CHAPTER  I  GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to improve the health of the citizens by providing them with the correct knowledge about health with which they can cultivate the awareness of the value of and responsibility for health, and by creating for them a given condition where they can
spontaneously lead a healthy life.

Article 2 (Definitions)
The terms used in this Act shall be defined as follows:

1. The term "national health promotion projects" means projects to improve the health of the citizens through health education, prevention of diseases, nutritional improvement, as well as practice of healthy life style;

2. The term "health education" means education which encourages an individual or group to voluntarily engage in healthy practices;

3. The term "nutritional improvement" means to improve the health of an individual or group through a balanced diet.

Article 3 (Responsibility)
(1) The State as well as local governments shall assume the responsibility to increase the national interest in health and to improve national health.

(2) All citizens shall endeavor to improve their own health as well as their family’s health and shall not act in a way that harms others’ health.

Article 4 (Development of Master Plan for Promoting National Health)
(1) The Minister of Health and Welfare shall develop a master plan for the national health (hereinafter referred to as "master plan") every five years after going through the deliberation thereon by the National Health Promotion Policy Deliberative Committee under Article 5. In such cases, the Minister of Health and Welfare shall consult beforehand with the heads of central administrative agencies concerned thereabout. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) Matters to be entered in the master plan shall be as follows:

1. The basic goal of promoting the national health and the direction for promoting the
national health;

2. Major tasks to be implemented to promote the national health and means to implement the major tasks;

3. Management of the manpower needed to promote the national health and means to raise the required financial resources;

4. Means to operate the National Health Promotion Fund under Article 22;

5. Means to manage statistics and information pertaining to the national health promotion;

6. Other matters needed to promote the national health.

[This Article Wholly Amended by Act No. 8004, Sep. 27, 2006]

Article 4-2 (Development, etc. of Implementation Plan)
(1) The Minister of Health and Welfare, the relevant heads of central administrative agencies, a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor (hereinafter referred to as a "Mayor/Do Governor") and the head of a Si/Gun/Gu (limited to an autonomous Gu; hereinafter the same shall apply) shall each develop and carry out an implementation plan for major policy steps (hereinafter referred to as "implementation plan") under his/her jurisdiction based on the master plan every year. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) The State may wholly or partially subsidize expenses necessary for the local governments to carry out the implementation plan.

[This Article Newly Inserted by Act No. 8004, Sep. 27, 2006]

Article 4-3 (Cooperation in Development of Plan)
(1) The Minister of Health and Welfare, the relevant heads of central administrative agencies, a Mayor/Do Governor and the head of a Si/Gun/Gu may, when it is necessary for
them to develop and carry out the master plan and the implementation plan, request relevant institutions and organizations, etc. to furnish data and cooperate with them. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) The relevant institutions and organizations, etc. that are requested to cooperate pursuant to paragraph (1) shall comply with such request unless special grounds exist.

[This Article Newly Inserted by Act No. 8004, Sep. 27, 2006]

Article 5 (National Health Promotion Policy Deliberative Committee)
(1) The National Health Promotion Policy Deliberative Committee (hereinafter referred to as the "Committee") mandated to deliberate on major matters concerning the promotion of the national health shall be set up in the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) The Committee shall deliberate on each of the following matters: <Amended by Act No. 10191, Mar. 26, 2010>

1. The master plan;

2. The annual operational plan of the National Health Promotion Fund under Article 22, the settlement of account and the evaluation thereof;

3. Matters concerning national health promotion policy measures in which not less than two central administrative agencies are involved and the heads of the central administrative agencies request to deliberate thereon;

4. Matters subject to deliberation pursuant to Article 9 of the National Nutrition Management Act;

5. Other matters that are taken into deliberation by the chairman of the Committee.

[This Article Wholly Amended by Act No. 8004, Sep. 27, 2006]
Article 5-2 (Organization and Operation of Committee)

(1) The Committee shall be comprised of not more than 15 members including one chairman and one vice chairman.

(2) The Vice Minister of Health and Welfare shall be the chairman and the vice chairman shall be nominated by the chairman from among members who are not public officials. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(3) The members shall be commissioned or designated by the Minister of Health and Welfare from among persons of profound learning and experiences in the national health promotion and disease control, persons who are recommended by consumer organizations under the Framework Act on Consumers, persons who are recommended by non-governmental organizations under the Assistance for Non-profit, Non-governmental Organizations Act, and public officials concerned. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(4) Other necessary matters concerning composition and operation, etc. of the Committee shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 8004, Sep. 27, 2006]

Article 5-3 (Operation and Commission of National Health Promotion Project Support Organization)

(1) The Minister of Health and Welfare and a Mayor/Do Governor may commission the operation of the national health promotion project support organization that performs the business of support for formulating policies and of evaluation on projects, which are necessary for the efficient operation of the National Health Promotion Fund pursuant to Article 22 and smooth promotion of the national health promotion project to any specialized institution or any other organization, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) The State and local governments may provide budget needed to operate and commission the operation of the national health promotion project support organization.
CHAPTER II MANAGEMENT OF PUBLIC HEALTH

Article 6 (Aid, etc. for Healthy Life Style)

(1) The State and local governments shall aid the citizens so that they may practice healthy life style.

(2) The State shall recommend the citizens to confirm the state of their health before marriage in order to protect the marriage and family life.

(3) Necessary matters for the details and procedure with respect to confirming the state of health under paragraph (2) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 7 (Prohibition, etc. of Advertisement)

(1) The Minister of Health and Welfare may order any person who puts an advertisement misleading health awareness of the citizens, to change or prohibit the contents of the advertisement. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) The advertisement for which the Minister of Health and Welfare may order its contents to be changed or prohibited it pursuant to the provisions of paragraph (1) shall be as follows: <Newly Inserted by Act No. 8004, Sep. 27, 2006; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

1. Advertisement of liquors pursuant to the Liquor Tax Act;

2. Advertisement of secret methods of health or spiritualism that are not medically and scientifically verified;

3. Advertisement prescribed by Presidential Decree which propagates wrong information
pertaining to health.

(3) Where an advertisement to which paragraph (1) applies is a commercial broadcast that went through deliberation of the Broadcast Committee under the Broadcasting Act and of the Composite Cable Broadcast Committee under the Composite Cable Broadcasting Act, the Minister of Health and Welfare may request to make corrections thereto as prescribed by relevant Acts and subordinate statutes. 

<Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(4) Standards for advertisement contents, any change thereto, procedures for prohibiting the advertisement and other necessary matters under paragraph (1) shall be prescribed by Presidential Decree. <Amended by Act No. 8004, Sep. 27, 2006>

Article 8 (Anti-Smoking and Moderate Drinking Campaign, etc.)

(1) The State and local governments shall educate and publicize to the citizens that direct or indirect cigarette smoking and excessive drinking are harmful to their health. <Amended by Act No. 8004, Sep. 27, 2006>

(2) The State and local governments may support juristic persons or organizations that research and investigate on anti-smoking and moderate drinking.

(3) Manufacturers and, importers and distributors of tobacco under the Tobacco Business Act (hereinafter referred to as "manufacturers, etc.") shall inscribe a phrase of warning to the effect that smoking may cause various kinds of disease, such as lung cancer, and carcinogenic substances of the following subparagraphs respectively on the front and rear sides of cigarette packages and advertisements prescribed by Presidential Decree (including sales promotion activities; hereinafter the same shall apply): <Amended by Act No. 6619, Jan. 19, 2002; Act No. 8690, Dec. 14, 2007>

1. Naphthylamine;

2. Nickel;

3. Benzene;
4. Vinyl chloride;

5. Arsenic;


(4) Those licensed for manufacturing alcoholic liquors under the Liquor Tax Act or those who import and distribute alcoholic liquors shall inscribe a phrase of warning to the effect that excessive drinking is harmful to health on the sales containers of such alcoholic liquors prescribed by Presidential Decree.

(5) Deleted. <by Act No. 6619, Jan. 19, 2002>

(6) Matters necessary for contents and methods, etc. of indication of a phrase of warning or carcinogenic substances under paragraphs (3) and (4) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 6619, Jan. 19, 2002; Act No. 8690, Dec. 14, 2007; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 9 (Measures for Anti-Smoking)

(1) With respect to manufacturers, etc., the Minister of Health and Welfare may prohibit or restrict advertisements of tobacco as prescribed by Presidential Decree. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6460, Apr. 7, 2001; Act No. 6619, Jan. 19, 2002; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) Authorized retailers and other sales agents of tobacco under the Tobacco Business Act shall not install tobacco vending machines and sell tobacco at locations other than those prescribed by Presidential Decree.

(3) Any person who sells tobacco by installing tobacco vending machines at a place prescribed by Presidential Decree pursuant to paragraph (2) shall install an adult verification device thereto, as prescribed by Ordinance of the Ministry of Health and Welfare. <Newly Inserted by Act No. 6952, Jul. 29, 2003; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
(4) Owners, occupants, or managers of public facilities prescribed by Ordinance of the Ministry of Health and Welfare shall wholly designate such facilities as a non-smoking area, or divide such facilities as non-smoking areas and smoking areas which are to be designated as such. In such cases, owners, occupants, or managers of facilities whose area is designated as a smoking area shall comply with the standards for establishment prescribed by Ordinance of the Ministry of Health and Welfare, including installing ventilation facilities and partitions in such smoking areas. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6619, Jan. 19, 2002; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(5) When deemed necessary for preventing damage of smoking and for improving health of residents, local governments may designate a certain area as a non-smoking area within their respective jurisdiction where many people gather or pass by. <Newly Inserted by Act No. 10327, May 27, 2010>

(6) No one shall smoke in any non-smoking area designated pursuant to paragraph (4) and (5). <Amended by Act No. 10327, May 27, 2010>

(7) The standard, methods, etc. for designating the whole area of facilities as a non-smoking area, or the standards, methods, etc. for categorizing and designating facilities as smoking and non-smoking areas pursuant to paragraph (4) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Newly Inserted by Act No. 6619, Jan. 19, 2002; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 10 (Council for Practicing Healthy Life Style)

(1) Mayors/Do governors as well as the heads of Sis/Guns/Gus, shall organize a Council for Practicing Healthy Life Style in which the community's residents, organizations or public institutions of the relevant community participate, in order to promote campaign for practicing healthy life style.

(2) Matters necessary for organization and operation of the Council for Practicing Healthy Life Style referred to in paragraph (1) shall be prescribed by ordinances of a local government.

Article 11 (Management of Health Education)

The Minister of Health and Welfare shall administer the health education of the citizens in
consultation with the head of the relevant central administrative organ. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 12 (Execution, etc. of Health Education)

(1) In order to enable all citizens to practice healthy lifestyle, the State and local governments shall conduct proper health education for individuals or groups subject to such education according to their prosperities, state of health, level of health awareness, etc.

(2) The State and local government may, where a juristic person or group related to national health promotion projects conducts health education, provide necessary support therefor. <Amended by Act No. 5856, Feb. 8, 1999>

(3) The Minister of Health and Welfare, Mayors/Do Governors as well as the heads of Sis/Guns/Gus may request the juristic person or the organization related to national health promotion projects who conducts health education pursuant to paragraph (2) to submit materials on health education plans or results therefrom. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 5856, Feb. 8, 1999; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(4) The contents of the health education under paragraph (1) shall be prescribed by Presidential Decree. <Amended by Act No. 5856, Feb. 8, 1999>

Article 12-2 (Issuance, etc. of Certificates of Health Education Specialists)

(1) The Minister of Health and Welfare may issue a certificate of health education specialists to a person who has professional knowledge on national health promotion and health education. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) A person falling under any of the following subparagraphs shall not become a health educator: <Amended by Act No. 7428, Mar. 31, 2005>

1. An incompetent or a quasi-incompetent;

2. A person who was declared bankrupt and has not been reinstated;

3. A person in whose case the execution of a sentence to imprisonment without labor or
heavier punishment, as declared by a court, has not been completed or the exemption from such execution has not been determined;

4. A person whose qualifications have been lost or suspended by any Act or by the decision of a court.

(3) Grades of health educators under paragraph (1) shall be grades 1 through 3, and matters necessary to establish criteria for qualifications by grade and procedures to issue the certificate, etc. shall be prescribed by Presidential Decree.

(4) A person who intends to obtain a certificate of health education specialists of grade 1 shall pass a state examination.

(5) The Minister of Health and Welfare may, when he/she issues a certificate of health education specialists under paragraph (1), collect a fee therefor, as prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

[This Article Newly Inserted by Act No. 6983, Sep. 29, 2003]

Article 12-3 (State Examination)

(1) The Minister of Health and Welfare shall conduct a state examination under Article 12-2 (4): Provided, That the Minister of Health and Welfare may entrust the administration of a state examination to a relevant specialized institution recognized to be capable of administering such examination as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) The Minister of Health and Welfare may, when he/she has entrusted the administration of a state examination pursuant to the proviso to paragraph (1), subsidize necessary expenses therefor within the limits of the budget. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(3) The Minister of Health and Welfare (including the institution entrusted with the administration of a state examination pursuant to the proviso to paragraph (1)) may collect an amount of money prescribed by Ordinance of the Ministry of Health and Welfare as an
application fee for an examination. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(4) Matters necessary for conducting a qualifying examination such as the subjects for examination, qualifications for applying examination shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 6983, Sep. 29, 2003]

Article 12-4 (Employment of Health Education Specialist)

The State and local governments shall encourage juristic persons or organizations, etc. related to national health promotion projects prescribed by Presidential Decree to employ a health education specialist as their employee.

[This Article Newly Inserted by Act No. 6983, Sep. 29, 2003]

Article 13 (Evaluation of Health Education)


(2) The methods for and contents of the evaluation referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 14 (Development, etc. of Health Education)

The Minister of Health and Welfare may require the Korea Health and Society Research Institute under the Act on the Establishment, Operation, and Fostering of Government-Invested Research Institution Act on the Establishment, Operation, and Fostering of Government-Funded Research Institution to gather, develop and investigate the information and data on health education to evaluate the said education, and to carry out other necessary duties. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 5733, Jan. 29, 1999; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
Article 15 (Nutrition Improvement)

(1) The State and local governments shall survey the nutritional state of the citizens, devise a plan to improve citizens' nutrition, and provide guidance about nutrition.

(2) The State and local governments shall perform the following projects to improve citizens’ nutrition: <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

1. A project for nutritional education;

2. A project for survey and research on nutritional improvement;

3. Other projects concerning nutritional improvement prescribed by Ordinance of the Ministry of Health and Welfare.

Article 16 (National Nutrition Survey, etc.)

(1) The Minister of Health and Welfare shall regularly conduct a national nutrition survey, such as the survey of the citizens’ state of health, intake of food and diet (hereinafter referred to as "national nutrition survey"). <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) A Special Metropolitan City, a Metropolitan City and a Do shall have public officials whose duties are to perform national nutrition surveys and nutrition guidance.

(3) A public official who conducts national nutrition surveys shall produce identification indicating his/her authority to the persons concerned.

(4) The content of and method for the citizens’ nutrition surveys and other matters necessary for the citizens’ nutrition surveys and nutrition guidance shall be prescribed by Presidential Decree.

Article 17 (Establishment and Enforcement of Plans for Oral Cavity Health Projects)

The State and local governments shall establish and enforce plans for oral cavity health
Article 18 (Oral Cavity Health Projects)

(1) The State and local governments shall perform the following projects for preventing diseases in the oral cavity and promoting the oral cavity health: <Amended by Act No. 6953, Jul. 29, 2003>

1. Project for education about oral cavity health;

2. Project for adjusting tap water fluoride concentration;

3. Project for investigation and research about oral cavity health;

4. Other projects for improvement of oral cavity health prescribed by Presidential Decree.

(2) Details, criteria and methods for projects under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 19 (Health Promotion Projects, etc.)

(1) The State and local government shall secure personnel and facilities necessary for the national health promotion projects and take measures necessary for the utilization of such facilities.

(2) The heads of Sis/Guns/ Gus may require the heads of public health centers to perform the following projects to improve the health of local residents, as prescribed by Ordinance of the Ministry of Health and Welfare: <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

1. Health education and consultation;

2. Nutrition management;

3. Management of oral cavity health;
4. Medical examination for early detection of diseases and their prescriptions;

5. Survey and research on health issues of local communities;

6. Other matters pertaining to the national health promotion projects such as operation of health classes.

(3) When the heads of public health centers perform duties of paragraph (2) 1 through 4, pursuant to paragraph (2), they shall keep, maintain and manage records on health conditions of individual beneficiaries of the projects.

(4) Facilities necessary for health promotion projects and matters concerning their operation shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 20 (Medical Examination)

The State may conduct medical examinations on the citizens, as prescribed by Ordinance of the Ministry of Health and Welfare, when necessary for the promotion of their health. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 21 (Prohibition of Disclosure of Medical Examinations Results)

A person who performs health examinations under Article 20 or person who works at the examination facilities shall not disclose the examination results without justifiable grounds, except as it is unavoidable to accomplish national health promotion projects.

CHAPTER III NATIONAL HEALTH PROMOTION FUND

Article 22 (Establishment, etc. of Fund)

(1) The Minister of Health and Welfare shall establish the National Health Promotion Fund (hereinafter referred to as the "Fund") in order to assure a source of revenue necessary for
smooth promotion of national health promotion projects. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) The Fund shall be created with the following financial resources: <Newly Inserted by Act No. 6619, Jan. 19, 2002>

1. Charges pursuant to Article 23 (1);

2. Proceeds accruing from the operation of the Fund.

Article 23 (Imposition and Collection, etc. of Charges for National Health Promotion)

(1) The Minister of Health and Welfare shall impose and collect charges (hereinafter referred to as “charges”) of 354 won per 20 pieces of cigarettes (excluding those exempted from the tobacco consumption tax under Local Tax ActArticle 54 of the Local Tax Act or deducted from the amount of the tobacco consumption tax or refunded under Local Tax ActArticles 63 (1) 1 and 2 of the same Act; hereinafter the same shall apply) among the tobacco under Tobacco Business ActArticle 2 of the Tobacco Business Act which manufacturers, etc. sell. <Amended by Act No. 7250, Dec. 30, 2004; Act No. 8004, Sep. 27, 2006; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010; Act No. 10221, Mar. 31, 2010>

(2) Manufacturers, etc. shall submit to the Minister of Health and Welfare materials for the quantity of cigarettes shipped out of the factory or bonded area from the first date of each month till the end of the month and for the details of the calculated charges not later than the 15th of the following month. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(3) The Minister of Health and Welfare shall, upon receipt of the materials submitted under paragraph (2), notify manufacturers, etc. that they should pay the charges concerned, specifying the amount of the charges and the deadline for payment thereof, within five days of such receipt. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(4) The manufacturers, etc. shall, upon receipt of the notice of payment under paragraph (3), pay the charges not later than the end of the month when they are notified.

(5) If a person who is liable for payment of charges fails to pay the charges within the deadline for payment under paragraph (4), the Minister of Health and Welfare shall urge the
payment with a period of not less than 30 days. In such cases, additional dues equivalent to 10/100 shall be imposed on the charges in arrears. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(6) If a person who has been urged to pay their dues under paragraph (5) fails to pay the charges and additional dues within the fixed period, the Minister of Health and Welfare shall collect them in the same manner as delinquent national taxes are collected. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

[This Article Wholly Amended by Act No. 6619, Jan. 19, 2002]

Article 23-2 (Security Furnished for Payment of Charges)

(1) The Minister of Health and Welfare may request a manufacturer, etc. to furnish the security in order to secure the payment of charges as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) Where the manufacturer, etc. who is asked to furnish the security pursuant to paragraph (1) fails to furnish the security or furnish part of the security, the Minister of Health and Welfare may request a Special Metropolitan City Mayor, a Metropolitan City Mayor, the head of a Si/Gun and the head of customhouse to prohibit the manufacturer, etc. from shipping cigarettes out of a place where they are stored. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(3) A Special Metropolitan City Mayor, a Metropolitan City Mayor, the head of a Si/Gun and the head of customhouse who are asked to prohibit the manufacturer, etc. from shipping his cigarettes out of the place pursuant to paragraph (2) shall comply with such request.

[This Article Newly Inserted by Act No. 8004, Sep. 27, 2006]

Article 23-3 (Cooperation in Imposition and Collection of Charges)

(1) Where deemed necessary in connection with the imposition and collection of charges, the Minister of Health and Welfare may request cooperation, such as submitting materials, from central administrative agencies, local governments and other relevant institutions and organizations, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
(2) The central administrative agencies, local governments and other relevant institutions and organizations, etc., requested to cooperate pursuant to paragraph (1) shall comply with such request, if no justifiable grounds exist.

(3) With respect to materials submitted to the Minister of Health and Welfare pursuant to paragraphs (1) and (2), rents and service fees, etc. shall be exempted. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

[This Article Newly Inserted by Act No. 8004, Sep. 27, 2006]

Article 24 (Management and Operation of Fund)


(2) The Minister of Health and Welfare shall keep accounts of the Fund, as prescribed by Presidential Decree in order to clearly and accurately record the operation results and financial status of the Fund. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(3) Other matters necessary for management and operation of the Fund shall be prescribed by Presidential Decree.

Article 25 (Use of Fund, etc.)

(1) The Fund shall be expended for the following projects: <Amended by Act No. 7250, Dec. 30, 2004>

1. Health management projects for smokers such as anti-smoking education, advertisement, etc.;

2. Projects for supporting healthy life style;

3. Health education and development of its materials;
4. Preparation and distribution of health statistics and projects for survey, research and development in health care;

5. Projects for prevention, diagnosis and management of diseases, and treatment of cancer;


7. Oral cavity health management projects;

8. Health promotion projects performed by Mayors/Do Governors and the heads of Sis/Guns/Gus;

9. Expansion of facilities and equipment for public health care and health promotion;

10. Expenses necessary for management and operation of the Fund;

11. Other expenses necessary for the national health promotion projects which are prescribed by Presidential Decree.

(2) The Minister of Health and Welfare may provide special care and support for children, women, the elderly, the disabled, etc. in expending the Fund for the project falling under each subparagraph of paragraph (1). <Newly Inserted by Act No. 7250, Dec. 30, 2004; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(3) When the Minister of Health and Welfare expends the Fund for such projects under paragraph (1), he may, if necessary, grant the money from the Fund in the form of a subsidy. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

CHAPTER IV SUPPLEMENTARY PROVISIONS
Article 26 (Aid for Expenses)

Each fiscal year, the State or local governments may bear part of expenses necessary for
the execution of any of health promotion projects or subsidize the juristic persons or organizations executing such, within the limits of the budget.

Article 27 (Guidance and Training)

(1) The Minister of Health and Welfare may guide and train public officials in charge of health education or national nutrition survey and other nutrition guidance, or employees of such organizations and public institutions prescribed by Ordinance of the Ministry of Health and Welfare for improvement of their abilities. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) Matters necessary for training under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 28 (Reporting and Inspection)

(1) The Minister of Health and Welfare, Mayors/Do Governors and heads of Sis/Guns/Gus may, if deemed necessary, order those under Articles 7 (1), 8 (3) and (4), 9 (1) through (4) or 23 (1) to report the relevant affairs or have the relevant public officials enter their working places to inspect their accounting books, documents and other materials. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 5856, Feb. 8, 1999; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) Public officials who perform inspection under paragraph (1) shall produce identification indicating his/her authority to the persons concerned.

Article 29 (Delegation and Entrustment of Power)

(1) The powers of the Minister of Health and Welfare under this Act may be delegated in part to Mayors/Do Governors, as prescribed by Presidential Decree. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) The Minister of Health and Welfare may partially entrust his/her duty under this Act to juristic persons or organizations performing health promotion projects, as prescribed by Presidential Decree. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008;
Article 30 (Charge)

(1) Heads of the local governments may, as prescribed by the Municipal Ordinance, collect part of expenses required for national health promotion projects from their users in the form of a charge.

(2) When charges are collected under paragraph (1), heads of the local governments shall reduce and exempt charges for the aged, the disabled, and the protected persons under the Protection of Minimum Living Standards Act.

CHAPTER V PENAL PROVISIONS

Article 31 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment with labor not more than one year or a fine not exceeding ten million won: <Amended by Act No. 6460, Apr. 7, 2001; Act No. 8004, Sep. 27, 2006; Act No. 8690, Dec. 14, 2007>

1. A person who fails to inscribe a phrase of warning or carcinogenic substances, in violation of Article 8 (3) or (4), or inscribes a phrase of warning or carcinogenic substances different therefrom;

2. A person who advertises tobacco, in violation of Article 9 (1);

3. A person who opens the results of medical examination to the public without justifiable grounds, in violation of Article 21.

Article 32 (Penal Provisions)

Those who fail to comply to the order of changing the content of an advertisement or the order of prohibiting that advertisement without justifiable grounds in violation of Article 7 (1) shall be punished by a fine not exceeding one million won.
Article 33 (Joint Penal Provisions)

When a representative of a juristic person or an agent, employee or other servant of a juristic person or individual commits an offence under Article 31 or 32 in connection with the business of the juristic person or the individual, not only shall such violator be punished, but the juristic person or the individual shall also be punished by a fine under the relevant provisions: Provided, That this shall not apply where the juristic person or the individual has not neglected to pay due attention and supervision concerning the relevant business in order to prevent such violation.

Article 34 (Fines for Negligence)

(1) A person falling under any of the following subparagraphs shall be punished by a fine for negligence of three million won or less: <Amended by Act No. 5856, Feb. 8, 1999; Act No. 6619, Jan. 19, 2002>

1. A person who installs tobacco vending machines and sells tobacco, in violation of Article 9 (2);

2. A person who fails to designate the whole area of facilities used by the public as a non-smoking area, or categorize and designate the facilities concerned as smoking and non-smoking areas, in violation of the former part of Article 9 (4);

3. A person who fails to submit materials or submits false materials, in violation of Article 23 (2).

(2) A person falling under any of the following subparagraphs shall be punished by a fine for negligence of two million won or less: <Newly Inserted by Act No. 6619, Jan. 19, 2002; Act No. 6952, Jul. 29, 2003>

1. A person who sells tobacco by installing tobacco vending machines on which no adult
verification device is installed, in violation of Article 9 (3);

2. A person who fails to comply with the standards for establishment of smoking areas, in violation of the latter part of Article 9 (4);

3. A person who fails to file a report under Article 28, or files a false report, and who refuses, obstructs or recuse himself from an inspection by the related public officials.

(3) A person who smokes in a non-smoking area, in violation of Article 9 (6), shall be punished by a fine for negligence not exceeding one hundred thousand won. <Newly Inserted by Act No. 10327, May 27, 2010>

Article 35 (Levying and Collection Procedure for Fines for Negligence)

(1) The Minister of Health and Welfare, Mayors/Do Governors, or the heads of Sis/Guns/Gus (hereinafter referred to as "imposing authority") shall levy and collect fines for negligence under Article 34 as prescribed by Presidential Decree. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) A person who is dissatisfied with the disposition of a fine for negligence pursuant to paragraph (1) may raise an objection to the imposing authority within 30 days from the date on which the notification of such disposition was received.

(3) When a person who is sentenced to a fine for negligence pursuant to paragraph (1) raise an objection pursuant to paragraph (2), the imposing authority shall immediately notify the competent court which in turn shall proceed to a trail on the fine for negligence pursuant to the Non-Contentious Case Litigation Procedure Act.

(4) When neither objection is raised nor a fine for negligence is paid within the period under paragraph (2), the fine for negligence shall be collected in the same manner as delinquent national or local taxes are collected.

Article 36 Deleted. <by Act No. 5817, Feb. 5, 1999>
ADDENDA
Article 1 (Enforcement Date)
This Act shall enter into force on September 1, 1995: the provisions of Article 34 (1) 1 shall enter into force on July 1, 1997.

Article 2 (Transitional Measures concerning Citizens' Nutrition Survey)
The citizens' nutrition surveys executed at the time this Act enters into force under the provisions of Food Sanitation Act Article 70 of the Food Sanitation Act shall be considered as the citizens’ nutrition survey executed under the provisions of Article 16.

Article 3 (Transitional Measures concerning Smoking Areas)
Smoking areas designated under the provisions of Public Health Act Article 28-2 of the Public Health Act at the time this Act enters into force shall be considered as smoking areas designated under the provisions of Article 9 (4).

Article 4 (Transitional Measures concerning Application of Fine for Negligence)
Disposition of fine for negligence with regard to those who violated Public Health Act Article 28-2 of the Public Health Act at the time this Act enters into force shall be based on the previous provisions.

Article 5 Omitted.

ADDENDUM <Act No. 5454, Dec. 13, 1997>
This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDA <Act No. 5733, Jan. 29, 1999>
Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation.
Articles 2 through 11 Omitted.

ADDENDA <Act No. 5817, Feb. 5, 1999>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 1999. (Proviso Omitted.)

Articles 2 and 3 Omitted.

Article 4 (Transitional Measures on Penal Provisions, etc.)

(1) The application of penal provisions to acts performed in violation of the Protection of Minors Act and National Health Promotion Act Article 9 (3) of the National Health Promotion Act before the enforcement of this Act shall be dealt with according to the previous provisions.

(2) and (3) Omitted.

Article 5 Omitted.

ADDENDA <Act No. 5856, Feb. 8, 1999>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures on Penal Provisions and Fine for Negligence) The application of penal provisions and fine for negligence to acts performed before the enforcement of this Act, shall be dealt with according to the previous provisions.

ADDENDUM <Act No. 6026, Sep. 7, 1999>

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

ADDENDA <Act No. 6460, Apr. 7, 2001>
Article 1 (Enforcement Date)
This Act shall enter into force on July 1, 2001.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 6589, Dec. 31, 2001>
Article 1 (Enforcement Date)
This Act shall enter into force on January 1, 2002. (Proviso Omitted.)

Articles 2 through 8 Omitted.

ADDENDA <Act No. 6619, Jan. 19, 2002>
(1) (Enforcement Date) This Act shall enter into force one year after the date of its promulgation: Provided, That the amendments to Article 23 and paragraph (2) of the Addenda shall enter into force on February 1, 2002.

(2) (Temporary Special Provisions Concerning Use of Fund) Notwithstanding the provisions of Article 25 (1), the Minister of Health and Welfare shall support the National Health Insurance Corporation under the National Health Insurance Act by making the Corporation available to use certain amount from the Fund, which is corresponding to 6/100 of the expected revenue of insurance premiums in a relevant year under the same Act, for purposes under National Health Insurance ActArticle 92 (4) of the same Act, every year until December 31, 2011: Provided, That the support amount shall not exceed 65/100 of the expected revenue amount of the charges in the relevant year. <Amended by Act No. 8153, Dec. 30, 2006>

(3) (Applicability to Warning) The amendments to Article 8 (3) shall apply to tobacco which is shipped out of the factory or bonded area or for which any advertisement is done, on or after the enforcement date of this Act.

(4) (Applicability to Imposition of Charges) The amendments to Article 23 (1) shall apply to
cigarettes which are shipped out of the factory or bonded area on or after February 1, 2002.

ADDENDA <Act No. 6952, Jul. 29, 2003>
(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures for Tobacco Vending Machines) Until one year elapses from the date of its promulgation, the previous provisions shall govern tobacco vending machines which have been installed pursuant to the previous provisions at the time of enforcement of this Act.

ADDENDA <Act No. 6953, Jul. 29, 2003>
(1) (Enforcement Date) This Act shall enter into force on March 1, 2004.

(2) Omitted.

ADDENDUM <Act No. 6983, Sep. 29, 2003>
This Act shall enter into force on January 1, 2009.

ADDENDA <Act No. 7250, Dec. 30, 2004>
(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation: Provided, That the amendments to paragraph (2) of the Addenda of the amended National Health Promotion Act (Act No. 6619) shall enter into force on January 1, 2005.

(2) (Applicability to Imposition of Charges for National Health Promotion) The amendments to Article 23 (1) shall apply to tobacco which is shipped out of the factory or bonded area on or after the enforcement date of this Act.

ADDENDA <Act No. 7428, Mar. 31, 2005>
Article 1 (Enforcement Date)
This Act shall enter into force one year after the date of its promulgation.
ADDENDA <Act No. 8004, Sep. 27, 2006>

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.

(2) (Applicability to Charges) The amended provisions of Articles 23 (1) and 23-2 shall apply, starting with the cigarettes that are shipped out from their manufacturing place or their bonded area.

(3) (Transitional Measures Concerning Development of Master Plan) The basic policy steps for promoting the national health, which are developed pursuant to the previous provisions of Article 4 at the time of the enforcement of this Act, shall be deemed the master plan.

(4) (Transitional Measures Concerning Limited-Time Special Case for Using Fund) The amended provisions of the proviso to paragraph (2) of the Addenda of the National Health Promotion Act (Act No. 6619), shall apply to the portion of the Fund that is spent in the 2006 fiscal year.

ADDENDA <Act No. 8153, Dec. 30, 2006>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2007. (Proviso Omitted.)

ADDENDA <Act No. 8690, Dec. 14, 2007>

(1) (Enforcement Date) This Act shall enter into force one year after the date of its promulgation.

(2) (Applicability) The amended provision of Article 8 (3) shall apply beginning from the first cigarette packet which is taken out of a place of manufacture or a bonded area, or
advertised after this Act enters into force.

ADDENDA <Act No. 8852, Feb. 29, 2008>
Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9932, Jan. 18, 2010>
Article 1 (Enforcement Date)
This Act shall enter into force two months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Act No. 10191, Mar. 26, 2010>
Article 1 (Enforcement Date)
This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 6 Omitted.

ADDENDUM <Act No. 10221, Mar 31, 2010>
Article 1 (Enforcement Date)
This Act shall enter into force on January 1, 2011.

Articles 2 through 8 Omitted.
ADDENDUM <Act No. 10327, May 27, 2010>

This Act shall enter into force three months after the date of its promulgation: Provided, That the amended provisions of Article 33 shall enter into force on the date of its promulgation.

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