

	1987-11-28	Act No. 3943
Amended By	1988-12-31	Act No. 4077
Amended By	1995-12-30	Act No. 5135
Amended By	1997-12-13	Act No. 5454
Amended By	1999- 2- 8	Act No. 5840

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the protection of national health the necessary by providing the necessary matters for the prevention of the acquired immunodeficiency syndrome (AIDS) and the segregation and control of the AIDS virus-infected.

Article 2 (Definitions)

For the purpose of this Act, the term "the human immunodeficiency virus (HIV)-infected" means a person falling under any of the following subparagraphs:

- 1.AIDS patient whose immunosystem has weakened after an injection with HIV and those who show clinical symptoms particular to AIDS, as prescribed by the Presidential Decree;
- 2.Carrier of pathogenic organisms who has HIV; and
- 3.Antibody positive person who is infected with the HIV and in whose body is thereby formed the antibody.

Article 3 (Duties of State, Local Governments and Citizens)

(1) The State and local governments shall develop and execute countermeasures to prevent AIDS and to protect and control those who are infected with HIV

(hereinafter referred to as "infected"), and shall inform citizens of the necessary knowledge thereof. <Amended by Act No. 4077, Dec. 31, 1988>

(2) Citizens shall pay attention to prevention with correct knowledge on AIDS, and actively cooperate in measures taken by the State or local government under this Act.

(3) In cases as referred to in paragraphs (1) and (2), the State, local governments and citizens shall make efforts so that human dignity and value of those infected are respected, their fundamental rights are protected, and they do not suffer from any disadvantage on discrimination other than what is prescribed by this Act. <Amended by Act No. 4077, Dec. 31, 1988>

Article 4 (Anti-AIDS Committee)

(1) In order to deliberate upon important matters concerning the prevention of AIDS and the protection, control, etc. of those infected in response to any consultation of the Minister of Health and Welfare, the Anti-AIDS Committee shall be established in the Ministry of Health and Welfare. <Amended by Act No. 5135, Dec. 30, 1995>

(2) Matters necessary for the composition and operation of the Anti-AIDS Committee shall be prescribed by the Presidential Decree.

CHAPTER II NOTIFICATION AND REPORT

Article 5 (Notification by Doctor or Medical Institution, etc.)

(1) Any doctor or medical institution making a diagnosis or performing an autopsy of those infected shall give guidance to the infected, persons living together with him or his family so as to observe matters necessary to prevent

the propagation of the AIDS, and immediately notify it to the director of the public health clinic, under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5135, Dec. 30, 1995>

(2) Any person who has found the infected through a scientific study, or a blood test, and blood preparations under [Article 9](#), or the head of the institution which has conducted the said study or test, shall immediately notify it to the director of the public health clinic under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5135, Dec. 30, 1995>

(3) In cases where those infected have entered or left the hospital or died, the doctor or medical institution in charge of him shall immediately notify it to the director of the public health clinic, or in cases where those infected have changed their address or died (limited only to a case falling under [Article 87 \(3\) of the Family Register Act](#)), the infected or the head of the household (if the head of the household is the infected himself or if he is absent, any adult of the family in that household) shall notify the head of the public health center, under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5135, Dec. 30, 1995>

(4) The director of the public health clinic shall, upon receiving notification, under paragraphs (1) through (3), report it to the head of Shi/ Kun/Ku (referring to an autonomous Ku ; hereinafter the same shall apply), who shall, upon receiving such report, make another report to the Special Metropolitan City Mayor, a Metropolitan City Mayor, or a Do governor (hereinafter referred to as the "Mayor/Do governor"). <Amended by Act No. 5135, Dec. 30, 1995; Act No. 5454, Dec. 13, 1997; Act No. 5840, Feb. 8, 1999>

Article 6 (Preparation and Report of List of Those Infected)

The Mayor/Do governor shall, upon receiving a report under [Article 5](#), prepare and keep a list of those infected residing within his jurisdiction, and report it to the Minister of Health and Welfare under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5135, Dec. 30, 1995; Act No. 5840, Feb. 8, 1999>

Article 7 (Prohibition of Divulgence of Secret)

No person who is engaged in affairs concerning the prevention of AIDS and the protection and control of those infected, in the State or local government, those who participate in the diagnosis, autopsy or nursing of those infected, those who maintain and are in charge of records on those infected, shall divulge any secret which he knows about those infected under his duty, without any justifiable reason, not only while in office, but also after retirement.

CHAPTER III MEDICAL EXAMINATION

Article 8 (Medical Examination)

(1) The Minister of Health and Welfare, Mayor/Do governor, or head of Shi/Kun/Ku shall conduct medical examinations for AIDS, regularly or at any time, of persons whose work places have frequent contact with the general public and also those who are prescribed by the Presidential Decree. <Amended by Act No. 4077, Dec. 31, 1988; Act No. 5135, Dec. 30, 1995; Act No. 5840, Feb. 8, 1999>

(2) The Minister of Health and Welfare, Mayor/Do governor, or head of Shi/Kun/Ku may conduct a medical examination for AIDS on a person who has been judged to have sufficient cause to be infected with AIDS or who is in an environment which makes them susceptible to be infected with AIDS, and who is prescribed by the Presidential Decree. <Amended by Act No. 5135, Dec. 30, 1995; Act No. 5840, Feb. 8, 1999>

(3) Among foreigners entering the Republic of Korea from foreign countries, any person plans on a long stay who is prescribed by the Presidential Decree, shall present to the Minister of Health and Welfare written confirmation on the HIV-negative result issued within one month before entering the country. If it is

impossible to present such a document, he shall have a medical examination at an institution as designated by the Minister of Health and Welfare within seventy two hours upon entering the country. <Newly Inserted by Act No. 4077, Dec. 31, 1988; Act No. 5135, Dec. 30, 1995>

Article 9 (Test of Blood, Intestines, Tissues, etc.)

(1) The Blood Center prescribed in [Article 2 \(2\) of the Blood Management Act](#), and a person who imports blood preparations (including the blood and blood plasma; hereinafter the same shall apply), shall test whether or not the blood gathered at the Blood Center or imported blood preparation is infected with HIV under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare, unless documentary evidence is provided by the country exporting such products to the effect that they are not infected with HIV, is appended to the imported blood preparations. <Amended by Act No. 5135, Dec. 30, 1995>

(2) Any doctor or medical institution shall make an examination of whether or not HIV is infected, (including artificial intestines) providing the sperm and using other carriers susceptible of being infected with HIV (hereinafter referred to as "carriers"), under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. <Newly Inserted by Act No. 4077, Dec. 31, 1988; Act No. 5135, Dec. 30, 1995>

(3) The blood, imported blood preparations, intestines, tissues, sperm, and carriers which are not tested under paragraphs (1) and (2), or are turned out to be infected with HIV as a result of the test, shall not be distributed, sold or used. <Amended by Act No. 4077, Dec. 31, 1988>

Article 10 (Epidemiological Investigation)

The Minister of Health and Welfare, Mayor/Do governor, or head of Shi/Kun/Ku may conduct a medical examination for AIDS or an epidemiological investigation for grasping the propagation route for those infected and those who have

sufficient causes to be suspicious of being infected, and those who are in an environment susceptible of becoming infected. <Amended by Act No. 5135, Dec. 30, 1995; Act No. 5840, Feb. 8, 1999>

Article 11 (Presentation of Identification Card)

Any person who conducts the medical examination and epidemiological investigation under [Articles 8](#) and [10](#), shall carry an identification card indicating his authority, and present it to the person concerned.

Article 12 (Issuance of Certificate)

With respect to a person who has been subject to a medical examination under [Article 8](#) and an epidemiological Investigation under [Article 10](#), a certificate showing the result shall be issued under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5135, Dec. 30, 1995>

CHAPTER IV PROTECTION AND CONTROL OF THE INFECTED

Article 13 (Establishment, etc. of Diagnosis and Treatment Institution)

(1) The Minister of Health and Welfare may establish and operate a research institution or specialized medical institution necessary for the prevention of AIDS and the protection and control of those infected. <Amended by Act No. 5135, Dec. 30, 1995; Act No. 5840, Feb. 8, 1999>

(2) Matters necessary for the establishment and operation of the research institution or specialized medical institution as referred to in paragraph (1), shall

be prescribed by the Presidential Decree. <Amended by Act No. 5840, Feb. 8, 1999>

Article 14 (Directions for Medical Treatment)

If the treatment of those infected is deemed necessary for the public interest in order to prevent the infection of the HIV, the Minister of Health and Welfare or Mayor/Do governor shall order those infected as prescribed by the Presidential Decree who might infect others with it, to receive treatment at the specialized medical institution under [Article 13](#).
[This Article Wholly Amended by Act No. 5840, Feb. 8, 1999]

Article 14-2

Deleted. <by Act No. 5840, Feb. 8, 1999>

Article 15 (Compulsory Disposition)

(1) If those infected who received the directions for medical treatment under [Article 14](#), fail to comply with it, the Minister of Health and Welfare or Mayor/Do governor may have a public official under his jurisdiction enter a residence or place in which those infected are to be found, and conduct a necessary investigation, and have them receive treatment. <Amended by Act No. 5135, Dec. 30, 1995; Act No. 5840, Feb. 8, 1999>

(2) The provisions of [Article 11](#) shall be applicable mutatis mutandis to a case as referred to in paragraph (1).

Article 16 (Establishment and Operation of Sanatorium)

(1) The Minister of Health and Welfare or Mayor/Do governor may establish and

operate facilities for the medical treatment and recuperation of those infected (hereinafter referred to as a "sanatorium") and facilities for providing information for and giving advice to those infected (hereinafter referred to as a "rest place").

(2) Matters necessary concerning the establishment and operation of the sanatorium and rest place under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Health and Welfare.
[This Article Wholly Amended by Act No. 5840, Feb. 8, 1999]

Article 17

Deleted. <by Act No. 5840, Feb. 8, 1999>

Article 18 (Restriction on Employment)

(1) The infected shall not be employed in a business place in which employees are obliged to have regular medical examination under [Article 8](#) (1).

(2) No person who operates a place of business as prescribed in [Article 8](#) (1), shall have those infected, or a person who does not have the medical examination, work in his place of business.

Article 19 (Prohibition of Propagation Intermediary Act)

The infected shall not perform any of the following propagation intermediary acts:

1. Sexual acts without taking any preventive measure against infection as prescribed by the Presidential Decree; and

2. Act to propagate others through blood or other bodily fluids.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 20 (Protection of Family Dependents)

If it is deemed difficult for the family dependents of those infected to maintain their livelihood, the head of Shi/Kun/Ku shall take the measures necessary for protecting the livelihood of the family dependents, under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5840, Feb. 8, 1999>

Article 21 (Duty of Cooperation)

(1) The Minister of Health and Welfare may request, the heads of related agencies for cooperation necessary for the prevention of AIDS and the protection and control of those infected. <Amended by Act No. 5135, Dec. 30, 1995>

(2) The head of an agency, who receives a request under paragraph (1), shall positively cooperate with it, and shall not refuse it without any justifiable reason.

Article 22 (Liability for Expenses)

The following expenses shall be borne or subsidized, wholly or partially, by the State or local governments, under the conditions as prescribed by the Presidential Decree: <Amended by Act No. 5135, Dec. 30, 1995; Act No. 5840, Feb. 8, 1999>

1. Expenses for the medical examination under [Article 8](#);

2. Expenses for the epidemiological investigation under [Article 10](#);

3. Expenses for the establishment and operation of the research institution or specialized medical institution under [Article 13](#);

4. Expenses for treatment at the specialized medical institution under [Article 13](#);

5. Expenses for the protection of livelihood under [Article 20](#);

6. Expenses for the public information and education to prevent AIDS by the organization or institution entrusted under [Article 23](#) (2); and

7. Expenses for the establishment and operation of the sanatoriums and rest places of an organization and institution entrusted under [Article 23](#) (3).

Article 23 (Delegation of Authority)

(1) The authority of the Minister of Health and Welfare, as prescribed by this Act, may be delegated partially to the Mayor/Do governor or the head of the National Quarantine Office, under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5135, Dec. 30, 1995; Act No. 5840, Feb. 8, 1999>

(2) The Minister of Health and Welfare, or the head of the local government may entrust a private organization or specialized institution concerned with the public information and preventive education as provided in [Article 3](#) (1), under the conditions as prescribed by the Presidential Decree. <Newly Inserted by Act No. 5135, Dec. 30, 1995>

(3) The Minister of Health and Welfare or the Mayor/Do governor may entrust a private organization or specialized institution concerned with the establishment and operation of a sanatorium and rest place under the conditions as prescribed by the Presidential Decree. <Newly Inserted by Act No. 5840, Feb. 8, 1999>

Article 24 (Enforcement Decree)

The particulars necessary for the enforcement of this Act shall be prescribed by the Presidential Decree.

CHAPTER VI PENAL PROVISIONS

Article 25 (Penal Provisions)

Any person who falls under any of the following subparagraphs, shall be punished by imprisonment for not more than three years: <Amended by Act No. 4077, Dec. 31, 1988>

1.A person who distributes, sells or uses the blood, imported blood preparations, intestines, tissues, sperm or carriers in contravention of [Article 9](#) (3); and

2.A person who performs an intermediary act of propagation in contravention of [Article 19](#).

Article 26 (Penal Provisions)

Any person who falls under any of the following subparagraphs, shall be punished by imprisonment for not more than three years or a fine not exceeding ten million won: <Amended by Act No. 4077, Dec. 31, 1988>

1.A person who has divulged the secret in contravention of [Article 7](#);

2.A person who fails to conduct an examination under [Article 9](#) (1) or (2); and

3.A person who has those infected work in his business place in contravention of [Article 18](#) (2).

Article 27 (Penal Provisions)

Any person who falls under any of the following subparagraphs, shall be punished by imprisonment for not more than one year or a fine not exceeding three million won: <Amended by Act No. 5840, Feb. 8, 1999>

1.A person who fails to make a report under [Article 5](#), or makes a false report;

2.A person who fails to comply with a medical examination under [Article 8](#), or an epidemiological investigation under [Article 10](#);

3.Deleted; <by Act No. 5840, Feb. 8, 1999>

4.A person who fails to comply with a compulsory disposition under [Article 15](#) (1); and

5.A person who works at a business place where employment is restricted in contravention of [Article 18](#) (1), or a person who has an unexamined person work at his business place in contravention of [Article 18](#) (2).

Article 28 (Joint Penal Provisions)

If a representative of a corporation, or an agent, servant or other employee of a corporation or individual commits an offense as provided in [Articles 26](#) and [27](#) in connection with the business of the corporation or individual, the penalty, as provided in each corresponding Article, shall also be imposed on such corporation or individual, in addition to a punishment of the offender.

ADDENDUM

This Act shall enter into force sixty days after its promulgation.

ADDENDUM <Act No. 4077, Dec. 31, 1988>

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

ADDENDUM <Act No. 5135, Dec. 30, 1995>

This Act shall enter into force sixty days after its promulgation.

ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. <Proviso Omitted.>

ADDENDUM <Act No. 5840, Feb. 8, 1999>

This Act shall enter into force three months after the date of its promulgation.