienic limits specified in a regulation for implementation for outer premises, residential structures and structures of civic facilities and that transferring of vibrations to natural persons exceeding the set limits is prevented.

§ 31

(1) If hygienic limits cannot be complied with for important reasons in use or operation, as appropriate, of a source of noise or vibrations, with the exception of airports, the concerned person may operate the source of noise or vibrations only on the basis of a permission issued by the competent body for protection of the public health on the basis of a proposal by such person. The body for protection of the public health shall issue a temporarily limited permission provided that such person demonstrates that the noise or vibrations are limited to a reasonably feasible level and the operation or use of the source of noise or vibrations will not endanger public health. A reasonably feasible level means the ratio between costs of anti-noise or anti-vibration measures and the benefit thereof for reducing burdening with noise or vibrations.

(2) If hygienic limits for noise from the operation of civil international airports transporting more than 100 000 natural persons per annum and military airports are exceeded, the operator of the airport shall be obliged to propose a protective noise zone. The competent administrative authority pursuant to the special regulation³³⁾ shall establish the protective noise zone.

(3) For structures intended for residential use and recreation, and for workplaces and structures of civic facilities located in a protective noise zone, the operator of an airport, on the basis of an expert assessment carried out at his(her) cost, shall be obliged to gradually carry out or ensure carrying out of anti-noise measures in such scope that the hygienic limits for noise are complied with at least inside the structures. For residential structures, facilities of therapeutic preventative care, facilities of social care, schools, pre-school facilities and educational facilities, in which, according to an expert assessment, anti-noise measures would not ensure compliance with hygienic limits, the competent administrative authority may decide on expropriation thereof or commence a procedure on a change in use of the structure or removing thereof, as appropriate.

§ 32

³⁰⁾ Act No. 157/1998 Coll., on chemical substances and preparations and amendment to some other Acts, as amended. Decree No. 305/1998 Coll., laying down the principles of good laboratory practice, the procedure for verification of compliance therewith, the procedure for issuing certificates and the procedure for control of compliance with principles of good laboratory practice (principles of good laboratory practice).

³¹⁾ § 31 of Act No. 49/1997 coll., on civil aviation and amending and supplementing Act No. 455/1991 Coll., on small business (the Small-Business Act), as amended.

³²⁾ § 9 of Act No. 13/1997 Coll., on ground communications, as amended by Act No. 132/2000 Coll.

³³⁾ § 120 of Act No. 50/1976 Coll., as amended by Act No. 83/1998 Coll.

Noise from operation of services and noise from public music production (e.g. a concert, dancing event, artistic event with music) must not exceed the hygienic limits specified in a regulation for implementation. The person carrying out the service and the organizer or operator of the public music production shall ensure fulfillment of such obligation.

§ 33

No machines and equipment with a basic frequency of 4 to 8 Hz may be installed in residential structures and in structures of civic facilities. A person may install such machine or equipment in the vicinity of residential structures and structures of civic facilities only if (s)he demonstrates to the competent body for protection of the public health pursuant to the location of activities, on the basis of a study dealing with the transfer of vibrations, that no transfer of vibrations to natural persons in such structures will occur exceeding the set limits.

§ 34

(1) A regulation for implementation shall provide for hygienic limits for noise and vibrations for the day time and night time, the manner of measuring and the evaluation thereof.

(2) For the purposes of control of compliance with obligations in protection against noise and vibrations, night time means time from 22.00 P.M. to 6.00 A.M. For civil international airports transporting more than 100 000 natural persons per annum, night time shall consist in time from 23.00 P.M. and 5.00 A.M.

Non-Ionizing Radiation

§ 35

(1) Non-ionizing radiation consists in electric and magnetic fields and electromagnetic radiation with a frequency of up to 1.7×10^{15} Hz.

(2) A person who uses or operates, as appropriate, a machine or equipment which is a source of non-ionizing radiation, including lasers (hereinafter "source of non-ionizing radiation") shall be obliged

- a) to take technical and organizational measures that will ensure that exposure of natural persons in the scope as specified in a regulation for implementation does not exceed the highest admissible values of non-ionizing radiation,
- b) in establishing and evaluating exposure of natural persons and of the level of non-ionizing radiation, to proceed in a manner laid down in a regulation for implementation,
- c) in cases laid down in a regulation for implementation, to place a warning at the sites (areas, zones) where exposure of persons to non-ionizing radiation could exceed the highest admissible values.

(3) If a defect occurs in a source of non-ionizing radiation which could lead to exposure of natural persons exceeding the highest admissible values, the person who uses or operates, as appropriate, the source of non-ionizing radiation, shall promptly stop the operation thereof. This shall in no way prejudice the obligations of such person pursuant to special regulations.

§ 36

A producer and importer of a laser shall be obliged to ensure

- a) classification of the laser in the relevant class in a manner laid down in a regulation for implementation and designation of the laser with specifying of such classification,
- b) equipping of lasers classified in class II. and higher with a warning and lasers classified in classes III. and IV. with a signal system, in a manner laid down in a regulation for implementation,
- c) specification of information necessary for protection of health as laid down in a regulation for implementation, in technical documentation enclosed with each laser.

Section 7

§ 37

Categorization of Work

(1) Work shall be classified in four categories according to the scope of occurrence of factors that could affect health of employees and health risks thereof. A regulation for implementation shall lay down the criteria, factors and limits for classification of work in categories.

(2) The competent body for protection of the public health shall decide on classification of work in the second, third or fourth category. A proposal therefor shall be submitted by a person who employs natural persons in labor-law or similar working relations (hereinafter the "employer") within 30 calendar days from the day of commencement of performance of work. Other work at the workplaces of the employer that has not been thus classified shall be classified in the first category.

(3) In the proposal for classification of work in categories, the employer shall specify the results of evaluation of the risk of possible endangering of health of employees³⁴), including the results of measuring of concentrations and intensity of factors of working conditions for which hygienic limits are laid down, and determination of the variety and type of a biological agent that could cause danger to health and which is specified in a special regulation,³⁵) the number of employees in the individual categories and the manner of ensuring protection of health thereof.

(4) The employer shall be obliged to inform the competent body for protection of the public health pursuant to the location of activities promptly of every change in the conditions for performance of work which could affect the classification thereof in the relevant category. In the notification, the employer shall specify the results of measurement of related factors of working conditions.

§ 38

Measurement for the Purposes of Categorization

The employer may carry out measurement for the purposes pursuant to § 37 (3) and (4) only through a person accredited or authorized for the relevant measurement, unless (s)he has such qualification him(her)self. In measurement, the employer or other person must comply with methods laid down in a special regulation.³⁵)

§ 39

Dangerous Works

(1) Dangerous work, which, for the purposes of this Act, is work comprising the danger of occurrence of an occupational disease or other disease related to work, shall be work classified in the third and fourth categories and, in addition, work classified in the second category if so decided by the competent body for protection of the public health.

(2) An employer, at whose workplaces dangerous works are carried out, shall be obliged

- a) to ensure safe storage and handling of dangerous chemical substances and chemical preparations³⁰), and of biological agents laid down in the special regulation,³⁵)
- b) to promptly provide for extraordinary measuring of factors of working conditions if so requested by a facility implementing preventative care for individual enterprises or if so laid down in a decision of the competent body for protection of the public health,
- c) to establish the cause of exceeding limit values of indicators of biological exposure tests and ensure elimination thereof; and to inform the employees promptly of such facts,
- d) to submit the scope of measures for limitation of factors adversely affecting health to the lowest reasonable feasible level, prior to adoption thereof, to the competent body for protection of the public

³⁴) § 132a of Act No. 65/1965 Coll., the Labor Code, as amended by Act No. 155/2000 Coll.

³⁵) Act No. 65/1965 Coll., as amended.

health for approval. A reasonably feasible level means the ratio between costs paid for limitation of factors adversely affecting health of employees and the benefit thereof for improving working conditions.

(3) The facility carrying out preventative care for individual enterprises shall notify the employer of exceeding limit values of indicators of biological exposure tests. In this, it shall be obliged to maintain confidentiality of the results of tests of individual employees.

(4) A regulation for implementation shall provide for the limit values of indicators of biological exposure tests.

§ 40

Records of Dangerous Works

An employer, at whose workplaces dangerous works are performed, shall further be obliged

- a) for each employee, to keep records, as of the day of assignment of dangerous work,
 1. of the name, surname and birth certificate number,
 2. of the number of shifts completed in performing dangerous work, with the exception of the risk of a contagious disease,
 3. of the dates and types of carried out medical preventative examinations and special vaccinations related to activities at the workplaces of the employer or on immunity (resistance) to infection,
 4. of data on results of monitoring of burdening of the organism of employees by factors of working conditions and on the measured values of intensity and concentrations of factors of working conditions and the variety and type of the biological agent,
- b) to store the records pursuant to letter (a) for a period of 10 years after the end of exposure, and for work
 1. with chemical carcinogens laid down in the special regulation,³⁵⁾
 2. with asbestos,
 3. with the risk of fibrogenous dust, and
 4. with biological agents that may cause latent diseases, diseases with a very long period of incubation, or diseases which are repeatedly manifested through remissions or could have serious consequences,for a period of 40 years after the end of exposure,
- c) in dissolution thereof with no legal successors, if the period pursuant to letter b) has yet not expired, to submit the records of works pursuant to letter b) (1) to (4) to the competent body for protection of the public health pursuant to the location of the activities,
- d) to notify the competent body for protection of the public health pursuant to the location of the activities of all facts that could cause increasing of exposure of an employee to the factors of working conditions.

§ 41

Use of Biological Agents and of Asbestos

(1) An employer shall be obliged to inform the competent body for protection of the public health pursuant to the location of activities that biological agents in groups 2 to 4 specified in the special regulation³⁵⁾ will be used for the first time and of any changes in performance of such work, and, in addition, of work in which employees could be exposed to asbestos. The employer shall be obliged to make such notification at least 30 days prior to commencement of work; a regulation for implementation shall provide for the requisites for⁷ the notification.

(2) In determining the risk of biological agents and of asbestos, the employer or a person appointed thereby must proceed in a manner laid down in the special regulation.³⁵⁾

(3) An employer shall be obliged to discuss measures for prevention and limitation of risks connected with the use of biological agents in groups 2 to 4 in advance with the competent body for protection of the public health pursuant to the location of activities.

§ 42

The costs connected with ensuring protection of health in work pursuant to this Act shall be paid by the employer unless a special regulation lays down otherwise.

§ 43

Obligations laid down in § 37, 38, § 39 (2) (a) and (c), in the part of the text before semicolon, and in § 40 to 42 shall also apply to a person who carries out business activities pursuant to a special regulation and is not an employer in the sense of the special regulation.³⁵⁾

§ 44

The provisions of this Act shall in no way prejudice the obligations of employers and persons referred to in § 33 as laid down in special regulations.³⁵⁾

CHAPTER III PREVENTION OF OCCURRENCE AND SPREADING OF CONTAGIOUS DISEASES

Section 1

Vaccination and Cooperation of Bodies for Protection of the Public Health with Medical Facilities of Therapeutic Preventative Care

§ 45

(1) Medical facilities of state therapeutic preventative care and persons operating non-state medical facilities (hereinafter "medical facilities") shall cooperate with the bodies for protection of the public health in protection against occurrence and spreading, and in limitation of occurrence of contagious diseases and shall take measures laid down in this Act or measures adopted by the bodies for protection of the public health on the basis of this Act. The costs connected with such activities, which are not paid from the health insurance, shall be paid by the state in the extent laid down in a regulation for implementation.

(2) Medical facilities shall be obliged to provide for and carry out regular, special and extraordinary vaccination, vaccination in cases of injuries and not healing wounds, and prior to certain medical operations, or passive immunization of natural persons in the care thereof, as appropriate, [e.g. by administering other immunobiological preparations³⁶⁾] in the extent laid down in a regulation for implementation or international treaty binding the Czech Republic.

(3) In occurrence of a contagious disease laid down in a regulation for implementation, medical facilities shall be obliged to order an isolation in the infection department or department of tuberculosis or venerological department of a hospital, as appropriate. In other cases, isolation shall be carried out, pursuant to a temporary measure of a medical facility or a decision of the competent body for protection of the public health, in a facility of therapeutic preventative care or at home.

§ 46

(1) A natural person, who has a registered permanent place of residence in the territory of the Czech Republic, and a foreigner, who has been permitted long-term residence in the territory of the Czech Republic, shall be obliged to undergo regular vaccination of the set type in cases and terms specified in a regulation for implementation. Groups of natural persons laid down in a regulation for implementation and natural persons who are to be assigned to a workplace with a greater danger of occurrence of contagious diseases shall be obliged to undergo special vaccination of the set type and in the set extent.

³⁶⁾ § 2 (3) (d) of Act No. 79/1997 Coll.

(2) Prior to carrying out of regular and special vaccination, in cases specified in a regulation for implementation, a natural person shall be obliged to undergo examination of the state of immunity (resistance). The regular and special vaccination shall not be carried out if immunity against infection is established or if a health condition is established which prevents administering of the vaccination substance (permanent contraindication). The medical facility shall issue a document confirming such facts to the concerned natural person and shall enter the reason for not carrying out vaccination in the medical documentation.

(3) If the competent body for protection of the public health pursuant to the place of stay of a minor natural person establishes that such minor natural person has failed to undergo vaccination or examination pursuant to paragraph 2, it shall lay down in a decision which medical facility shall carry out the vaccination or examination, as appropriate. An appeal against such decision of the body for protection of the public health shall not have dilatory effect.

(4) For a person under 15 years of age, the legal representative¹²⁾ thereof shall be responsible for fulfillment of obligations pursuant to paragraphs 1 to 3.

(5) The body for protection of the public health that has issued a decision pursuant to paragraph 3 shall request the specified medical facility to carry out the vaccination or examination. The specified medical facility shall be obliged to satisfy the request.

(6) A regulation for implementation shall provide for classification of vaccination and conditions for carrying out vaccination, manners of examining immunity, workplaces with greater danger of occurrence of a contagious disease, and conditions under which natural persons may be assigned to a workplace with a greater danger of occurrence of a contagious disease, in relation to special vaccination.

§ 47

(1) For regular, special and extraordinary vaccinations, medical facilities may only use vaccination substances which will ensure protection of public health (§ 86 (4)); this shall not apply to vaccination substances against tuberculosis and tuberculin. In each vaccination, the medical facility must follow the instructions for use and the procedure laid down by the producer.

(2) In the extent specified in a regulation for implementation, a medical facility shall enter each vaccination in a vaccination certificate issued at the first vaccination, as well as in the medical documentation of the vaccinated person. In each further vaccination, the vaccinated person shall be obliged to submit the vaccination certificate for carrying out of the entry.

(3) Only medical facilities and facilities for protection of the public health specified in Annex No. 1 to this Act may carry out vaccination prior to journeys abroad, including the appropriate consultancy. A facility for protection of the public health shall also be obliged to comply with principles laid down in paragraph 1 and 2 in vaccination.

§ 48

A person, who transports and stores vaccination substances, shall be obliged to meet the conditions laid down by the producer in the instruction for use thereof.

§ 49

Vaccination substances for regular, special and extraordinary [§ 69 (1) (g)] vaccination, with the exception of substances that are paid from the public health insurance, shall be paid from the means of the state budget. Other vaccination shall be carried out for the price agreed on with the person who has ordered carrying out thereof unless special regulations lay down otherwise.³⁷⁾

§ 50

Nurseries or pre-school facilities may only accept a child who has undergone the set regular vaccinations, has a document that it is immune against infection or that it may not be vaccinated because of a permanent contraindication.

³⁷⁾ E.g. Act No. 280/1992 Coll., on sectoral, professional, enterprise and other health insurance companies, as amended.

§ 51

A medical facility shall be obliged to

- a) notify the competent body for protection of the public health pursuant to the location of activities of any unusual reactions following vaccination,
- b) provide the competent body for protection of the public health pursuant to the location of activities, on request thereby, with personal data of natural persons included in records thereof, in particular the name, surname, birth certificate number and place of permanent residence, and type and date of vaccination, permanent contraindication or immunity against infection, as appropriate,
- c) allow, for the purposes of control of prevention of occurrence and spreading of contagious diseases, an employee of a facility for protection of the public health to peruse the medical documentation and make excerpts therefrom.

§ 52

Educational facilities for performance of institution training, protective training and preventative-training care and institutes of social care shall be obliged to inform the competent body for protection of the public health pursuant to the location of activities thereof that a natural person located in such facility or institute has failed to undergo regular or special vaccination or that fulfillment of such obligation is questionable, as appropriate. A facility for training and education (§ 7 (1)) shall be obliged to provide the body for protection of the public health, on request, with information on vaccination of children and youth that visit such facility provided that the legal representative of a child or youth has provided the facility with such information on request thereby.

Measures against Spreading of Contagious Diseases by Natural Persons Secreting Infectious Germs

§ 53

(1) A natural person, who has been infected by a human immunodeficiency virus, and a natural person, who, following typhoid fever, paratyphoid fever A, B and C, bacillary dysentery, salmonellosis, diphtheria, viral liver inflammation B, C and D, tuberculosis, syphilis and gonorrhoea, secretes infectious germs for a prolonged period of time, where such fact has been notified to him(her) or the legal representatives thereof (hereinafter a "carrier"), shall be obliged

- a) to undergo medical supervision, necessary laboratory examination, treatment and other epidemiological measures,
- b) to follow the instructions of the doctor on protection of other natural persons against transfer of a contagious disease of which (s)he is a carrier,
- c) not to carry out activities in which the health of other natural persons would be endangered given the fact of him(her) being a carrier,
- d) to inform the doctor of the fact of him(her) being a carrier, prior to examination or medical operation and on admission to institutional care; if the carrier has lost consciousness, (s)he shall do so immediately when enabled by his(her) health condition,
- e) to disclose the fact of him(her) being a carrier at his(her) admission to a facility of social care,
- f) to provide his(her) physician, with whom (s)he is registered,¹¹⁾ with personal data (name, surname, date of birth, place of permanent and temporary residence), data on employment and changes in such data.

(2) A carrier of a typhoid fever, paratyphoid A, B and C, salmonellosis or bacillary dysentery must not have a medical certificate for the period of his(her) being a carrier. If a medical certificate has been issued to him(her), (s)he shall be obliged to submit it to the competent body for protection of the public health pursuant to the location of working activities of the holder of the medical certificate immediately after being notified thereof by the doctor.

(3) The competent body for protection of the public health pursuant to the place of stay of the natural person, at its own instigation or at instigation of another party, shall decide on the scope of epidemiological measures pursuant to paragraph 1 (a), with the exception of treatment, and shall lay down activities pursuant to

paragraph 1 (c); it may also order to the natural person in a decision which medical facility shall carry out the measure pursuant to paragraph 1 (a). An appeal against such decision of the body for protection of the public health shall not have dilatory effect.

(4) The body for protection of the public health which has issued a decision pursuant to paragraph 3 shall request the specified medical facility to carry out the measure pursuant to paragraph 1 (a). The specified medical facility shall be obliged to satisfy the request.

§ 54

(1) A medical facility treating a carrier shall be obliged to inform the competent body for protection of the public health pursuant to the place of stay of the carrier promptly of personal data and changes in such data, the fact that the carrier has changed his(her) job if familiar with such fact, and termination of the imposed isolation.

(2) If secreting of the originator of the infection is proved prior to release of the carrier from institutional care, the medical facility shall inform the competent body for protection of the public health pursuant to the location of activities of the medical facility thereof.

Section 2

Protective Disinfection, Disinsection and Deratization

§ 55

Protective disinfection, disinsection and deratization is an activity aiming at protection of health of natural persons and protection of living and working conditions against originators and vehicles of contagious diseases, harmful and epidemiologically important arthropods, rodents and other animals. It shall be divided to

- a) common protective disinfection, disinsection and deratization, which, as a part of cleaning and common technological and working procedures, aims at preventing occurrence of contagious diseases and occurrence of harmful and epidemiologically important arthropods, rodents and other animals,
- b) special protective disinfection, disinsection and deratization which consists in a professional activity aimed at liquidation of originators of infections, greater occurrence of vehicles of contagious diseases and harmful and epidemiologically important arthropods, rodents and other animals.

§ 56

A person carrying out protective disinfection, disinsection and deratization

- a) may only use preparations approved by the competent body for protection of the public health and must follow the instructions for use thereof as laid down by the producer,
- b) may use preparations and procedures only to the necessary degree so that the goal of protective disinfection, disinsection and deratization is achieved and the living and working conditions are not endangered or damaged,
- c) shall be obliged to control the effectiveness thereof.

§ 57

Every person shall be obliged to carry out common protective disinfection, disinsection and deratization as a part of cleaning and common technological and working procedures.

§ 58

(1) Only a person, who has professional qualification pursuant to this Act in the scope laid down in a special regulation²⁰⁾ and a permission issued by the competent body for protection of the public health for the purposes pursuant to the special regulation²⁰⁾, may carry out special protective disinfection, disinsection and

deratization, with the exception of special protective disinfection carried out by a medical facility within the premises thereof.

(2) Special protective disinfection, disinsection and deratization, with the exception of special protective disinfection carried out by a medical facility within the premises thereof, may be carried out by a natural person who

- a) is at least 18 years old,
- b) has completed a professional course,
- c) has successfully passed an examination of professional qualification before a commission and has a certificate of professional qualification.

(3) Special protective disinfection, disinsection and deratization in foodstuff or agricultural operations may be carried out, supervised and managed by a natural person who

- a) has completed a special master's course,
- b) has successfully passed an examination of professional qualification before a commission and has a certificate of professional qualification.

(4) Special protective disinfection, disinsection and deratization in which toxic or highly toxic chemical substances and chemical preparations are used,³⁰⁾ may be carried out by a natural person who

- a) is at least 18 years old,
- b) has completed a professional course in working with toxic and highly toxic chemical substances and chemical preparations,
- c) has successfully passed an examination of professional qualification before a commission and has a certificate of professional qualification.

(5) The performance of special protective disinfection, disinsection and deratization, in which toxic or highly toxic chemical substances and chemical preparations are used, may be managed and supervised by a natural person who

- a) has completed university studies in the field of medicine, veterinary medicine, pharmacy or chemistry, or in other related field, as appropriate, or has completed post-graduate studies in the field of industrial toxicology, and, for other professionals in medicine, a special course dealing with toxicology,
- b) has completed university studies in a different field than provided in letter (a), or has completed studies at a secondary school by passing an examination for school-leaving certificate, and has successfully passed an examination of professional qualification before a commission and has a certificate of professional qualification, or
- c) has other education than provided in letters (a) and (b), has completed a professional course in working with toxic and highly toxic chemical substances and chemical preparations, and has successfully passed an examination of professional qualification before a commission and has a certificate of professional qualification.

(6) A precondition for acceptance to a course pursuant to paragraph 3 (a) shall consist in 5 years of practice in special protective disinfection, disinsection and deratization. A precondition for acceptance to a course pursuant to paragraph 4 (b) and paragraph 5 (c) shall consist in completion of a special master's course. The Code of Administrative Procedure shall not apply to issuing of permissions pursuant to paragraph 1.

§ 59

(1) Only a person, who has professional qualification pursuant to § 58 (2) and a permission issued by the competent body for protection of the public health for the purposes pursuant to the special regulation,²⁰⁾ may provide courses for the purpose of obtaining the necessary knowledge for carrying out special protective disinfection, disinsection and deratization pursuant to § 58 (2) to (5).

(2) A body for protection of the public health shall issue the permission on the basis of a proposal of a person who intends to provide such courses if the proposed content and extent of the course is in accordance with a regulation for implementation, the person providing courses has the set expertise and the expertise of the lecturers corresponds to the nature of the relevant course.

(3) The person who intends to provide courses shall prove the expertise of lecturers through information on the degree of education and period of practice thereof in activities connected with special protective disinfection, disinsection and deratization.

§ 60

(1) The competent body for protection of the public health shall establish the commission for examination of professional qualification pursuant to § 58 (2) to (5). The given natural person shall submit an application for carrying out of the examination to the competent body for protection of the public health; a regulation for implementation shall provide for the requisites for the application.

(2) The competent body for protection of the public health shall issue a certificate of professional qualification; the Code of Administrative Procedure shall not apply to issuing thereof. A certificate of professional qualification shall be valid for 5 years of the day of issue thereof.

(3) A regulation for implementation shall provide for composition of the commission, and for the basic content of and conditions for carrying out examination of professional qualification.

§ 61

(1) A person, who is authorized to carry out special protective disinfection, disinsection and deratization, shall be obliged

- a) to keep records of the used preparations, the type, quantity, time, place and purpose of utilization thereof; (s)he shall be obliged to maintain such records for the period of 5 years,
- b) to inform the concerned persons of the intent to carry out extensive (in the territory of a municipality or city district) special protective disinsection and deratization.

(2) The competent body for protection of the public health, at its own instigation or at instigation of another party, may order in a decision carrying out of special protective disinfection, disinsection and deratization if there is a danger of spreading of an infection, increased occurrence of vehicles of contagious diseases or spreading of harmful and epidemiologically important arthropods, rodents and other animals.

(3) A body for protection of the public health may disclose a decision pursuant to paragraph 2 through oral promulgation if required by the urgent nature of the situation. The day of oral promulgation of the decision shall be the day of disclosure of the decision. The body for protection of the public health shall enter the promulgated decision in the minutes; however, it shall serve a written copy thereof promptly to the concerned person. An appeal may be lodged against the decision within 3 days of serving the written copy thereof. An appeal shall not have dilatory effect.

Section 3

Procedure in Establishing Occurrence of a Contagious Disease

§ 62

Reporting of Contagious Diseases and Management of Biological Materials

(1) A person providing care (§ 15 (1)), who establishes a contagious disease, suspicion of such disease or death caused thereby, secretion of originators of a contagious disease, strains of the originator of diphtheria and viral liver inflammation, or learns of such facts, shall be obliged to notify the competent body for protection of the public health pursuant to the location of activities promptly of such facts, in a manner and extent specified in a regulation for implementation. According to the type and scope of medical care provided thereby, (s)he shall simultaneously promptly ensure carrying out of initial necessary measures for prevention of spreading of the disease including sampling of a biological material and examination thereof. (S)he shall take further measures according to instructions by the body for protection of the public health.

(2) The Code of Administrative Procedure shall not apply to issuing instructions pursuant to paragraph 1. The body for protection of the public health shall communicate such instruction to the person providing care orally and shall make written record thereof. The person providing care may lodge complaints against the

instruction which (s)he shall enter in the written record or which (s)he may submit in writing within 3 days of the day of making the record. The complaints shall not have dilatory effect. A superior body for protection of the public health shall promptly make decision on the lodged complaints. The decision on complaints shall be served in writing to the person providing care. Such decision shall not be subject to appeal.

(3) A person providing care shall also be obliged

- a) in sampling of biological materials and examination thereof, to proceed pursuant to hygienic requirements specified in a regulation for implementation,
- b) to enter data specified in a regulation for implementation in the application for examination,
- c) ensure that the biological material is managed during sampling, transport, laboratory treatment, decontamination and liquidation so that health of natural persons coming into direct contact therewith is not endangered.

§ 63

Cooperation of Administrative Authorities Aimed at Prevention of Spreading of Infection

(1) In the scope of their respective jurisdiction, the Ministry of Defense and the Ministry of Interior shall inform the competent body for protection of the public health pursuant to the place of occurrence of a contagious disease promptly of occurrence of substantial sporadic and mass occurrence of a contagious disease.

(2) The bodies for protection of the public health and the bodies of veterinary administration shall report to each other any occurrence of infections which are transferable from animals to humans. The bodies of veterinary care shall also report to the bodies for protection of the public health any death of an animal caused by such infection.

(3) The bodies for protection of the public health shall cooperate with the bodies of veterinary administration in carrying out measures against infections which are transferable from animals to humans.

§ 64

Measures that Must be Complied with by Natural Persons

A natural person who has contracted a contagious disease or who is suspected of being infected, shall be obliged, according to the nature of the contagious disease

- a) to abide with isolation, administration of specific immunological preparations or chemoprophylactics, the necessary medical examination, medical check-ups and quarantine measures,
- b) to comply with limitation or prohibition, as appropriate, of using a source of potable water, foodstuffs and other products suspected to contain originators of the infection,
- c) to ensure carrying out of the ordered protective disinfection, disinsection and deratization in the center of infection,
- d) to refrain from activities that could lead to further spreading of the contagious disease and if such activities constitute a normal part of life, to carry out such activities so that the risk of spreading is decreased,
- e) to inform the body for protection of the public health or a doctor, on request thereby, of any circumstances important in the interest of epidemiological investigation.

§ 65

Implementation of Quarantine and of Protective Disinfection, Disinsection and Deratization in the Center of Infection

(1) In case of a disease subject to international medical rules (plague, cholera, yellow fever) and other contagious diseases laid down in a recommendation of the World Health Organization, a natural person suspected of being infected, on whom quarantine has been imposed, shall be isolated in a facility of therapeutic preventative care determined for the case of occurrence of such diseases. For other contagious diseases, with

regard to the character of the contagious disease, the manner of contact and period of duration thereof, places of stay and activities of natural persons suspected of being infected shall be partly limited.

(2) Protective disinfection, disinsection and deratization in the center of infection is an activity leading to protection of health of natural persons and protection of living and working conditions against originators and vehicles of contagious diseases, harmful and epidemiologically important arthropods, rodents and other animals. The center of infection is a place where the infection is spreading. The source of infection, natural persons suspected of being infected and components of the environment thereof shall be a part of the center of infection.

§ 66

Measures that Must be Complied with by Natural Persons Carrying Out Business Activities and Legal Persons

(1) Natural persons carrying out business activities and legal persons shall be obliged to abide, according to the nature of the contagious disease, with

- a) prohibition of operation of the facility or place of business, or of other activities,
- b) prohibition of transportation by certain means of transport,
- c) limitation of production, suspending of sale and prohibition of use of water, foodstuffs and other products suspected to be contaminated.

(2) Natural persons carrying out business activities and legal persons shall also be obliged to ensure carrying out of a central protective disinfection, disinsection and deratization, and recovery (hygienic securing) of water, soil, and other places and products suspected of containing originators of diseases.

§ 67

Determination of the Type and Manner of Carrying Out Anti-Epidemic Measures in the Center of Infection

(1) The competent body for protection of the public health pursuant to the place of occurrence of a contagious disease shall decide on the type and manner of implementation out of anti-epidemic measures in the center of infection. If required by the urgent nature of the situation, it may disclose the decision to the concerned person by oral promulgation. The day of oral promulgation of the decision shall be the day of disclosure of the decision. The body for protection of the public health shall enter the promulgated decision in the minutes; however, it shall serve a written copy thereof promptly to the concerned person. An appeal may be lodged against the decision within 3 days of serving the written copy thereof. An appeal shall not have dilatory effect.

(2) When establishing occurrence of a contagious disease or suspicion thereof, a medical facility may impose on the concerned natural person, through a temporary measure, the type and manner of implementation of anti-epidemic measures in the center of infection pursuant to § 64 (a) to (d). The Code of Administrative Procedure shall not apply to issuing of a temporary measure. The medical facility, which has imposed an anti-epidemic measure in the center of infection through a temporary measure, shall inform the competent body for protection of the public health pursuant to paragraph 1 promptly thereof. The natural person, on whom the anti-epidemic measure was imposed, may lodge complaints thereagainst to the given body for protection of the public health, within 3 days of receiving thereof; the lodging of complaints shall not have dilatory effect. The body for protection of the public health shall promptly make decision on the complaints. In such case, the special regulation³⁸⁾ shall not apply to reviewing of a measure of a medical facility.

(3) If necessary, in order to ensure carrying out of an epidemiological measure in the center of infection pursuant to § 64 (a), the competent body for protection of the public health pursuant to paragraph 1 may lay down, in a decision, for the concerned natural person, which medical facility shall carry out the measures. An appeal against such decision of the body for protection of the public health shall not have dilatory effect.

(4) The body for protection of the public health which has issued a decision pursuant to paragraph 3 shall request the specified medical facility to carry out the epidemiological measure pursuant to § 64 (a). The specified medical facility shall be obliged to satisfy the request.

³⁸⁾ § 77 of Act No. 20/1966 Coll., as amended.

§ 68

Carrying Out of Measures against Transferring of Contagious Diseases from Abroad

(1) Protective measures against transferring of contagious diseases from abroad shall be carried out in the places and at the premises specified in an agreement between the Ministry of Health, the Ministry of Interior, the Ministry of Transport and Communications and the Ministry of Finance. Protective measures against transferring of contagious diseases from abroad shall be imposed, and the termination thereof shall be decided on, by the competent body for protection of the public health. The Code of Administrative Procedure shall not apply to such procedure.

(2) For the purpose of implementation of a quarantine or isolation of natural persons, the competent body for protection of the public health may lay down medical facilities which shall implement such quarantine or isolation. An appeal against such decision lodged by the medical facility shall not have dilatory effect.

(3) Natural persons entering the territory of the state from abroad, if (s)he exhibits symptoms of a contagious disease, shall be obliged to abide with protective measures imposed pursuant to paragraph 1 in facilities of therapeutic preventative care specified pursuant to paragraph 2. In occurrence of yellow fever, cholera, plague, typhoid (spotted fever), hemorrhagic fevers of Ebola, Lassa and Marburg and other equally important contagious diseases amongst natural persons entering the territory of the state from abroad, natural person suspected of being infected shall also be obliged to abide with protective measures. The customs authorities shall disclose the protective measures pursuant to paragraph 1 and the decision on termination thereof on official boards at border crossings and other places where the state borders are crossed.

§ 69

Extraordinary Measures in Epidemic and the Danger of Occurrence Thereof

(1) Extraordinary measures in epidemic and the danger of occurrence thereof shall consist in

- a) prohibition or limitation of production, treatment, storage, transport, import, export, sale and other management of foodstuffs and other products through which a contagious disease may be spread, or order to destroy the above,
- b) prohibition or limitation of contact of groups of natural persons suspected of being infected with other natural persons, in particular limitation of traveling from certain areas and limitation of transportation between certain areas, prohibition or limitation of festivals, theater or cinema performances, sports and other meetings and markets, closing of facilities of social care, schools, pre-school facilities, educational facilities, recreational undertakings, as well as accommodation facilities and places providing boarding services, or limitation of operation thereof,
- c) prohibition or limitation of production, treatment, transport and other management of potable water and water used for the purposes pursuant to § 6, prohibition of use of water from wells, springs, water reservoirs, ponds, streams and rivers,
- d) an order to set aside beds in facilities of therapeutic preventative care,
- e) an order to carry out disinfection, disinsection and deratization in the center of infection within the entire affected territory,
- f) an order to place warnings on structures in which the contagious disease occurred, and the wording of such warning,
- g) extraordinary vaccination and preventative administering of other medical substances (prophylaxis),
- h) prohibition or imposing of further activities aimed at liquidation of the epidemic or danger of occurrence thereof.

(2) The competent body for protection of the public health shall impose extraordinary measures pursuant to paragraph 1 in the necessary extent and shall decide on termination thereof. The territorial jurisdiction of bodies for protection of the public health shall be determined pursuant to the place of occurrence of the contagious disease. An appeal lodged against such decision of the competent body for protection of the public health shall not have dilatory effect. The concerned persons shall be obliged to abide with the extraordinary measure.

§ 70

Treatment of Contagious Diseases

(1) For the purpose of prevention of occurrence and spreading of contagious diseases, natural persons shall be obliged to undergo treatment of a contagious disease laid down in a regulation for implementation.

(2) If a body for protection of the public health establishes that a minor natural person has failed to undergo treatment of a contagious disease pursuant to paragraph 1, it shall lay down, in a decision, for such person, the medical facility which shall provide for such treatment. The body for protection of the public health in the place of stay of the natural person shall be competent to make such decision. An appeal against such decision shall not have dilatory effect.

(3) In case of a person under 15 years of age, the legal representative¹²⁾ thereof shall be responsible for fulfillment of obligations pursuant to paragraphs 1 and 2.

(4) The body for protection of the public health that has issued a decision pursuant to paragraph 2 shall request the specified medical facility to provide for treatment. The specified medical facility shall be obliged to satisfy the request.

Section 4

Conditions for Examination of an Infection Caused by the Human Immunodeficiency Virus

§ 71

(1) A regular examination for the human immunodeficiency virus shall be carried out for donors of blood, tissue, organs, sperm and mother's milk prior to each donation. Without a test for the human immunodeficiency virus, donation shall not be admissible.

(2) Without the consent of the concerned natural person, a test for the human immunodeficiency virus may be carried out

- a) for pregnant women,
- b) for a natural person who has lost consciousness and for whom an examination for the human immunodeficiency virus is important from the viewpoint of differential diagnostics and treatment without carrying out of such examination could lead to harming of his(her) health,
- c) for a natural person who has been accused of the offense of endangering by a sexual disease, including a disease caused by the human immunodeficiency virus, or of the offense in which such infection could have been transferred to other natural persons,
- d) for a natural person who is compulsory treated for a sexual disease (§ 70).

(3) In other cases, an examination for the human immunodeficiency virus may be carried out only with the consent of the concerned natural person.

§ 72

(1) A facilities for protection of the public health may carry out a laboratory examination for the human immunodeficiency virus only on the basis of a permission issued by the competent body for protection of the public health. The body shall issue such permission if the medical facility or facility for protection of the public health complies with the following conditions:

- a) the workplace where the laboratory examination is carried out is located and equipped with instruments and materials in a manner laid down in a regulation for implementation,
- b) the head of the laboratory has

1. university education in biological sciences with specialization in the field of examination methods in clinical biochemistry or examination methods in medicinal microbiology³⁹⁾ or university education with specialization in the field of haematology and transfusion services,⁴⁰⁾ and
 2. a certificate of training in the National reference laboratory for infections caused by the human immunodeficiency virus, established by the Ministry of Health,
- c) each laboratory thereof, in which examination for the human immunodeficiency virus is carried out, shall carry out an average number of examinations each month which shall equal 400 for laboratories of the transfusion service, and 100 for other laboratories.

(2) Before the tenth day of the following month, medical facilities and facilities for protection of the public health shall report the number of examinations for the human immunodeficiency virus per month and the results thereof to contributory and budgetary organizations established for fulfillment of tasks in the scope of jurisdiction of the Ministry of Health⁴¹⁾ specified by the Ministry of Health for fulfillment of tasks in the field of examination of infections caused by the human immunodeficiency virus (hereinafter the "specified organization"). The Ministry of Health shall disclose the name of the specified organization in the Journal of the Ministry of Health.

§ 73

(1) On request by the Ministry of Health or by the specified organization, a medical facility, as well as a facility for protection of the public health shall be obliged to participate in the system of external evaluation of the quality of diagnostics of the human immunodeficiency virus.

(2) If the quality of diagnostics of the human immunodeficiency virus is inappropriate according to such evaluation and the concerned medical facility or facility for protection of the public health fails to promptly provide for a remedy, the competent body for protection of the public health may revoke the issued permission through a decision. The permission may further be revoked if the concerned medical facility or facility for protection of the public health repeatedly fails to comply with the condition specified in § 72 (1) (c). An appeal against such decision of the competent body for protection of the public health shall not have dilatory effect.

§ 74

(1) If a reactive result of the examination for the human immunodeficiency virus has been obtained in a screening test, the concerned medical facility and facility for protection of the public health shall always be obliged to submit the biological material for the purpose of carrying out a confirmation test. Only the National reference laboratory for infections caused by the human immunodeficiency virus may carry out confirmation tests.

(2) A natural person shall be considered to be infected by the human immunodeficiency virus only after confirmation of the reactive result of the examination by a confirmation test.

(3) The medical facility or facility for protection of the public health that has been informed of the positive result of the confirmation test shall communicate this fact through an appointed doctor to the natural person infected by the human immunodeficiency virus and, for minor natural persons or natural persons without legal capacity, to the legal representative thereof, and shall provide for special care by an expert doctor. The communication must be accompanied by an advice on prevention of spreading of an infection caused by the human immunodeficiency virus.

(4) The medical facility or facility for protection of the public health informing a natural person on a positive result of the confirmation test shall be obliged to ensure that the natural person is advised in detail on the scope of the obligation to act so that other natural persons are not endangered by such contagious disease. It shall enter the content of such advice in the medical documentation of the natural person, and the natural person, or his(her) legal representative, as appropriate, shall sign a statement that (s)he has been informed thereof. If the concerned natural person or legal representative, as appropriate, refuses to sign such statement, the medical

³⁹⁾ Annex No. 5, Part A, to Decree No. 77/1978 Coll., on medical workers and other professional workers in medical services.

⁴⁰⁾ Annex No. 2 to Decree No. 77/1978 Coll.

⁴¹⁾ Act No. 218/2000 Coll., on budgetary rules and amendment to some related Acts (budgetary rules).

facility or facility for protection of the public health shall enter such fact and the reasons for the refusal in the medical documentation of the natural person.

§ 75

Without the consent of the concerned natural person or the legal representative thereof, the body for protection of the public health, specified organization, and the medical facility and facility for protection of the public health, which have a permission for activities pursuant to § 72 (1), may use the blood thereof, that has been withdrawn for a different purpose, for examination for the human immunodeficiency virus only for the purpose of cross-cutting studies on occurrence of infection caused by the human immunodeficiency virus; however, in all acts carried out in relation to such study and during such study, it must ensure and maintain the anonymity of the natural person.

CHAPTER IV

FURTHER OBLIGATIONS OF PERSONS IN PROTECTION OF PUBLIC HEALTH

§ 76

In business activities, persons shall be obliged to

- a) prove that the technologies and products produced, imported or introduced into circulation thereby, which are subject to approval by a body for protection of the public health pursuant to this Act, have been approved,
- b) to inform persons carrying out business activities who withdraw products therefrom, in writing, of the fact that circulation of products produced or imported thereby has been suspended by a preliminary measure of a body for protection of the public health and of releasing thereof into circulation, immediately after notification of an enforceable preliminary measure of a body for protection of the public health,
- c) to inform persons carrying out business activities who withdraw products therefrom, in writing, of the fact that products have been released into circulation, immediately after canceling of a preliminary measure by the body for protection of the public health or after notification of an enforceable decision in the given matter,
- d) to inform persons carrying out business activities who withdraw products therefrom, in writing, of the fact that products have been withdrawn from circulation through an enforceable decision of a body for protection of the public health, immediately after notification of an enforceable decision of the body for protection of the public health,
- e) immediately after receipt of information pursuant to letter (b), to suspend further circulation of products, until information pursuant to letter (c) or (d) is received; immediately after receipt of information pursuant to letter (d), (s)he shall be obliged to exclude the products from circulation.

§ 77

(1) Natural persons carrying out business activities and legal persons shall be obliged to submit to the competent body for protection of the public health for approval proposals for

- a) production and import of algicide preparations and preparations for disinfection, disinsection and deratization, with the exception of veterinary preparations, and instructions for use thereof; the instructions for use must be in Czech language or in Slovak language, as appropriate,
- b) production and import of foodstuffs for children under 3 years of age.

(2) A body for protection of the public health shall be the affected administrative authority pursuant to special regulations⁴²⁾ in deciding on matters which affect interests protected pursuant to this Act and are related to evaluation and management of health risks.

⁴²⁾ E.g. Act No. 50/1976 Coll., as amended.

(3) The body competent to make decisions pursuant to special regulations on matters pursuant to paragraph 2 may not make a decision contrary to the standpoint of the competent body for protection of the public health if such standpoint of the body for protection of the public health is negative.

CHAPTER V

STATE ADMINISTRATION IN PROTECTION OF PUBLIC HEALTH

Section 1

State Administration in Protection of Public Health, Regulations in the Sector of Protection of Public Health, Rights and Obligations of Bodies for Protection of the Public Health and of Employees of Facilities for Protection of the Public Health, Obligations of the Controlled Persons

Subsection 1

State Administration Bodies in Protection of Public Health and Tasks Thereof

§ 78

Bodies for Protection of the Public Health

The state administration in protection of public health shall be carried out by bodies for protection of the public health consisting in:

- a) the Ministry of Health,
- b) regional hygiene officers,
- c) district hygiene officers,
- d) the Ministry of Defense and the Ministry of Interior.

§ 79

Gathering and Forwarding of Information

(1) Under conditions laid down in the special regulation⁴³⁾, bodies for protection of the public health shall be authorized to operate an information system for management of information on health of natural persons in relation to prevention of occurrence and spreading of contagious diseases, and danger of occupational diseases and other damage to health caused by work, on exposure of natural persons to harmful substances in the working and living environment and on epidemiology of drug addictions.

(2) Bodies for protection of the public health shall be obliged to gather data, which the Czech Republic is bound to forward to international organizations in relation to membership therein. Bodies for protection of the public health specified in § 78 (b) to (d) shall be obliged to submit such data to the Ministry of Health.

§ 80

Ministry of Health

(1) For the purpose of protection of public health, the Ministry of Health shall

- a) govern implementation of the state administration in protection of public health,
- b) direct and control regional hygiene officers,
- c) make decisions on legal remedies in relation to decisions of regional hygiene officers,

⁴³⁾ Act No. 101/2000 Coll., on protection of personal information and amendment to some Acts.

- d) direct and control activities of district hygiene officers in matters of national scope,
- e) provide for international cooperation in the scope of its jurisdiction and fulfill tasks following from international treaties in protection of public health,
- f) direct vaccination,
- g) make decisions on matters pursuant to § 5 (5), § 26 (3) and (4), § 28, § 72 (1), § 73 (2) and § 77 (1) (a) and (b); fulfill tasks pursuant to § 27 (1) and § 73 (1),
- h) impose extraordinary measures in epidemic and danger of occurrence thereof and measures for protection of health of natural persons in occurrence of health-unsafe products or water, in natural disasters and other extraordinary events if such measures are to be carried out in national scope or in the territory of several regions, and shall decide on termination thereof,
- i) impose protective measures against transferring contagious diseases from abroad and decide on termination thereof and on matters pursuant to § 68 (2),
- j) on request of the competent district or regional hygiene officer, issue permissions for extraordinary vaccination pursuant to § 69 (1) (g),
- k) direct implementation of state administration in protection of public health as performed by the Ministry of Defense and Ministry of Interior,
- l) draw up national programs for protection and promotion of public health; draw up vaccination programs and programs for prevention of infections caused by the human immunodeficiency virus and direct implementation thereof; lay down principles and procedures of evaluation and management of health risks and principles of monitoring relations of health condition of the population and factors of the environment and of living and working conditions and direct implementation thereof; direct training for the purpose of promotion and protection of public health.

(2) For the purpose of implementation of the state medical supervision, the Ministry of Health shall be authorized to lay down scope and frequency of controls and specification of control procedures for the bodies for protection of the public health specified in § 78 (b) to (d). The Ministry of Health shall disclose the set scope and frequency of controls and control procedures in the Journal of the Ministry of Health.

(3) The Ministry of Health shall be authorized to prohibit circulation of products specified in this Act, as well as impose withdrawal thereof from circulation if required for the purpose of protection of public health pursuant to a decision of a body of European Union.

(4) A position of the senior hygiene officer of the Czech Republic shall be established within the Ministry of Health; the senior hygiene officer shall act as a body of the Ministry of Health in matters of protection of public health. The Government shall appoint and recall the senior hygiene officer on the basis of a proposal by the Minister of Health. The Minister of Health may appoint and recall the deputy senior hygiene officer of the Czech Republic.

§ 81

Regional Hygiene Officer

(1) Regional hygiene officers are bodies of state administration. Annex No. 2 to this Act lays down which regional hygiene officers shall operate in the Czech Republic, the seats and administrative districts thereof. The Minister of Health shall appoint and recall regional hygiene officers to/from their office on the basis of a proposal by the senior hygiene officer of the Czech Republic. Minister of Health shall appoint and recall deputy regional hygiene officers on the basis of a proposal by the senior hygiene officer of the Czech Republic.

(2) Regional hygiene officer shall:

- a) direct and control district hygiene officers, with the exception of matters pursuant to § 80 (1) (d) and to give orders and instructions thereto in matters of regional extent; assist them in providing for professional level of work,
- b) make decisions on legal remedies in relation to decisions of district hygiene officers,
- c) issue permissions pursuant to § 59 (1),

- d) impose extraordinary measures in epidemic and danger of occurrence thereof and measures for protection of health of natural persons in occurrence of health-unsafe products or water, in natural disasters and other extraordinary events if health of natural persons is endangered in extent exceeding the territory of a district, and shall decide on termination thereof. They shall decide on extraordinary vaccination pursuant to § 69 (1) (g) only with the prior consent of the Ministry of Health,
- e) to take part in evaluation and management of health risks from the viewpoint of prevention of negative effect on health condition of the population and in national monitoring of relations of health condition of the population and of factors of the environment and of living and working conditions.

§ 82

District Hygiene Officers

(1) District hygiene officers are established as special bodies of District Authorities. District hygiene officers shall implement state administration in the administrative districts of District Authorities. In the cities of Brno and Plzeň, city hygiene officers, who shall be special bodies of these cities, shall execute competence of district hygiene officers; in the territory of the Capital of Prague, the city hygiene officer, who shall be a special body of the Capital of Prague, shall execute competence of the district hygiene officer. The city of Ostrava shall not appoint a city hygiene officer; his competence shall be executed by the regional hygiene officer of the Ostrava Region. A district hygiene officer shall also not be appointed for the administrative districts of District Authorities of Karlovy Vary, Liberec, Pardubice, Jihlava, Olomouc and Zlín; the competence of district hygiene officers in administrative districts of these District Authorities shall be executed by the respective regional hygiene officers of the Karlovy Vary, Liberec, Pardubice, Jihlava, Olomouc and Zlín Regions.

(2) The chairman of the relevant District Authority shall appoint and recall a district hygiene officer to/from his(her) office on the basis of a proposal by the competent regional hygiene officer. In the cities of Brno and Plzeň, and in the Capital of Prague, the mayor of the city shall appoint and recall the city hygiene officer to/from his(her) position. The chairman shall appoint and recall a deputy district hygiene officer on the basis of a proposal by the regional hygiene officer. The mayor shall appoint and recall the deputy city hygiene officer on the basis of a proposal by the regional hygiene officer.

(3) District hygiene officers shall

- a) issue decisions, permissions and certificates, and fulfill other tasks of state administration in protection of public health including the state medical supervision, unless a regional hygiene officer or the Ministry of Health is competent thereto,
- b) execute the state medical supervision of compliance with prohibitions and fulfillment of other obligations as laid down by this Act and the special regulations for protection of health in work against risks following from physical, chemical and biological factors of working conditions, from adverse microclimate conditions and from physical and mental burdening, and of the related working conditions including the equipment of workplaces; such supervision constitutes state professional supervision of protection of health in work in the sense of the special regulation,⁴⁴⁾
- c) through a decision, classify work in the relevant categories on the basis of a proposal by the employer or person specified in § 43,
- d) under conditions of § 39 (1), specify dangerous works and fulfill tasks pursuant to § 40 (c) and (d),
- e) lay down, for the employer or person specified in § 43, for performance of dangerous works, the minimal scope and terms of monitoring factors of working conditions, and deadlines for and the minimal content of initial, periodical, final and subsequent medical preventative examinations of natural persons carrying out dangerous works, unless such specification is laid down in a special regulation,
- f) lay down, for the employer, the manner and minimal content of monitoring of burdening of the organism of employees carrying out dangerous works by factors of working conditions, unless such specification is laid down in a special regulation,

⁴⁴⁾ § 138 of the Labor Code.

- g) carry out verification of conditions of occurrence of diseases for the purposes of evaluation of occupational diseases,⁴⁵⁾
- h) establish commissions in cases laid down by this Act,
- i) fulfill tasks of the affected administrative authority pursuant to § 77 (2),
- j) consider misdemeanors pursuant to § 29 (1) (a), (b), (d), (f), (g) and (i) to (k) of the Act on misdemeanors,⁴⁶⁾
- k) impose, organize, direct and also carry out, if appropriate, measures for prevention of occurrence and prevention of spreading of contagious diseases and, in this extent, also direct and control activities of medical facilities; determine, with the exception of § 68 (2), medical facilities which shall carry out measures for prevention of occurrence and prevention of spreading of contagious diseases and fulfill tasks connected therewith,
- l) impose extraordinary measures in epidemic and danger of occurrence thereof and measures for protection of health of natural persons in occurrence of health-unsafe products or water, in natural disasters and other extraordinary events, unless a regional hygiene officer or Ministry of Health is competent thereto, and shall decide on termination thereof. They shall decide on extraordinary vaccination pursuant to § 69 (1) (g) only with the prior consent of the Ministry of Health,
- m) execute state medical supervision of fulfillment of the obligation to ensure preventative care for individual enterprises imposed by the special regulation,⁴⁷⁾ and of fulfillment of the obligation of the employer to provide the facility implementing preventative care for individual enterprises with information necessary for protection of health in work, imposed by a special regulation,
- n) on the basis of a proposal by the employer, review measures of facilities implementing preventative care for individual enterprises; the procedure pursuant to the special regulation³⁸⁾ shall not apply to review of measures of facilities implementing preventative care for individual enterprises,
- o) direct and control activities of persons providing care (§ 15 (1)) in the area of hygiene of operations and prevention of hospital infections,
- p) carry out evaluation and management of health risks from the viewpoint of prevention of negative effects on health condition of the population, and participate in national monitoring of relation of health condition of the population and factors of the environment and of living and working conditions; implement local programs of protection and promotion of public health; monitor indicators of health condition of the population within their respective territories; provide consultancy services for healthy life style; and carry out training for the purpose of promotion and protection of public health,
- r) cooperate with administrative bodies and self-governing bodies in creation of health policies for the relevant region,
- s) participate in tasks within the integrated rescue system.

(4) District hygiene officers shall be obliged to inform the competent regional hygiene officer and the Ministry of Health promptly of mass occurrence of a contagious disease and of occurrence of health-unsafe products that have harmed or could harm health of natural persons and whose presence in the market networks is not only sporadic.

(5) Regional hygiene officers shall carry out tasks specified in paragraph 3 in matters exceeding district importance or in cases where evaluation cannot be ensured within the relevant district.

§ 83

Ministry of Defense and Ministry of Interior

⁴⁵⁾ Decree No. 342/1997 Coll., laying down the procedure in recognition of occupational diseases and issue of the list of medical facilities which recognize such diseases.

⁴⁶⁾ Act No. 200/1990 Coll., on misdemeanors, as amended.

⁴⁷⁾ § 40 of Act No. 20/1966 Coll., as amended.

(1) The Ministry of Defense and the Ministry of Interior shall fulfill tasks of state administration in protection of public health, including the state medical supervision, in armed forces and armed security corps, with the exception of the Prison Service of the Czech Republic, and in relation to the premises used thereby.

(2) The Ministry of Interior shall also fulfill tasks of state administration in protection of public health pursuant to this Act for the Security Intelligence Service.

§ 84

State Medical Supervision

(1) In execution of the state medical supervision, in the scope of their respective jurisdiction, the bodies for protection of the public health

- a) shall supervise whether persons comply with obligations for protection of public health laid down in this Act or on the basis thereof, with the exception of conditions for establishing small businesses pursuant to § 58 and 59 and obligations of operators of radio and television broadcasting pursuant to § 95 (1), and in special regulations,
- b) may prohibit an activity through which an obligation in protection of public health has been infringed, until remedy is provided for,
- c) through a preliminary measure, may suspend circulation of products suspected to be health-unsafe; they may order withdrawal from circulation of products that do not meet requirements laid down by this Act,
- d) may verify knowledge pursuant to § 19 (4) and decide that a natural person carrying out epidemiologically important activities does not have the necessary knowledge for protection of public health,
- e) may prohibit use of water which does not meet the requirements laid down in or permitted pursuant to § 3 and 4 (4) and of water that endangers public health through occurrence of other substances or components in the established concentration or volume, until a remedy is provided for,
- f) may order a greater frequency of controls of water in a swimming pool if the quality of water therein does not guarantee compliance with requirements laid down in or permitted pursuant to § 6, and the period of carrying out of such controls,
- g) may prohibit use of water in a swimming pool or in a source for an artificial swimming pool or sauna which does not comply with the requirements laid down in or permitted pursuant to § 6, and of water that endangers public health through occurrence of other substances or components in the established concentration or volume, until a remedy is provided for,
- h) may prohibit operation of an outdoor playground intended for games and sports of children and youth if public health is endangered, until a remedy is provided for,
- i) may order modification of operational rules pursuant to § 6 (3) (d), § 7 (2), § 15 (2) and § 21 (2), if conditions specified therein do not lead to protection of public health,
- j) may lay down conditions for carrying out schools in nature, recreational undertakings or other similar undertakings for children (§ 12) and, in case of danger to public health, prohibit a school in nature, recreational undertaking or any other similar undertaking for children,
- k) may revoke permission issued pursuant to § 3 (4), § 4 (2), (4) and (5), § 5 (5), § 6 (5), § 17 (5) and § 31 (1) if required for the purpose of protection of public health; revocation of permission issued by the Ministry of Health or by a regional hygiene officer must be discussed in advance with such administrative authority,
- l) may prohibit operation or use of a source of noise or vibrations, or a source of non-ionizing radiation if necessary for protection of public health, until a remedy is provided for,
- m) may prohibit use of a health-unsafe substance, raw material, semi-finished product or foodstuff intended for production or preparation of a meal; may order carrying out of sanitation or a change in the technological procedure of production or preparation of the meal,
- n) may lay down a different manner of handling clothes and linen from a facility of therapeutic preventative care or institute of social care if necessary for prevention of occurrence and spreading of contagious diseases,

- o) may order determination and measuring of factors of living and working conditions for the purpose of establishing whether public health is endangered or determining the cause of damage to health,
- p) may decide on stopping or limitation of use of a structure or operation if public health is directly endangered as a consequence of breach of obligations laid down by this Act, until a remedy is provided for,
- r) may order carrying out of a measure for limitation of risks following from physical, microclimate, chemical or biological factors of working conditions, from physical or mental burdening and from the related working conditions, for the purpose of protection of health of an employee or a person specified in § 43; may order a change in measures adopted by the employer pursuant to the special regulation³⁵⁾ for protection of health in work,
- s) for the purpose of protection of health, may order the employer to comply with stricter highest admissible values of harmful factors of working conditions than as laid down in special regulations³⁵⁾ if a number harmful factors simultaneously occur at a workplace, in case of high physical burdening of employees exposed to influence of harmful factors at the workplace, in case of exceeding limit values in biological exposure tests or if it is necessary with regard to the protection of health of youth employees, students, cooperating youth relatives or pupils at training workplaces,
- t) when it is established that meals, raw materials, semi-finished products or foodstuffs for production or preparation thereof or epidemiologically dangerous foodstuffs⁴⁸⁾ are not health-safe, may dispose thereof at the given site or order disposal or liquidation thereof, at the cost of the controlled person who shall be obliged to document the manner and carrying out of disposal or liquidation to the body for protection of the public health,
- u) for epidemiological reasons or for the purpose of establishing health condition of natural persons carrying out epidemiologically important activities, may impose medical examinations, and the necessary laboratory and other examinations required for prevention of occurrence and spreading of a contagious disease,
- v) for the purpose of preventing occurrence of occupational diseases or diseases related to work, in case of performance of dangerous works, may order the employer or person specified in § 43 to carry out extraordinary and subsequent medical preventative examinations, and specify the manner and extent of monitoring of burdening of the organism by factors of working conditions.

(2) In cases pursuant to paragraph 1 (b), (e), (g), (h), (l) and (p), the controlled person shall be obliged to inform the competent body for protection of the public health pursuant to the location of activities of provision for a remedy. The body for protection of the public health shall carry out control, and if remedy is provided for, the controlled person may re-commence the concerned activities (operation) or use.

(3) The Code of Administrative Procedure shall not apply to measures pursuant to paragraph 1 (t). The body for protection of the public health shall orally communicate such measure to the controlled person and shall make written record thereof. If the controlled person does not agree with the imposed measure, (s)he may lodge complaints thereagainst through entering thereof in the record or submitting thereof in writing within 3 days of making the record. Such complaints shall not have dilatory effect. The superior body for protection of the public health shall promptly decide on the lodged complaints. A written copy of the decision on the complaints shall be served to the controlled person. Such decision shall not be subject to appeal.

(4) The competent body for protection of the public health shall further be authorized to lay down, for the producer, importer or any other person introducing a product complying with the requirements laid down by this Act into circulation, in a decision, special conditions for introducing such product into circulation or decide on withdrawing thereof from circulation if, on the basis of the presented evidence, it establishes that the product is dangerous for health of natural persons.

Subsection 2

Regulations in the Area of Protection of Public Health

⁴⁸⁾ § 16 (a) (3) of Act No. 110/1997 Coll.

§ 85

(1) Extraordinary measures in epidemic and danger of occurrence thereof and measures for protection of natural persons in occurrence of health-unsafe products and water, in natural disasters and other extraordinary events may be imposed for a territorial district of a regional hygiene officer or a part thereof by means of a regulation of a regional hygiene officer;⁴⁹⁾ and for the territory of a District or a part thereof by means of an order of a District Authority. Carrying out of an extensive (in the territory of a municipality or city district) special protective disinsection and deratization may also be imposed in an order of a District Authority for the purpose of protection of public health.

(2) The District Authority shall inform the regional hygiene officer of an intent to issue a regulation in matters pursuant to paragraph 1. The regional hygiene officer shall inform the Ministry of Health of an intent to issue a regulation pursuant to paragraph 1.

(3) A regulation issued by a regional hygiene officer shall be designated as an order of the regional hygiene officer. An order of the regional hygiene officer must be promulgated. The promulgation shall be carried out through disclosing of the order on the official board of the regional hygiene officer for a period of at least 15 days. The first day of disclosure thereof on the official board of the regional hygiene officer shall then be the day of promulgation. This manner of promulgation shall be a precondition for validity of an order of a regional hygiene officer. An order of a regional hygiene officer shall come into effect as of the fifteenth day following after the day of promulgation thereof, unless laid down otherwise therein. A special regulation shall provide for the conditions for issue and manner of promulgation of an order of a District Authority.

(4) In addition, an order of a regional hygiene officer must be disclosed on their respective official boards by District Authorities, Municipal Authorities of the cities of Ostrava, Brno and Plzeň, the Municipal Authority of the Capital of Prague and other municipalities specified in the order.

Subsection 3

Facilities for Protection of the Public Health, the Tasks Thereof and Authorization of Employees of Facilities for Protection of the Public Health

§ 86

Facilities for Protection of the Public Health

(1) Hygiene stations shall be established for performance of specialized activities in protection of public health. Hygiene stations are facilities for protection of the public health that provide medical care. Regional hygiene stations shall be established in the seats of regional hygiene officers; the regional hygiene station established in the seat of the hygiene officer of the Capital of Prague shall be designated as the Hygiene station of the Capital of Prague. Regional hygiene stations shall be contributory organizations of the Ministry of Health. District hygiene stations shall be established in the seats of District Authorities as contributory or budgetary organizations of the relevant District Authorities; the relevant District Authority shall be the founder thereof. City hygiene stations in the cities of Brno and Plzeň, and the Capital of Prague shall be budgetary or contributory organizations of these cities.

(2) District hygiene stations shall not be established in the seats of District Authorities of Karlovy Vary, Liberec, Pardubice, Jihlava, Olomouc and Zlín; the City of Ostrava shall not establish a city hygiene station. The tasks of such hygiene stations shall be fulfilled by the regional hygiene stations established in the seats of the relevant regional hygiene officers.

(3) Hygiene stations shall, in particular, prepare basic documents for measures of the relevant bodies for protection of the public health, participate in implementation thereof and in fulfillment of tasks of the bodies for protection of the public health in monitoring indicators of the health condition of the population, evaluation and monitoring of health risks, monitoring relations of the health condition of the population and factors of the environment and of living and working conditions, implementation of programs for protection and promotion of public health, training for the purpose of promotion and protection of public health and provision of consultancy services. Hygiene stations shall keep records of dangerous works.

⁴⁹⁾ Art. 79 (3) of the Constitution of the Czech Republic.

(4) For the purpose of implementation of measures against contagious diseases, regional hygiene stations shall provide medical facilities within their respective territories with vaccination substances for regular, special and extraordinary vaccinations, with the exception of vaccination substances against tuberculosis and tuberculin, and distribution thereof. Regional hygiene stations shall participate in fulfillment of tasks of regional hygiene officers pursuant to § 81 (2) (a), part of the text following semicolon.

(5) The activity of hygiene stations pursuant to paragraphs 3 and 4 shall be an activity reserved for the state.

(6) Under conditions specified in a special regulation,⁴³⁾ hygiene stations shall be authorized to participate in operation of an information system for management of information on health of natural persons in relation to prevention of occurrence and spreading of contagious diseases, and danger of occupational diseases and other damage to health caused by work, on exposure of natural persons to harmful substances in the working and living environment and on epidemiology of drug addictions.

§ 87

Authorization of Employees of Facilities for Protection of the Public Health

(1) In preparation of basic documents for decisions and other measures of the competent bodies for protection of the public health pursuant to this Act and special regulations, employees of district and city hygiene stations and employees of regional hygiene station specified in § 86 (2) shall be authorized

- a) to enter structures, facilities, operations, properties and other premises of persons subject to performance of the state medical supervision pursuant to this Act and special regulations for the purpose of establishing of how such persons fulfill obligations imposed by such regulations or by bodies for protection of the public health on the basis thereof,
- b) to request submission of original documents and other written materials by persons specified in letter a) for the purpose of protection of public health,
- c) to take samples of substances, raw materials, materials and products and to carry out measurements and investigation of factors of living and working conditions at the premises of persons specified in letter a),
- d) to carry out investigation in the center of infection,
- e) to carry out investigation of the conditions for performance of work for the purposes of assessment of occupational diseases,
- f) in the necessary extent, to peruse medical documentation kept by medical facilities, including medical documentation of employees kept by facilities implementing preventative care for individual enterprises, and to make excerpts therefrom,
- g) in proceedings pursuant to the Construction Code, to forward statements, comments and complaints of the body for protection of the public health as the affected body of state administration.

(2) Employees of hygiene stations shall draw up a protocol and also a photographic documentation, if appropriate, on activities pursuant to paragraph 1 (a) to (e).

(3) In preparation of basic documents for measures of a regional hygiene officer pursuant to § 82 (5), the employees of regional hygiene stations shall have the same authority as employees specified in paragraph 1.

(4) Persons specified in paragraph 1 (a) shall be obliged to create conditions for fulfillment of tasks of employees of hygiene stations pursuant to paragraphs 1 to 3, in particular they shall be obliged to provide cooperation corresponding to the authority of such employees.

Subsection 4

Rights and Obligations of the Bodies for Protection of the Public Health and of Employees of Facilities for Protection of the Public Health and Obligations of the Controlled Persons

§ 88

(1) In fulfillment of tasks and execution of rights pursuant to this Act and special regulations providing for jurisdiction of the bodies for protection of the public health, the bodies for protection of the public health, employees thereof, representatives of the senior hygiene officer of the Czech Republic and representatives of regional and district hygiene officers shall prove their identity through service cards, the sample of which shall be provided in a regulation for implementation; employees of hygiene stations shall prove their identity through an authorization issued by the director of the relevant hygiene station. If there is a danger of spreading of an infection, increased occurrence of vehicles of contagious diseases, and harmful and epidemiologically important arthropods, rodents and other animals, and for the purpose of establishing the center of the infection, imposing, implementation and control of epidemiological measures, in exceptional cases deserving special attention, employees of hygiene stations may enter dwellings of natural persons. Natural persons shall be obliged to allow such entry and to abide with or carry out measures imposed pursuant to this Act for prevention of occurrence and spreading of contagious diseases.

(2) Upon submission of the service card, the bodies for protection of the public health and employees specified in paragraph 1 may fulfill tasks pursuant to this Act provided that a natural person carrying out business activities, a cooperating relative or employee of the natural person carrying out business activities, or a member of the statutory body of a legal person, as appropriate, is present.

(3) The bodies for protection of the public health and employees thereof shall be authorized to request submission of documents on fulfillment of the set obligations and to carry out measurements and take necessary samples for performance thereof. For these purposes, the controlled person may carry out measurement and laboratory examination only through an authorized or accredited⁷⁾ person, or a person who has a certificate of compliance with the principles of good laboratory practice,³⁰⁾ unless the controlled person has the appropriate qualification him(her)self. In the extent necessary for execution of rights as laid down by the Act, the above persons may peruse medical documentation kept by medical facilities, including medical documentation of employees kept by a facility implementing preventative care for individual enterprises, and make excerpts therefrom.

(4) Unless laid down otherwise in paragraphs 1 to 3, the controlled persons shall have obligations and the body for protection of the public health and employees thereof shall have rights and obligations pursuant to the special regulation.⁵⁰⁾

(5) Employees of facilities for protection of the public health must have professional qualification for work in the field of health services pursuant to special regulations.⁵¹⁾ The senior hygiene officer of the Czech Republic, regional hygiene officers, district hygiene officers and deputies thereof must be doctors.

§ 89

(1) The bodies for protection of the public health and employees thereof shall be obliged to maintain confidentiality of individual data connected with natural persons and of business secrets, of which they have learnt in procedures pursuant to this Act, the special regulation providing for protection of health in work and special regulations providing for competence of bodies for protection of the public health. The obligation to maintain confidentiality shall not be breached if the above entities disclose such information in the necessary extent

- a) on the basis of a written consent of the natural person with whom such information is directly concerned,
- b) to a body for protection of the public health,
- c) to a doctor in the framework of a subsequent medical care,
- d) to close persons⁵²⁾, in case of information on health condition that is necessary for protection of public health,
- e) to an insurance company for the purpose of determining a surcharge and for proceedings on damages, and to a district institute of social security for the purpose of determining a surcharge,

⁵⁰⁾ Act No. 552/1991 Coll., on state control, as amended.

⁵¹⁾ Decree No. 77/1981, as amended.

⁵²⁾ § 116 of the Civil Code.

- f) to a medical facility authorized pursuant to a special regulation to recognize occupational diseases in connection with investigation of occupational diseases,⁴⁵⁾
- g) to a body of the state professional supervision of security in work⁵³⁾ in connection with investigation of an occupational injury.

(2) On request of a state prosecutor and, for the purpose of filing an action, also of the chairman of a senate, the bodies for protection of the public health and employees specified in § 88 (1) shall be authorized to disclose individual data connected with natural persons and a business secret of which they learnt in procedures pursuant to this Act provided that the superior body for protection of the public health releases them from the obligation of maintaining confidentiality.

(3) This shall in no way prejudice the obligation to disclose certain facts laid down in special regulations.

§ 90

The bodies for protection of the public health and employees specified in § 88 (1) shall not pay admission to buildings, places of business, rooms, premises and facilities in fulfillment of tasks in protection of public health. The bodies for protection of the public health and employees specified in § 88 (1) shall pay to the controlled person, for withdrawn control samples of a product, an amount equal to the price for which such product is normally sold in the market. However, the body for protection of the public health or the employee specified in § 88 (1) shall not provide the amount equal to the price if the concerned product does not comply with the requirements laid down by this Act, the special regulation providing for protection of health in work and special regulations providing for competence of bodies for protection of the public health.

§ 91

The provisions of § 86 to 90 shall apply to contributory or budgetary organizations established pursuant to the special regulations for fulfillment of tasks pursuant to this Act in competence of the Ministry of Interior and the Ministry of Defense⁴¹⁾ *mutatis mutandis*.

Section 2

Sanctions and Administrative Proceedings

Imposing of Fines

§ 92

(1) The body for protection of the public health authorized to execute the state medical supervision shall impose a fine of up to 2 000 000 CZK on a natural person carrying out business activities or a legal person for non-compliance with or breach of obligations laid down by this Act or on the basis thereof, or by regulation of a regional hygiene officer pursuant to § 85, and for non-compliance with or breach of obligations laid down by special regulations³⁵⁾ for protection of health in work and for providing for and implementation of preventative care for individual enterprises in the extent of § 82 (3) (m).

(2) However, if non-compliance or breach of obligations pursuant to paragraph 1 causes damage to health of a natural person, or occurrence or danger of epidemic, the body for protection of the public health specified in paragraph 1 may impose a fine of up to 3 000 000 CZK on a natural person carrying out business activities or a legal person.

(3) The body for protection of the public health specified in paragraph 1 may impose a fine of up to 100 000 CZK on a natural person carrying out business activities or a legal person for stating false data and information.

(4) The imposing of a fine shall in no way prejudice provisions of special regulations on damages.

⁵³⁾ Act No. 174/1968 Coll., on state professional supervision of security in work, as amended.

§ 93

(1) In making decision on imposing of a fine and the amount thereof, the body for protection of the public health shall take into account the relevance, manner, period of duration and consequences of the illegal conduct. If remedy was ensured promptly after establishing of the breach of obligations, the body for protection of the public health has been provided with effective cooperation, health of natural persons has not been damaged and epidemic or danger thereof has not occurred, the body for protection of the public health may refrain from imposing a fine.

(2) A fine may be imposed within 1 year from the day when the body for protection of the public health established the non-compliance with or breach of obligations, however, not later than 3 years from the day when the non-compliance or breach occurred.

(3) In case of repeated non-compliance with or breach of the same obligation within 3 years of the day of legal force of the decision on imposing the previous fine, the body for protection of the public health may impose a fine of up to ten times the set amounts.

(4) The body for protection of the public health shall impose and collect the fine. The territorial financial body⁵⁴⁾ shall exact the fine pursuant to the special regulation.⁵⁵⁾

(5) The yield following from fines imposed by the body for protection of the public health shall be an income of the state budget.

§ 94

Application of the Code of Administrative Procedure and Participants in the Proceedings

(1) The Code of Administrative Procedure⁵⁶⁾ shall apply to decision-making pursuant to this Act, unless laid down otherwise in this Act.

(2) Only the proposer shall be a participant in proceedings pursuant to § 3 (4), § 4 (1), (2), (4) and (5), § 5 (5), § 6 (3) (d), § 14, § 15 (2), § 17 (5), § 21 (3) and § 22 (2). Only the employer or a person specified in § 43 shall be a participant in proceedings pursuant to § 37 (2), § 39 (2) (d), § 82 (3) (d) to (f) and § 84 (1) (r), (s) and (v).

(3) The natural person on whom a measure for prevention of occurrence and spreading of a contagious disease is imposed shall be a participant in proceedings pursuant to § 46 (3), § 53 (3), § 67 (1) and (3), § 70 (2) and § 84 (1) (u).

(4) Proceedings pursuant to § 46 (3), § 53 (3), § 61 (2), § 67 (1) and (3), § 68 (2), § 70 (2), § 80 (1) (h) and (3), § 81 (2) (d) and § 82 (3) (l) shall be commenced upon serving of the decision. A decision pursuant to § 80 (1) (h) and (3) shall be served by means of a public edict.⁵⁷⁾

Section 3

Measures in Extraordinary Circumstances

§ 95

(1) If health of natural persons is directly endangered in epidemic, danger of occurrence or transferring thereof from abroad, in occurrence of health-unsafe products and water, in natural disaster and any other extraordinary event, measures of bodies for protection of the public health pursuant to this Act shall be published in radio and television broadcasting. The special regulation⁵⁸⁾ shall provide for the obligation of the operator of broadcasting to provide bodies for protection of the public health with broadcasting time for urgent notifications.

⁵⁴⁾ Act No. 531/1990 Coll., on territorial financial bodies, as amended.

⁵⁵⁾ Act No. 337/1992 Coll., on administration of taxes and fees, as amended.

⁵⁶⁾ Act No. 71/1967 Coll., on administrative proceedings (the Code of Administrative Procedure), as amended.

⁵⁷⁾ § 26 of Act No. 71/1976 Coll.

⁵⁸⁾ § 5 (1) (e) of Act No. 468/1991 Coll., on operation of radio and television broadcasting, as amended by Act No. 301/1995 Coll.

An operator of television broadcasting shall be obliged to provide for simultaneous broadcasting of the notification in the form of subtitles. As of the moment of publication, such measure shall be binding on all affected persons and such persons shall be obliged to abide with such measure. The recalling of imposed measures shall be notified in the same manner.

(2) A measure pursuant to paragraph 1 shall be disclosed by the body for protection of the public health which has published the measure, as well as by District Authorities, Municipal Authorities of the cities of Ostrava, Brno and Plzeň, the Municipal Authority of the Capital of Prague and other municipalities specified in the measure, through disclosure on official boards. A measure against transferring of contagious diseases from abroad shall also be disclosed by customs authorities on official boards at border crossings and other places where state borders are crossed.

(3) The Code of Administrative Procedure shall not apply to decision-making on such measures.

CHAPTER VI

MEASURES OF MUNICIPALITIES WITHIN INDEPENDENT COMPETENCE

§ 96

Through a generally binding edict, for the territory of the municipality or part thereof, municipalities may order carrying out of special protective disinfection, disinsection and deratization, for the purpose protection of health against occurrence and spreading of contagious diseases, and termination of public production of music, operation of restaurants, gambling houses and similar services, if excessive bothering of citizens is caused by such production or operation, for the purpose of protection against noise and vibrations.

CHAPTER VII

JOINT, TRANSITORY AND CONCLUDING PROVISIONS

Section 1

Joint Provisions

§ 97

(1) The costs arisen in fulfillment of obligations in protection of public health shall be borne by the person on whom such obligation is imposed, unless this Act or special regulations lay down otherwise. A special regulation⁵⁰⁾ shall provide for bearing and paying of costs arisen in execution of the state medical supervision.

(2) If non-compliance with or breach of obligations has been established in execution of the state medical supervision, the body for protection of the public health may order the person, on the part of whom such breach or non-compliance occurred, to fully or partly reimburse the costs paid by the body for protection of the public health in relation to establishing the non-compliance or breach.

(3) A person, who requests evaluation of health risks, shall be obliged to provide the necessary basic documents for such evaluation or pay the price of acquiring thereof by the body for protection of the public health.

§ 98

Obligations imposed pursuant to this Act on facilities for training and education, medical facilities, facilities of social care and nurseries, if these are not legal persons, shall be fulfilled by the founder thereof.

§ 99

In addition to provisions specifying the authority of the bodies for protection of the public health to include conditions in a decision issued thereby, the body for protection of the public health may also bind on conditions decisions pursuant to § 3 (4), § 4 (1), (2) and (5), § 5 (5), § 6 (3) (d), § 14, § 15 (2), § 17 (5), § 21 (3), § 31 (1), § 39 (2) (d) and § 77 (1) (a) and (b).

§ 100

Activities, for which operational rules must be drawn up and submitted for approval to a body for protection of the public health, may only be commenced following approval of operational rules by the given body for protection of the public health. Persons, who are obliged to draw up operational rules, shall be obliged to acquaint their employees and other persons working at their workplaces therewith, and to ensure and control compliance therewith.

Section 2

Transitory Provisions

§ 101

(1) Proceedings on imposing of a fine for infringement of regulations on creation and protection of healthy living conditions, that have not been completed by District Authorities or by cities executing the competence of District Authorities by the date of legal force of this Act, shall be continued by the locally competent district (city) hygiene officers or regional hygiene officers who execute the competence of district hygiene officers.

(2) Proceedings on imposing of a fine for infringement of regulations on creation and protection of healthy living conditions shall not be continued for a breach of an obligation not provided in this Act. Other proceedings on imposing of a fine, that have not been completed by the date of legal force of this Act, shall be completed pursuant to the former regulations.

(3) Proceedings on approval of production or import of products, that have been commenced prior to the date of legal force of this Act, shall be continued pursuant to the former regulations. Proceedings on approval of production or import of products that are not provided for by this Act shall not be continued.

(4) District hygiene stations in the districts of Karlovy Vary, Liberec, Pardubice, Jihlava, Olomouc and Zlín shall cease to exist by December 31, 2000. By this date, the positions of district hygiene officers in administrative districts of District Authorities of Karlovy Vary, Liberec, Pardubice, Jihlava, Olomouc and Zlín shall also cease to exist.

(5) As of the date of legal force of this Act, the rights and obligations, including the rights and obligations following from labor-law relations, exercised by December 31, 2000

1. by the District hygiene station of Karlovy Vary, shall pass over to the Regional hygiene station with the seat in Karlovy Vary,
2. by the District hygiene station of Liberec, shall pass over to the Regional hygiene station with the seat in Liberec,
3. by the District hygiene station of Pardubice, shall pass over to the Regional hygiene station with the seat in Pardubice,
4. by the District hygiene station of Jihlava, shall pass over to the Regional hygiene station with the seat in Jihlava,
5. by the District hygiene station of Olomouc, shall pass over to the Regional hygiene station with the seat in Olomouc,
6. by the District hygiene station of Zlín, shall pass over to the Regional hygiene station with the seat in Zlín.

(6) Proceedings, that have not been completed by December 31, 2000 by district hygiene officers in Karlovy Vary, Liberec, Pardubice, Jihlava, Olomouc and Zlín, shall be continued by the relevant regional hygiene officers.

§ 102

(1) The producer or importer of objects of common use, the production or import of which was commenced prior to January 1, 2001 or were approved pursuant to § 101, as well as the person who introduces such objects of common use into circulation under conditions of § 26 (2), shall be obliged to ensure that the production, import and circulation are brought into accord with the hygienic requirements pursuant to § 26 by July 1, 2002. Upon expiry of this deadline or through fulfillment of the obligations pursuant to this Act, binding assessments issued by bodies of hygiene service pursuant to the former regulations shall lose validity, unless validity thereof extinguished through expiry of the period as specified therein; such loss of validity shall also apply for decisions pursuant to § 101.

(2) The producers or importers of cosmetic products, the production of which has been commenced prior to January 1, 2001 or that have been approved pursuant to § 101, shall be obliged to fulfill the obligation pursuant to § 27 (1) by July 1, 2002; the obligation to specify the date of commencement of production or import in the notification shall not be valid in this case.

(3) The producer or importer of products, chemical substances or chemical preparations specified in § 5 (1), the production of which has been commenced before January 1, 2001 or that have been approved pursuant to § 101, shall be obliged to ensure that the production and import of such products, chemical substances or chemical preparations are brought into accord with this Act by July 1, 2002. Upon expiry of this deadline or through fulfillment of the obligations pursuant to this Act, binding assessments issued by bodies of hygiene service pursuant to the former regulations shall lose validity, unless validity thereof extinguished by expiry of period as specified therein; such loss of validity shall also apply for decisions pursuant to § 101.

(4) Prior to fulfillment of obligations pursuant to paragraphs 1 and 3, within deadlines specified therein, the production, import and circulation of objects of common use, products, chemical substances and chemical preparations specified in paragraphs 1 and 3 shall be assessed pursuant to the former regulations, decisions of bodies of the hygiene service or decisions issued pursuant to § 101.

§ 103

(1) Persons, who have commenced performance of activities, for which operational rules have to be drawn up, prior to January 1, 2001, shall be obliged to fulfill such obligation within 6 months of this date. Within this deadline, persons providing care (§ 15 (1)) and persons operating swimming pools, barber's shops, hair dresser's shops, manicure, chiropody, cosmetic, massage, recovery and reconditioning services and services in which special instruments for body care, shall also be obliged to submit draft operational rules to the competent body for protection of the public health. The body for protection of the public health shall assess the operational rules within 6 months of the date of delivery of the proposal.

(2) Hygiene stations may carry out activities pursuant to § 38 for a period of 2 years from the date of legal force of this Act. Natural persons, who had been acquainted with the nature and effects of chemical substances and chemical preparations, which they are to manage, the manners of management thereof, protective measures and principles of first aid prior to commencement of work, may carry out activities pursuant to § 58 (2) for a period of 1 year from the date of legal force of this Act. Natural persons, who have been granted authorization pursuant to the special regulation,³⁰⁾ may carry out activities pursuant to § 58 (3) to (5) for a period of 3 years from the date of legal force of this Act, in the scope as specified in the decision on granting authorization. Facilities for protection of the public health and medical facilities of therapeutic preventative care may carry out activities pursuant to § 72 for a period of 1 year from the date of legal force of this Act.

(3) Producers of potable water, supplies of which by means of a water-distribution system have been commenced prior to the date of legal force of this Act, shall be obliged to submit proposals pursuant to § 4 (1) within 2 months from the date of legal force of this Act. The body for protection of the public health shall issue a decision within 6 months of the date of delivery of the proposal. Prior to the legal force of the decision of the competent body for protection of the public health, the producer of potable water supplied by means of a water-distribution system shall proceed according to the former practice.

§ 104

Operators of services of common boarding shall determine critical stages in production, preparation, storage, transport, distribution and introduction of meals into circulation by July 1, 2002 at the latest.

§ 105

(1) Structures established prior to January 1, 2001, that do not comply with hygienic requirements laid down in § 7 (1), § 13 (1) and § 23 (3), must be modified according to such requirements by July 1, 2003 at the latest.

(2) Premises of boarding services established prior to January 1, 2001, that do not comply with hygienic requirements for distribution, transport and storage of meals and introduction thereof into circulation pursuant to § 24 (1) (d), must be modified according to such requirements by January 1, 2002 at the latest.

(3) The competent body for protection of the public health may, through a decision, order modification of structures and premises specified in paragraphs 1 and 2 prior to the set date if required according to the nature of the operation in the interest of protection of public health. In exceptional cases and for a limited period of time, the competent body for protection of the public health may prolong the periods as specified in paragraphs 1 and 2.

(4) The owners or administrators, as appropriate, of ground communications and railways, the use of which was permitted before January 1, 2001, shall submit a request pursuant to § 31 (1) by January 1, 2002 at the latest.

§ 106

(1) The employers shall submit proposals to the competent body for protection of the public health for classification of works, the performance of which was commenced prior to January 1, 2001, in the fourth category, within 6 months; in the second and third categories, by January 1, 2002 at the latest. The body for protection of the public health shall issue a decision within 6 months of the date of delivery of the proposal. The results of measurement of concentrations and intensity of factors of working conditions and the results of establishment of the variety and type of the biological agent must not be more than 1 year old.

(2) Decisions of directors of hospitals with a polyclinic (polyclinics), regional doctors for care for enterprises and bodies of the hygiene service laying down dangerous works and workplaces shall lose validity as of the date of legal force of a decision of the competent body for protection of the public health on classification of the given works in the third or fourth category.

(3) For activities commenced prior to January 1, 2001, the employer or the person specified in § 43 shall provide the competent body for protection of the public health with information pursuant to § 41 (1) within 6 months of January 1, 2001.

Section 3

Concluding Provisions

§ 107

Health certificates issued prior to the legal force of this Act shall be considered to be health certificates issued pursuant to this Act.

§ 108

(1) The Ministry of Health shall issue Decrees for implementation of § 3 (1), (4) and (5), § 4 (1), (2) and (5), § 5 (1), (2) and (5), § 6 (3) (a) to (c) and (4), § 7 (1), § 8 (2), § 13, § 16 (2) (b), § 17 (1) and (5), § 18 (1), § 19 (4), § 20 (a) to (d), § 22 (2), § 23 (3), § 24 (1) (c) to (e) and (g), § 26 (1) (b) and (d), and (2) to (5), § 27, § 28 (1), § 29, 30, 32, § 34 (1), § 35 (2), § 36, § 37 (1), § 39 (4), § 41 (1), § 45, § 46 (1), (2) and (6), § 47 (2), § 59 (2), § 60 (1) and (3), § 62 (1) and (3) (a) and (b), § 70 (1) and § 72 (1) (a). The Ministry of Health may provide through a Decree for the principles of the proper production practice pursuant to § 29 (1).

(2) The Ministry of Health, in agreement with the Ministry of Education, Youth and Physical Training, shall lay down in a Decree issued pursuant to § 7 (1) the requirements for premises and operation of facilities for training and education.

(3) The Government shall issue Regulations for implementation of § 30, 32, § 34 (1), § 35 (2), § 36 and § 88 (1).

(4) The Ministry of Health shall lay down hygienic limits and requirements, that shall be provided for in regulations for implementation issued pursuant to this Act, on the basis of evaluation of health risks following from the natural, living and working conditions and the life style, current scientific knowledge, international commitments of the Czech Republic in this field and recommendations of the World Health Organization.

§ 109

Act No. 36/1975 Coll., on fines for infringement of regulations on creation and protection of healthy living conditions shall be canceled.

PART TWO

Amendment to the Act on Police Force of the Czech Republic

§ 110

Act No. 283/1991 Coll., on the Police Force of the Czech Republic, as amended by Act No. 26/1993 Coll., Act No. 67/1993 Coll., Act No. 163/1993 Coll., Act No. 326/1993 Coll., Act No. 82/1995 Coll., Act No. 152/1995 Coll., Act No. 18/1997 Coll., Award of the Constitutional Court No. 186/1997 Coll., Award of the Constitutional Court No. 138/1999 Coll., Act No. 168/1999 Coll., Act No. 325/1999 Coll., Act No. 326/1999 Coll., Act No. 329/1999 Coll. and Act No. 105/2000 Coll., shall be amended as follows:

1. In § 19, paragraph 1 shall read, including footnote No. 8c), as follows:

"(1) In ensuring security of protected persons, to whom personal protection is provided pursuant to special regulations and international treaties, the police officer assigned to the protection service shall be authorized to carry out examination of persons, luggage, objects and means of transportation located in the area, from which security of the protected person could be endangered, to verify compliance with hygienic limits of indicators for potable water, foodstuffs and meals, as well as compliance with hygienic requirements for carrying out of epidemiologically important activities,^{8c)} if these are to be used for the needs of the protected person.

^{8c)} Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts."

2. In § 19, paragraph 5 shall be added which shall read, including footnotes Nos. 8d) and 8e), as follows:

"(5) In verifying health safety and compliance with hygienic requirements pursuant to paragraph 1, the police officer assigned to the protection service shall have rights and obligations of control officers pursuant to the special regulation;^{8d)} bearing and payment of costs arisen in such verification shall be governed by the same Act.^{8e)}

^{8d)} Act No. 552/1991 Coll., on state control, as amended.

^{8e)} § 20 of Act No. 552/1991 Coll."

PART THREE

Amendment to the Small-Business Act

§ 111

Act No. 455/1991 Coll., on small businesses (the Small-Business Act), as amended by Act No. 231/1992 Coll., Act No. 591/1992 Coll., Act No. 600/1992 Coll., Act No. 273/1993 Coll., Act No. 303/1993 Coll., Act No. 38/1994 Coll., Act No. 42/1994 Coll., Act No. 136/1994 Coll., Act No. 200/1994 Coll., Act No. 237/1995 Coll., Act No. 286/1995 Coll., Act No. 94/1996 Coll., Act No. 95/1996 Coll., Act No. 147/1996 Coll., Act No. 19/1997 Coll., Act No. 49/1997 Coll., Act No. 61/1997 Coll., Act No. 79/1997 Coll., Act No. 217/1997 Coll., Act No. 280/1997 Coll., Act No. 15/1998 Coll., Act No. 83/1998 Coll., Act No. 157/1998 Coll., Act No.

167/1998 Coll., Act No. 159/1999 Coll., Act No. 356/1999 Coll., Act No. 358/1999 Coll., Act No. 360/1999 Coll., Act No. 363/1999 Coll., Act No. 27/2000 Coll., Act No. 29/2000 Coll., Act No. 121/2000 Coll., Act No. 122/2000 Coll., Act No. 123/2000 Coll., Act No. 124/2000 Coll., Act No. 149/2000 Coll., Act No. 151/2000 Coll., Act No. 158/2000 Coll., Act No. 247/2000 Coll. and Act No. 249/2000 Coll., shall be amended as follows:

1. In § 31 (14), the words "hygienic and security regulations" shall be replaced by the words "security regulations and regulations providing for protection of public health" and the words "regulations on measures against contagious diseases³³)" shall be replaced by the words "special legal regulations³³)".

Footnote No. 33) shall read as follows:

"³³) E.g. Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts."

2. In Annex No. 2, Group 214: Other, in the field of small business designated as "Provision of services in the area of security and protection of health in work", the Column 2 shall read as follows: "completed secondary education and 3 years of professional practice in the area of security or protection of health in work".

3. In Annex No. 2, at the end of Group 214: Other, the following field of small business shall be added which shall read, including footnote given in Column 3, as follows: "Special protective disinfection, disinsection and deratization without use of toxic or highly toxic chemical substances and chemical preparations, with the exception of special protective disinfection carried out by a medical facility in the premises thereof, special protective disinfection, disinsection and deratization in foodstuff and agricultural operations and professional activities in the field of plant-medicinal care*);"; the text in Column 2 shall read as follows "Professional qualification pursuant to § 58 (2) of Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts, or for a period of 5 years of the date of legal force of the Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts, professional qualification obtained pursuant to § 18 to § 20 of Act No. 157/1998 Coll., on chemical substances and preparations and amendment to some other Acts, as amended by Act No. 352/1999 Coll.". The note in Column 3 shall read as follows "*) Act No. 147/1996 Coll., on plant-medicinal care and amendment to some related Acts".

4. In Annex No. 3, Group 304: Production of medical products, accurate and optical instruments and clocks, the designation of the field of small business "Protective disinfection, disinsection and deratization by chemical substances and chemical preparations classified as highly toxic or toxic, with the exception of professional activities in the field of plant-medicinal care", including footnote given in Column 5, shall henceforth read as follows "Special protective disinfection, disinsection and deratization by chemical substances and chemical preparations classified as highly toxic or toxic, with the exception of special protective disinfection, disinsection and deratization in foodstuff or agricultural operations, and professional activities in the field of plant-medicinal care*);"; the text in Column 2 shall read as follows: "Professional qualification pursuant to § 58 (5) of Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts, or for a period of 5 years of the date of legal force of the Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts, professional qualification obtained pursuant to § 18 to § 20 of Act No. 157/1998 Coll., on chemical substances and preparations and amendment to some other Acts, as amended by Act No. 352/1999 Coll."; the text in Column 4 shall read as follows: "Competent body for protection of the public health"; and the note in Column 5 shall read as follows: "*) Act No. 147/1996 Coll., on plant-medicinal care and amendment to some related Acts".

5. In Annex No. 3, at the end of Group 304: Production of medical products, accurate and optical instruments and clocks, a field of small business shall be added which shall read, including footnote given in Column 5, as follows "Special protective disinfection, disinsection and deratization in foodstuff or agricultural operations, with the exception of professional activities in the field of plant-medicinal care*);"; the text in Column 2 shall read as follows: "Professional qualification pursuant to § 58 (5) of Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts, or for a period of 5 years of the date of legal force of the Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts, professional qualification obtained pursuant to § 18 to § 20 of Act No. 157/1998 Coll., on chemical substances and preparations and amendment to some other Acts, as amended by Act No. 352/1999 Coll."; the text in Column 4 shall read as follows: "Competent body for protection of the public health"; and the note in Column 5 shall read as follows: "*) Act No. 147/1996 Coll., on plant-medicinal care and amendment to some related Acts".

6. In Annex No. 3, at the end of Group 314: Other, a field of small business shall be added which shall read as follows: "Provision of courses for the purpose obtaining of knowledge necessary for carrying out special

protective disinfection, disinsection and deratization"; the text in Column 2 shall read as follows: "Professional qualification pursuant to § 58 (2) of Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts"; the text in Column 4 shall read as follows: "Competent body for protection of the public health"; and the text in Column 5 shall read as follows: "§ 59 of Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts".

7. In Annex No. 3, Group 314: Other, in the field of small business "Undertaker's service", in Column 4, the words "state hygiene service" shall be replaced by the words "protection of public health".

8. In Annex No. 3, Group 314: Other, in the field of small business "Operation of burial grounds and crematories", in Column 4, the words "state hygiene service" shall be replaced by the words "protection of public health".

PART FOUR

Amendment to the Act on Medical Care in Non-State Medical Facilities

§ 112

Act No. 160/1992 Coll., on medical care in non-state medical facilities, as amended by Act No. 161/1993 Coll., shall be amended as follows:

1. In § 10 (3), letter d) shall read as follows:

"d) operational rules approved by the competent body for protection of the public health,¹⁰⁾".

Footnote No. 10 shall read as follows:

¹⁰⁾ § 15 (2) of Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts."

2. In § 13 (1) (a), the words "hygiene service" shall be replaced by the words "protection of public health".

PART FIVE

Amendment to the Act on Misdemeanors

Act No. 200/1990 Coll., on misdemeanors, as amended by Act No. 337/1992 Coll., Act No. 344/1992 Coll., Act No. 359/1992 Coll., Act No. 67/1993 Coll., Act No. 290/1993 Coll., Act No. 134/1994 Coll., Act No. 82/1995 Coll., Act No. 237/1995 Coll., Act No. 279/1995 Coll., Act No. 289/1995 Coll., Act No. 112/1998 Coll., Act No. 168/1999 Coll., Act No. 360/1999 Coll., Act No. 29/2000 Coll., Act No. 121/2000 Coll., Act No. 132/2000 Coll. and Act No. 151/2000 Coll., shall be amended as follows:

1. In § 29 (1) (b), the words "laid down or" shall be inserted following the word "measures" and the words "or pollutes the air with harmful substances above the set admissible threshold" shall be canceled.

2. In § 29 (1) (d), the words "comestibles or" shall be canceled.

3. In § 29 (1), letter e) shall be canceled.

Former letters f) to ch) shall be designated as letters e) to h).

4. In § 29 (1) (f), the word "poisons" shall be canceled.

5. In § 29 (1) (f), the words "and/or breaches the obligation to protect health against ionizing radiation" shall be canceled.

6. In § 29 (1), letter g) shall read as follows:

"g) breaches a prohibition or fails to comply with obligations laid down or imposed for prevention of occurrence and spreading of contagious diseases,".

7. In § 29 (1), at the end of letter h), the fullstop shall be replaced by a comma and letters i), j) and k) shall be added which shall read as follows:

- "i) breaches a prohibition or fails to comply with obligations laid down or imposed for protection of health against non-ionizing radiation,
 - j) breaches a prohibition or fails to comply with obligations laid down or imposed for operation of a natural swimming pool, artificial swimming pool or sauna,
 - k) breaches a prohibition or fails to comply with obligations laid down or imposed for arranging for a recreational undertaking, other similar undertaking for children or a school in nature."
8. In § 29, paragraph 2 shall read as follows:
- "(2)" A fine of up to 10 000 CZK may be imposed for a misdemeanor pursuant to paragraph 1 (a) to (k)."
9. In § 86, letter c) shall read as follows:
- "c) bodies for protection of the public health, misdemeanors in the field of health services pursuant to § 29 (1) (a), (b), (d), (f), (g) and (i) to (k)."

PART SIX

Amendment to the Act on Care for Health of the Population

§ 114

Act No. 20/1966 Coll., on care for health of the population, as amended by Act No. 210/1990 Coll., Act No. 425/1990 Coll., Act No. 548/1991 Coll., Act No. 550/1991 Coll., Act No. 590/1992 Coll., Act No. 15/1993 Coll., Act No. 161/1993 Coll., Act No. 307/1993 Coll., Act No. 60/1995 Coll., Act No. 206/1996 Coll., Act No. 14/1997 Coll., Act No. 79/1997 Coll., Act No. 110/1997 Coll., Act No. 83/1998 Coll., Act No. 167/1998 Coll., Act No. 71/2000 Coll., Act No. 123/2000 Coll., Act No. 132/2000 Coll. and Act No. 149/2000 Coll., shall be amended as follows:

1. In Article VI, the words "creation and protection of healthy conditions and healthy way of life and work and" shall be canceled.

2. Part One shall be canceled.

3. In § 9, at the end of paragraph 1, the following words shall be added: "and the Act on protection of public health".

4. In § 9, at the end of paragraph 2, the following words shall be added: "and medical facilities in cases where such facilities are specified by the competent body for protection of the public health for carrying out of epidemiological measures".

5. In § 9 (4) (a), the word "vaccination," the words "contagious diseases or other" and the words "isolation, quarantine measure, prohibition of performance of employment or other activities," shall be canceled.

6. In § 9 (4), letter b) shall be canceled.

Former letters d) and e) shall be designated as letters b) and c).

7. In the title of Section 3 and in § 15 (2), the words "contagious diseases (*pøenosným nemocem*)" shall be replaced by the words "contagious disease (*infekèním onemocnìním*)".

8. In § 16, paragraph 2 shall read, including footnote No. 2a), as follows:

"(2) Facilities and bodies for protection of the public health shall fulfill special professional tasks in the field of protection of public health pursuant to the special regulation.^{2a)}

^{2a)} Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts."

9. In § 22 (1), the words "contagious diseases (*pøenosných nemocí*)" shall be replaced by the words "contagious diseases (*infekèních onemocnìní*)".

10. In § 23 (4), at the end of letter c), the fullstop shall be replaced by a comma and letter d) shall be added which shall read, including footnote No. 4a), as follows:

"d) for a carrier.^{4a)}

^{4a)} § 53 of Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts."

11. In § 28 (1), the words "hygiene service" shall be replaced by the words "protection of public health".

12. In § 32 (1) (a), the words "hygiene service⁷⁾" shall be replaced by the words "protection of public health^{2a)}".

13. § 34 shall be canceled.

14. In § 35a, the words "the competent hygiene service" shall be replaced by the words "the competent body for protection of the public health".

15. Following § 60, new § 61 shall be inserted which shall read, including footnotes Nos. 11) and 11a), as follows:

"§ 61

Production, import and export of diagnostic medical instruments in vitro, unless these are specified by the special regulation¹¹⁾ as the products determined for assessment of conformity, shall be reported to the Ministry of Health. The report must be accompanied by instructions for use in Czech language, and the manner of verification of security, effectiveness and suitability of the diagnostic medical instrument in vitro for use in providing medical care. Compliance with requirements pursuant to the previous sentence shall in no way prejudice the obligation to introduce only safe products to the market.^{11a)}

¹¹⁾ Regulations of the Government issued pursuant to § 12 (1) (a) and (b), and (4), and § 13 (2), (4) and (5) of Act No. 22/1997 Coll., on technical requirements for products and amending and supplementing some Acts, as amended by Act No. 71/2000 Coll.

^{11a)} § 8 (1), (2) and (5) of Act No. 22/1997 Coll., as amended by Act No. 71/2000 Coll."

16. § 71 shall be canceled.

17. § 75 shall be canceled.

18. § 76 shall read, including the title, as follows:

" § 76

Special Authorization of Employees of the Czech Inspectorate of Spas and Hot Springs

The employees of the Czech Inspectorate of Spas and Hot Springs, in fulfillment of their tasks, shall be authorized to enter all enterprises, facilities and premises, to take samples in necessary amounts and extent for the purpose of investigation, and to require the necessary documents and information."

19. In § 78 (1), the words "imposed hygienic and anti-epidemic measures and" shall be canceled.

20. In § 79 (3), the words "in particular, ensuring of healthy living conditions," and the words "or in accordance with the binding assessment thereof, as appropriate" shall be canceled.

21. In § 80, paragraph 2 shall be canceled.

Former paragraphs 3 to 6 shall be designated as paragraphs 2 to 5.

22. In § 80, paragraph 2, the second sentence shall be canceled.

23. § 81 shall read as follows:

"§ 81

For the purposes of this Act, organization means a natural person carrying out business pursuant to special regulations and a legal person."

24. Annex No. 1 shall be canceled.

PART SEVEN

Amendment to the Act on Medical Substances

§ 115

Act No. 79/1997 Coll. on medical substances and amending and supplementing of some related Acts, as amended by Act No. 140/2000 Coll. and Act No. 153/2000 Coll., shall be amended as follows:

1. In § 20 (1) (d) (3), the words "hygiene service" shall be replaced by the words "protection of public health".
2. In § 48 (3) (d), the words "hygiene service" shall be replaced by the words "protection of public health".

PART EIGHT

Amendment to the Labor Code

§ 116

Act No. 65/1965 Coll., the Labor Code, as amended by Act No. 88/1968 Coll., Act No. 153/1969 Coll., Act No. 100/1970 Coll., Act No. 20/1975 Coll., Act No. 72/1982 Coll., Act No. 111/1984 Coll., Act No. 22/1985 Coll., Act No. 52/1987 Coll., Act No. 98/1987 Coll., Act No. 188/1998 Coll., Act No. 3/1991 Coll., Act No. 297/1991 Coll., Act No. 231/1992 Coll., Act No. 264/1992 Coll., Act No. 590/1992 Coll., Act No. 37/1993 Coll., Act No. 74/1994 Coll., Act No. 118/1995 Coll., Act No. 287/1995 Coll., Act No. 138/1996 Coll., Act No. 167/1999 Coll., Act No. 225/1999 Coll., Act No. 29/2000 Coll., Act No. 155/2000 Coll., Act No. 220/2000 Coll., Act No. 238/2000 Coll. and Act No. 257/2000 Coll., shall be amended as follows:

1. In § 37 (1) (a), the words "binding assessment of the competent body of hygiene service" shall be replaced by the words "decision of the competent body for protection of the public health".
2. In § 37 (1) (c), the word "contagious (*pøenosými*)" shall be replaced by the word "contagious (*infekèními*)".
3. In § 46 (1) (d), the words "binding assessment of the competent body of hygiene service" shall be replaced by the words "decision of the competent body for protection of the public health".
4. In § 47 (2), the words "binding assessment of the competent body of hygiene service" shall be replaced by the words "decision of the competent body for protection of the public health".

PART NINE

Amendment to the Act on Protection of Consumers

§ 117

Act No. 634/1992 Coll., on protection of the consumers, as amended by Act No. 217/1993 Coll., Act No. 40/1995 Coll., Act No. 104/1995 Coll., Act No. 110/1997 Coll., Act No. 356/1999 Coll., Act No. 64/2000 Coll. and Act No. 145/2000 Coll., shall be amended as follows:

1. In § 10, paragraph 4 shall be added following paragraph 3 and shall read as follows:

"(4) Special regulations may provide for different labeling of products."

Former paragraphs 4 to 8 shall be designated as paragraphs 5 to 9.

2. In § 23 (4), the words "hygiene service¹⁸⁾" shall be replaced by the words "protection of public health¹⁸⁾"

Footnote No. 18 shall read as follows:

¹⁸⁾ Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts."

PART TEN

**Amendment to the Act on Establishment of Ministries and Other Central Bodies of State Administration
of the Czech Republic**

§ 118

In § 10 of Act No. 2/1969, on establishment of ministries and other central bodies of state administration of the Czech Republic, as amended by Act No. 60/1988 Coll., Act No. 37/1989 Coll., Act No. 93/1990 Coll., Act No. 203/1990 Coll., Act No. 575/1990 Coll. and Act No. 474/1992 Coll., paragraph 2 shall be canceled.

Former paragraph 3 shall be designated as paragraph 2.

PART ELEVEN

Amendment to the Act on Public Health Insurance

§ 119

Act No. 48/1997 Coll., on public health insurance and amending and supplementing some related Acts, as amended by Act No. 242/1997 Coll., Act No. 2/1998 Coll., Act No. 127/1998 Coll., Act No. 225/1999 Coll., Act No. 363/1999 Coll., Act No. 18/2000 Coll., Act No. 132/2000 Coll., Act No. 155/2000 Coll. and Award of the Constitutional Court No. 167/2000 Coll., shall be amended as follows:

1. In § 30 (1), the words "contagious diseases (*pøenosným nemocem*).³⁴⁾" shall be replaced by the words "contagious diseases (*infekčním onemocněním*).³⁴⁾".

The footnotes Nos. 34) and 35) shall read as follows:

³⁴⁾ Chapter III, Section 1 of Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts.

³⁵⁾ Act No. 258/2000 Coll."

2. In § 30 (3) (a), the words "hygiene service" shall be replaced by the words "protection of public health".

3. In § 30 (3) (c), the words "hygiene service" shall be replaced by the words "protection of public health".

4. In § 55 (3), the words "hygiene service" shall be replaced by the words "protection of public health".

PART TWELVE

Amendment to the Act on a Special Contribution to Miners

§ 120

Act No. 98/1987, on a special contribution to miners, as amended by Act No. 1/1989 Coll. and Act No. 160/1989 Coll., shall be amended as follows:

1. In § 4 (1), the words "binding assessment of the competent body of hygiene service" shall be replaced by the words "decision of the competent body for protection of the public health" and the words "binding assessment" shall be replaced by the word "decision".

2. In § 4 (2) (a), the words "assessment of the competent body of hygiene service" shall be replaced by the words "decision of the competent body for protection of the public health".

PART THIRTEEN

Amendment to the Act on Extension of the Maternity Leave, on Maternity Allowances and on Children Allowances from the Sickness Insurance

§ 121

In § 5 (4) (a) of Act No. 88/1968 Coll., on extension of the maternity leave, on maternity allowances and on children allowances from the sickness insurance, as amended by Act No. 109/1984 Coll., Act No. 37/1993

Coll., Act No. 308/1993 Coll. and Act No. 241/1994 Coll., the words "regulations on measures against contagious diseases" shall be replaced by the words "special regulations".

PART FOURTEEN

Amendment to the Mining Act

§ 122

In § 40 (2) (c) of Act No. 44/1988 Coll., on protection and utilization of mineral wealth (the Mining Act), the words "hygiene services" shall be replaced by the words "protection of public health".

PART FIFTEEN

Amendment to the Act on Social Security

§ 123

In § 145d (1) of Act No. 100/1988 Coll., on social security, as amended by Act No. 306/1991 Coll., Act No. 37/1993 Coll., Act No. 307/1993 Coll. and Act No. 160/1995 Coll., the words "regulations on measures against contagious diseases" shall be replaced by the words "special regulation^{53a)}".

Footnote No. 53a) shall read as follows:

^{53a)} Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts."

PART SIXTEEN

Amendment to the Act on State Administration and Self-Governing in the Education System

§ 124

In § 13b (1) (f) of Act No. 564/1990 Coll., on state administration and self-governing in the education system, the words "affirmative binding assessment of the competent body of hygiene service" shall be replaced by the words "standpoint of the competent body for protection of the public health".

PART SEVENTEEN

Amendment to the Act on State Administration in Protection of the Air and Payments for Pollution Thereof

§ 125

In § 3 (3) (b), of Act No. 389/1991 Coll., on state administration in protection of the air and payments for pollution thereof, the words "hygiene service" shall be replaced by the words "protection of public health".

PART EIGHTEEN

Amendment to the Act on Organization and Implementation of Social Security

§ 126

In § 62 (1) of Act No. 582/1991 Coll., on organization and implementation of social security, as amended by Act No. 590/1992 Coll. and Act No. 241/1994 Coll., the last sentence shall be replaced by the following sentence: "In quarantine, the preliminary measure of the medical facility of state therapeutic preventative care or person operating a non-state medical facility or the decision of the competent body for protection of the public health shall be submitted."

PART NINETEEN

Amendment to the Act on Execution of Detention

§ 127

In § 7 (1) (g) of Act No. 293/1993 Coll., on execution of detention, as amended by Act No. 208/2000 Coll., the word "contagious (*pøenosné*)" shall be replaced by the word "contagious (*infekèni*)".

PART TWENTY

Amendment to the Act on Regulation of Advertising

§ 128

In § 5 (1) (d) of Act No. 40/1995 Coll., on regulation of advertising and amending and supplementing of Act No. 468/1991 Coll., on operation of radio and television broadcasting, as amended, the word "contagious (*pøenosné*)" shall be replaced by the word "contagious (*infekèni*)".

PART TWENTY ONE

Amendment to the Act on Protection of Hops

§ 129

In § 11 (1) of Act No. 97/1996 Coll., on protection of hops, the words "hygiene service" shall be replaced by the words "protection of public health".

PART TWENTY TWO

Amendment to the Act on Prevention of Serious Accidents

§ 130

Act No. 353/1999 Coll., on prevention of serious accidents caused by selected hazardous chemical substances and chemical preparations and amendment to Act No. 425/1990 Coll., on District Authorities, regulation of their competence and on some other measures related thereto, as amended (the Act on prevention of serious accidents), shall be amended as follows:

1. In § 16 (h), the words "hygiene service" shall be replaced by the words "protection of public health".
2. In § 19 (a), the words "hygiene service" shall be replaced by the words "protection of public health".
3. In § 21 (1), the words "hygiene service" shall be replaced by the words "protection of public health".
4. In § 22 (3) and (4), the words "hygiene service" shall be replaced by the words "protection of public health".

PART TWENTY THREE

Amendment to the Act on Premiums for General Health Insurance

§ 131

In § 7 (2) of Act No. 592/1992 Coll., on premiums for general health insurance, as amended by Act No. 161/1993 Coll. and Act No. 324/1993 Coll., the words "regulations on measures against contagious diseases" shall be replaced by the words "special regulations".

PART TWENTY FOUR

Amendment to Act No. 157/1998 Coll., on Chemical Substances and Chemical Preparations

§ 132

Act No. 157/1998 Coll., on chemical substances and chemical preparations and amendment to some other Acts, as amended by Act No. 352/1999 Coll. and Act No. 132/2000 Coll., shall be amended as follows:

1. In § 1, at the end of paragraph 4, the words "§ 10 (2), (5) (c), (7) and (8)" shall be replaced by the words "§ 10 (2), (3), and (4)".

2. In § 10, at the end of paragraph 2, a sentence shall be added which shall read, including footnote No. 18), as follows: "This provision shall not apply to operation of special protective disinfection, disinsection and deratization specified in the special regulation.¹⁸⁾

¹⁸⁾ Act No. 258/2000 Coll., on protection of public health and amendment to some related Acts."

3. In § 10, paragraphs 3 to 6 shall be canceled.

Former paragraphs 7 to 11 shall be designated as paragraphs 3 to 7.

4. In § 10 (6), the words "in paragraphs 2, 3, 7 and 8" shall be replaced by the words "in paragraphs 2, 3 and 4" and, at the end of the sentence, the words "and to use of selected fuels and lubricants as specified in § 1 (4)" shall be canceled.

5. In § 18 (1), at the end of the first sentence, the following words shall be added: "with the exception of provision of courses for the purpose obtaining of the necessary knowledge for carrying out special protective disinfection, disinsection and deratization".

6. In § 22 (5), the first sentence, the word "special" shall be inserted between the words "implement protective".

7. In § 28 (1), letter a) shall be canceled.

Former letters b) to j) shall be designated as letters a) to i).

8. In § 28 (1) (a), the words "or failed to give notification pursuant to § 10 (3) and (4) and/or failed to notify a change in the information stated in the notification pursuant to § 10 (6)" shall be canceled.

9. In § 28 (1) (c) and (d), the words "pursuant to § 10 (3)" shall be replaced by the words "pursuant to § 10 (2)".

10. In § 28 (2), the words "letters d) and e)" shall be replaced by the words "letters c) and d)".

11. In § 28 (4), the words "letter f)" shall be replaced by the words "letter e)".

12. In § 30 (1), letter a) shall read as follows:

"a) fails to comply with the general conditions for management of hazardous substances and preparations pursuant to § 10 (1), (3) and (4)".

PART TWENTY FIVE

LEGAL FORCE

§ 133

This Act shall come into effect on January 1, 2001, with the exception of Part Six, § 114 (15), which shall come into effect on the first day of the second month following the day of publication, Part One, § 24 (1) (h), which shall come into effect on July 1, 2001, and Part One, § 29, which shall come into effect on July 1, 2002.

Klaus, in his own hand

Havel, in his own hand

being represented by a substitute, **Rychetský**, in his own hand

Medical Facilities and Facilities for Protection of the Public Health that May Carry Out Vaccination for Abroad

Regional hygiene stations and the Hygiene station of the Capital of Prague

District and city hygiene stations

The Královské Vinohrady Faculty Hospital, the geographic medicine clinic, Prague

The Central Army Medical Institute

The Health Institute for Special Services of the Ministry of Interior

The infections departments of faculty hospitals, the hospital in Èeské Budjovice and the Masaryk's hospital in Ústí n. Labem

The Center for Travel Medicine, Prague

Seats and Administrative Districts of Regional Hygiene Officers

1. The Hygiene Officer of the Capital of Prague with the seat in Prague, for the territory of the Capital of Prague;
2. The Regional hygiene officer of the Central-Bohemian Region with the seat in Prague, for the territory of the districts of Benešov, Beroun, Kladno, Kolín, Kutná Hora, Milník, Mladá Boleslav, Nymburk, Prague - East, Prague - West, Pøíbram and Rakovník;
3. The Regional hygiene officer of the Region of Èeské Budìjovice with the seat in Èeské Budìjovice, for the territory of the districts of Èeské Budìjovice, Èeský Krumlov, Jindøichùv Hradec, Pìsek, Prachatice, Strakonice and Tábør;
4. The Regional hygiene officer of the Region of Plzeò with the seat in Plzeò, for the territory of the districts of Domažlice, Klatovy, Plzeò - city, Plzeò - South, Plzeò - North, Rokycany and Tachov;
5. The Regional hygiene officer of the Region of Karlovy Vary with the seat in Karlovy Vary, for the territory of the districts of Cheb, Karlovy Vary and Sokolov;
6. The Regional hygiene officer of the Region of Ústí nad Labem with the seat in Ústí nad Labem, for the territory of the districts of Dièín, Chomutov, Litomiøice, Louny, Most, Teplice and Ústí nad Labem;
7. The Regional hygiene officer of the Region of Liberec with the seat in Liberec, for the territory of the districts of Èeská Lípa, Jablonec nad Nisou, Liberec and Semily;
8. The Regional hygiene officer of the Region of Hradec Králové with the seat in Hradec Králové, for the territory of the districts of Hradec Králové, Jièín, Náchod, Rychnov nad Knìžnou a Trutnov;
9. The Regional hygiene officer of the Region of Pardubice with the seat in Pardubice, for the territory of the districts of Chrudim, Pardubice, Svitavy and Ústí nad Orlicí;
10. The Regional hygiene officer of the Region of Jihlava with the seat in Jihlava, for the territory of the districts of Havlíèkùv Brod, Jihlava, Pelhøimov, Tøebíè and Žiár nad Sázavou;
11. The Regional hygiene officer of the Region of Brno with the seat in Brno, for the territory of the districts of Blansko, Brno - city, Brno - suburb, Bøeclav, Hodonín, Vyškov and Znojmo;
12. The Regional hygiene officer of the Region of Olomouc with the seat in Olomouc, for the territory of the districts of Jeseník, Olomouc, Prostijov, Pøerov and Šumperk;
13. The Regional hygiene officer of the Region of Ostrava with the seat in Ostrava, for the territory of the districts of Bruntál, Frýdek - Místek, Karviná, Nový Jièín, Opava and Ostrava - city;
14. The Regional hygiene officer of the Region of Zlín with the seat in Zlín, for the territory of the districts of Kromìøíž, Uherské Hradišti, Vsetín and Zlín.