

【Title】 Regulations on the Administration of Medical Wastes[已被修订]
【法规标题】 医疗废物管理条例 [Revised]

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中华人民共和国国务院令
(第 380 号)

Order of the State Council of the People's Republic of China
(No.380)

The Regulations on the Administration of Medical Wastes, which were adopted at the 10th executive meeting of the State Council on June 4, 2003, are hereby promulgated and shall be implemented as of the day of promulgation.

Wen Jiabao, Premier

June 16, 2003

Regulations on the Administration of Medical Wastes

《医疗废物管理条例》已经2003年6月4日国务院第十次常务会议通过，现予公布，自公布之日起施行。

总理 温家宝

二〇〇三年六月十六日

医疗废物管理条例

Chapter 1 General Provisions

第一章 总则

Article 1 In order to strengthen the safety administration of medical wastes, to prevent the spreading of diseases, to protect the environment and to guarantee the people's health, the present Regulations are enacted in accordance with the [Law of the People's Republic of China on Prevention and Treatment of Infectious Diseases](#) and the [Law of the People's Republic of China on Prevention and Treatment of the Environmental Pollution by Solid Wastes](#).

第一条 为了加强医疗废物的安全管理，防止疾病传播，保护环境，保障人体健康，根据《[中华人民共和国传染病防治法](#)》和《[中华人民共和国固体废物污染环境防治法](#)》，制定本条例。

Article 2 In the present Regulations, "medical wastes" refer to the directly or indirectly infectious, or poisonous, or otherwise harmful wastes generated by medical institutions in medical treatment, prevention, health care, and other relevant activities.

第二条 本条例所称医疗废物，是指医疗卫生机构在医疗、预防、保健以及其他相关活动中产生的具有直接或者间接感染性、毒性以及其他危害性的废物。

The classified catalogue of medical wastes shall be formulated and promulgated jointly by the administrative departments of public health and environmental protection under the State Council.

医疗废物分类目录，由国务院卫生行政主管部门和环境保护行政主管部门共同制定、公布。

Article 3 The present Regulations shall apply to the activities of collection,

第三条 本条例适用于医疗废物的收集、

carrying, storage, and disposal of medical wastes, and the supervision and administration thereof, etc.

The living garbage generated by the infectious patients or suspect infectious patients treated by medical institutions shall be administered and disposed of as medical wastes.

Administration of the anesthetic, psychoactive, radioactive, and poisonous drugs, etc. and the relevant wastes discarded by medical institutions shall be carried out in accordance with the relevant laws and administrative regulations, and the relevant standards and criteria of the state.

Article 4 The state promotes the concentrated no-harm disposal of medical wastes, and encourages the research and development of the technology relating to safe disposal of medical wastes.

The people's governments at the county level and above shall be responsible for organizing the construction of concentrated disposal facilities of medical waste.

The state will give relevant support to the remote and poor areas in the construction of concentrated disposal facilities of medical waste.

Article 5 The administrative departments of public health of the people's governments at the county level and above shall carry out unified supervision and administration of the prevention and treatment of diseases in the activities of collection, transport, storage, and disposal of medical wastes; the administrative departments of environmental protection shall carry out unified supervision and administration of the prevention and treatment of environmental pollution in the activities of collection, transport, storage, and disposal of medical wastes.

Other relevant departments of the people's governments at the county level and above shall, within the scope of their respective duties, be responsible for the relevant supervision and administration relating to the disposal of medical wastes.

Article 6 Every entity and individual shall have the right to disclose, complain, report, and charge against the illegal acts of the medical institutions, of the entities of concentrated disposal of medical wastes, of the supervision and administration departments and the functionary thereof.

Chapter 2 General Provisions on the Administration of Medical Wastes

Article 7 Medical institutions and entities of concentrated disposal of medical wastes shall establish and perfect the system of responsibility for medical waste administration, with their legal representatives as the primary responsible person, and shall earnestly perform their duties to prevent the spreading of infectious diseases and occurrence of environmental pollution accidents caused by medical wastes.

运送、贮存、处置以及监督管理等活动。

医疗卫生机构收治的传染病病人或者疑似传染病病人产生的生活垃圾，按照医疗废物进行管理和处置。

医疗卫生机构废弃的麻醉、精神、放射性、毒性等药品及其相关的废物的管理，依照有关法律、行政法规和国家有关规定、标准执行。

第四条 国家推行医疗废物集中无害化处置，鼓励有关医疗废物安全处置技术的研究与开发。

县级以上地方人民政府负责组织建设医疗废物集中处置设施。

国家对边远贫困地区建设医疗废物集中处置设施给予适当的支持。

第五条 县级以上各级人民政府卫生行政主管部门，对医疗废物收集、运送、贮存、处置活动中的疾病防治工作实施统一监督管理；环境保护行政主管部门，对医疗废物收集、运送、贮存、处置活动中的环境污染防治工作实施统一监督管理。

县级以上各级人民政府其他有关部门在各自的职责范围内负责与医疗废物处置有关的监督管理工作。

第六条 任何单位和个人有权对医疗卫生机构、医疗废物集中处置单位和监督管理部门及其工作人员的违法行为进行举报、投诉、检举和控告。

第二章 医疗废物管理的一般规定

第七条 医疗卫生机构和医疗废物集中处置单位，应当建立、健全医疗废物管理责任制，其法定代表人为第一责任人，切实履行职责，防止因医疗废物导致传染病传播和环境污染事故。

Article 8 Medical institutions and entities of concentrated disposal of medical wastes shall formulate the systems and rules relating to safe disposal of medical wastes and the emergent schemes for accidents; shall set up monitoring departments or equip full-time (part-time) personnel to inspect, supervise and urge, and implement the administration of medical wastes, and to prevent any violation of the present Regulations.

Article 9 Medical institutions and entities of concentrated disposal of medical wastes shall give training on the relevant knowledge of law, professional technology, safety protection, and emergent treatment, etc., to their personnel engaging in collection, transport, storage, and disposal, etc., of medical wastes, and to their managerial personnel.

Article 10 Medical institutions and entities of concentrated disposal of medical wastes shall take effective measures for vocational hygiene and protection, equip necessary protection articles and make regular health inspections for their personnel engaging in collection, transport, storage, and disposal, etc. of medical wastes, and for their managerial personnel; and shall give immunity vaccination to the relevant personnel to protect them from harms to their health.

Article 11 Medical institutions and entities of concentrated disposal of medical wastes shall carry out the set-bill administration in transfer of dangerous wastes in accordance with the [Law of the People's Republic of China on Prevention and Treatment of the Environmental Pollution by Solid Wastes](#).

Article 12 Medical institutions and entities of concentrated disposal of medical wastes shall make registration of the medical wastes, the registered contents shall include the source, type, weight or quantity, time of handover, disposal method, and eventual whereabouts of the medical wastes, and the signature of the handling person, etc. The registration materials shall be kept for at least 3 years.

Article 13 Medical institutions and entities of concentrated disposal of medical wastes shall take effective measures to prevent the medical wastes from losing, leaking or spreading.
In the case of losing, leaking or spreading of medical wastes, medical institutions and entities of concentrated disposal of medical wastes shall take emergent treatment measures to mitigate the harm, and provide medical rescue and on-spot aid to the personnel caused ill; shall at the same time report to the administrative departments of public health and environmental protection of the local people's government at the county level, and notify the entities and residents that might be harmed.

第八条 医疗卫生机构和医疗废物集中处置单位，应当制定与医疗废物安全处置有关的规章制度和在发生意外事故时的应急方案；设置监控部门或者专（兼）职人员，负责检查、督促、落实本单位医疗废物的管理工作，防止违反本条例的行为发生。

第九条 医疗卫生机构和医疗废物集中处置单位，应当对本单位从事医疗废物收集、运送、贮存、处置等工作的人员和管理人员，进行相关法律和专业技术、安全防护以及紧急处理等知识的培训。

第十条 医疗卫生机构和医疗废物集中处置单位，应当采取有效的职业卫生防护措施，为从事医疗废物收集、运送、贮存、处置等工作的人员和管理人员，配备必要的防护用品，定期进行健康检查；必要时，对有关人员进行免疫接种，防止其受到健康损害。

第十一条 医疗卫生机构和医疗废物集中处置单位，应当依照《[中华人民共和国固体废物污染环境防治法](#)》的规定，执行危险废物转移联单管理制度。

第十二条 医疗卫生机构和医疗废物集中处置单位，应当对医疗废物进行登记，登记内容应当包括医疗废物的来源、种类、重量或者数量、交接时间、处置方法、最终去向以及经办人签名等项目。登记资料至少保存 3 年。

第十三条 医疗卫生机构和医疗废物集中处置单位，应当采取有效措施，防止医疗废物流失、泄漏、扩散。
发生医疗废物流失、泄漏、扩散时，医疗卫生机构和医疗废物集中处置单位应当采取减少危害的紧急处理措施，对致病人员提供医疗救护和现场救援；同时向所在地的县级人民政府卫生行政主管部门、环境保护行政主管部门报告，并向可能受到危害的单位和居民通报。

Article 14 Any entity or individual is prohibited from transferring or trading medical wastes.

It is prohibited to discard any medical wastes on the way of transport, to dump or pile medical wastes at places not for storage, or to mix the medical wastes with other wastes and living garbage.

Article 15 It is prohibited to mail any medical wastes.

It is prohibited to transport medical wastes by railway or air.

Where there is a land route, transport of medical wastes by waterway is prohibited; where it is necessary to transport the medical wastes by waterway in absence of any land route, approval must be obtained from the administrative department of environmental protection of the people's government at the level of city divided into districts, and only after strict environmental protection measures have been applied, may the wastes be transported by waterway.

It is prohibited to carry medical wastes and passengers on the same conveyance.

It is prohibited to transport medical wastes on the waters of the protection zones of drinking water source.

Chapter 3 Administration of Medical Wastes by Medical Institutions

Article 16 A medical institution shall collect the medical wastes it generates in a timely manner, and shall put those wastes, according to their types, in the anti-leaking and anti-penetrating special packages or sealed containers.

There shall be obvious warning signs and instructions on the special packages and containers of medical wastes.

The standards of the special packages and containers and the provisions on the warning signs of medical wastes shall be set forth jointly by the administrative departments of public health and environmental protection under the State Council.

Article 17 A medical institution shall set up facilities and equipment for temporary storage of medical wastes, and may not keep medical wastes in the open air; and the temporary storage of medical wastes may not exceed 2 days.

The facilities and equipment for temporary storage of medical wastes shall be far from the medical treatment area, food processing area, personnel activity area, and the storage places of living garbage, and shall have obvious warning signs and safety measures against leaking, rats, mosquito and flies, cockroaches, theft, and contact by children, etc. The facilities and equipment for temporary storage of medical wastes shall be disinfected and cleaned regularly.

第十四条 禁止任何单位和个人转让、买卖医疗废物。

禁止在运送过程中丢弃医疗废物；禁止在非贮存地点倾倒、堆放医疗废物或者将医疗废物混入其他废物和生活垃圾。

第十五条 禁止邮寄医疗废物。

禁止通过铁路、航空运输医疗废物。

有陆路通道的，禁止通过水路运输医疗废物；没有陆路通道必需经水路运输医疗废物的，应当经设区的市级以上人民政府环境保护行政主管部门批准，并采取严格的环境保护措施后，方可通过水路运输。

禁止将医疗废物与旅客在同一运输工具上载运。

禁止在饮用水源保护区的水体上运输医疗废物。

第三章 医疗卫生机构对医疗废物的管理

第十六条 医疗卫生机构应当及时收集本单位产生的医疗废物，并按照类别分置于防渗漏、防锐器穿透的专用包装物或者密闭的容器内。

医疗废物专用包装物、容器，应当有明显的警示标识和警示说明。

医疗废物专用包装物、容器的标准和警示标识的规定，由国务院卫生行政主管部门和环境保护行政主管部门共同制定。

第十七条 医疗卫生机构应当建立医疗废物的暂时贮存设施、设备，不得露天存放医疗废物；医疗废物暂时贮存的时间不得超过 2 天。

医疗废物的暂时贮存设施、设备，应当远离医疗区、食品加工区和人员活动区以及生活垃圾存放场所，并设置明显的警示标识和防渗漏、防鼠、防蚊蝇、防蟑螂、防盗以及预防儿童接触等安全措施。

医疗废物的暂时贮存设施、设备应当定期消毒和清洁。

Article 18 A medical institution shall use anti-leaking and anti-spilling special conveyances to collect and transport the medical wastes to the place of temporary storage according to the time and route of the transport of medical wastes within the institution.

The conveyances shall be promptly disinfected and cleaned at the designated place within the medical institution.

Article 19 A medical institution shall, according to the principle of near and concentrated disposal, hand over the medical wastes to the entity of concentrated disposal of medical wastes in good time.

The highly dangerous wastes, such as the culture medium and samples of pathogen, and the storing liquid of bacterium and poisonous seedling shall be disinfected on the spot before being handed over to the entity of concentrated disposal of medical wastes for disposal.

Article 20 The sewage generated by medical institutions and the excretion of the infectious patients or suspect infectious patients shall be strictly disinfected pursuant to the provisions of the state; and only after those wastes have met the discharge standards set forth by the state, may they be discharged into the sewage disposal system.

Article 21 In the rural areas without the necessary conditions for concentrated disposal of medical wastes, the medical institutions shall dispose on the spot by themselves the medial wastes they generate pursuant to the requirements of the administrative departments of public health and environmental protection of the people's governments at the county level. A medical institution shall meet the following basic requirements in disposal of medical wastes by itself:

- 1) The used disposable medical tools and the medical wastes that can easily harm humans shall be disinfected and destroyed;
- 2) Those that can be burnt shall be burnt in good time;
- 3) Those that can not be burnt shall be buried in a concentrated way after being disinfected.

Chapter 4 Concentrated Disposal of Medical Wastes

Article 22 An entity to engage in the concentrated disposal of medical wastes shall apply for the operation license with the administrative department of environmental protection of the people's government at the county level or above; and an entity without the operation license may not engage in any activities relating to concentrated disposal of medical wastes.

Article 23 An entity of concentrated disposal of medical wastes shall satisfy the following conditions:

第十八条 医疗卫生机构应当使用防渗漏、防遗撒的专用运送工具，按照本单位确定的内部医疗废物运送时间、路线，将医疗废物收集、运送至暂时贮存地点。

运送工具使用后应当在医疗卫生机构内指定的地点及时消毒和清洁。

第十九条 医疗卫生机构应当根据就近集中处置的原则，及时将医疗废物交由医疗废物集中处置单位处置。

医疗废物中病原体的培养基、标本和菌种、毒种保存液等高危险废物，在交医疗废物集中处置单位处置前应当就地消毒。

第二十条 医疗卫生机构产生的污水、传染病病人或者疑似传染病病人的排泄物，应当按照国家规定严格消毒；达到国家规定的排放标准后，方可排入污水处理系统。

第二十一条 不具备集中处置医疗废物条件的农村，医疗卫生机构应当按照县级人民政府卫生行政主管部门、环境保护行政主管部门的要求，自行就地处置其产生的医疗废物。自行处置医疗废物的，应当符合下列基本要求：

- （一）使用后的一次性医疗器具和容易致人损伤的医疗废物，应当消毒并作毁形处理；
- （二）能够焚烧的，应当及时焚烧；
- （三）不能焚烧的，消毒后集中填埋。

第四章 医疗废物的集中处置

第二十二条 从事医疗废物集中处置活动的单位，应当向县级以上人民政府环境保护行政主管部门申请领取经营许可证；未取得经营许可证的单位，不得从事有关医疗废物集中处置的活动。

第二十三条 医疗废物集中处置单位，应当符合下列条件：

- 1) Having the facilities or equipment for storage and disposal of medical wastes meeting the requirements on environmental protection and hygiene;
- 2) Having the trained technical personnel and the corresponding technicians;
- 3) Having the bodies and personnel responsible for the testing and evaluation of the effects of medical waste disposal;
- 4) Having the systems and rules guaranteeing safety disposal of medical wastes.

Article 24 The storage and disposal facilities of the entities of concentrated disposal of medical wastes shall be far from the residence areas of the residents (villagers), the water source protection zones, and with an appropriate protective distance from the work places such as factories and enterprises, etc., and shall comply with the provisions of the administrative department of environmental protection under the State Council.

Article 25 An entity of concentrated disposal of medical wastes shall, at least in every 2 days, go to the medical institutions to collect and transport the medical wastes, and shall be responsible for storage and disposal of the medical wastes.

Article 26 An entity of concentrated disposal of medical wastes shall, when transporting medical wastes, abide by the provisions of the state on the administration of transport of dangerous goods, and shall use the special vehicles with obvious signs for medical wastes. The special vehicles for medical wastes shall be anti-leaking, anti-spilling, and meet other requirements on environmental protection and hygiene.

The special vehicles for medical wastes shall, after the use, be disinfected and cleaned in good time at the place of concentrated disposal of medical wastes.

A special vehicle for medical wastes may not carry any other articles.

Article 27 An entity of concentrated disposal of medical wastes shall, on the way of transport of medical wastes, ensure the safety and may not discard or discharge any medical wastes.

Article 28 An entity of concentrated disposal of medical wastes shall install the on-line monitoring device of pollutant discharge, and ensure constant normal operation of the monitoring device.

Article 29 An entity of concentrated disposal of medical wastes shall, in disposal of medical wastes, comply with the standards and criteria on environmental protection and hygiene set forth by the state.

(一) 具有符合环境保护和卫生要求的医疗废物贮存、处置设施或者设备;

(二) 具有经过培训的技术人员以及相应的技术工人;

(三) 具有负责医疗废物处置效果检测、评价工作的机构和人员;

(四) 具有保证医疗废物安全处置的规章制度。

第二十四条 医疗废物集中处置单位的贮存、处置设施,应当远离居民(村)民居住区、水源保护区和交通干道,与工厂、企业等工作场所适当的安全防护距离,并符合国务院环境保护行政主管部门的规定。

第二十五条 医疗废物集中处置单位应当至少每2天到医疗卫生机构收集、运送一次医疗废物,并负责医疗废物的贮存、处置。

第二十六条 医疗废物集中处置单位运送医疗废物,应当遵守国家有关危险货物运输管理的规定,使用有明显医疗废物标识的专用车辆。医疗废物专用车辆应当达到防渗漏、防遗撒以及其他环境保护和卫生要求。

运送医疗废物的专用车辆使用后,应当在医疗废物集中处置场所内及时进行消毒和清洁。

运送医疗废物的专用车辆不得运送其他物品。

第二十七条 医疗废物集中处置单位在运送医疗废物过程中应当确保安全,不得丢弃、遗撒医疗废物。

第二十八条 医疗废物集中处置单位应当安装污染物排放在线监控装置,并确保监控装置经常处于正常运行状态。

第二十九条 医疗废物集中处置单位处置医疗废物,应当符合国家规定的环境保护、卫生标准、规范。

Article 30 An entity of concentrated disposal of medical wastes shall, pursuant to the provisions of the administrative departments of environmental protection and public health, make regular testing and evaluation of the effects of environmental pollution prevention and treatment and the hygienic effect of the medical waste disposal facilities. The results of the testing and evaluation shall be kept in the archives of the entity of concentrated disposal of medical wastes, and be reported to the local administrative departments of environmental protection and public health every half a year.

Article 31 An entity of concentrated disposal of medical wastes shall charge the medical institutions the fees for medical waste disposal pursuant to the relevant provisions of the state. The fees for medical waste disposal paid by the medical institutions pursuant to the provisions may be included in their medical costs.

Article 32 The localities shall utilize and reform the existing disposal facilities of solid wastes and other facilities, dispose the medical wastes in a concentrated way, and meet the basic requirements on environmental protection and hygiene.

Article 33 With respect to the cities that have no facilities for concentrated disposal or have insufficient disposal capacities, as of the day of implementation of the present Regulations, the cities at the level of city divided into districts and above shall complete the construction of medical waste concentrated disposal facilities in one year; and the cities at the county level shall complete the construction in 2 years. The people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government shall make provisions on the construction of the concentrated disposal facilities of medical waste of the counties (banners).

While the construction of concentrated disposal facilities of medical wastes has not been completed, the relevant local people's government shall organize formulation of the transitional scheme on disposal of medical wastes that is in conformity with the requirements on environmental protection and hygiene, and determine the methods and entities of collection, transport, and disposal of medical wastes.

Chapter 5 Supervision and Administration

Article 34 The administrative departments of public health and environmental protection of the local people's governments at the county level and above shall, pursuant to the present Regulations and the division of their duties, carry out supervision and administration of the medical institutions and the entities of concentrated disposal of medical wastes.

第三十条 医疗废物集中处置单位应当按照环境保护行政主管部门和卫生行政主管部门的规定,定期对医疗废物处置设施的环境污染防治和卫生学效果进行检测、评价。检测、评价结果存入医疗废物集中处置单位档案,每半年向所在地环境保护行政主管部门和卫生行政主管部门报告一次。

第三十一条 医疗废物集中处置单位处置医疗废物,按照国家有关规定向医疗卫生机构收取医疗废物处置费用。医疗卫生机构按照规定支付的医疗废物处置费用,可以纳入医疗成本。

第三十二条 各地区应当利用和改造现有固体废物处置设施和其他设施,对医疗废物集中处置,并达到基本的环境保护和卫生要求。

第三十三条 尚无集中处置设施或者处置能力不足的城市,自本条例施行之日起,设区的市级以上城市应当在1年内建成医疗废物集中处置设施;县级市应当在2年内建成医疗废物集中处置设施。县(旗)医疗废物集中处置设施的建设,由省、自治区、直辖市人民政府规定。

在尚未建成医疗废物集中处置设施期间,有关地方人民政府应当组织制定符合环境保护和卫生要求的医疗废物过渡性处置方案,确定医疗废物收集、运送、处置方式和处置单位。

第五章 监督管理

第三十四条 县级以上地方人民政府卫生行政主管部门、环境保护行政主管部门,应当依照本条例的规定,按照职责分工,对医疗卫生机构和医疗废物集中处置单位进行监督检查。

Article 35 The administrative departments of public health of the local people's governments at the county level and above shall make regular supervision and inspection or irregular selective inspection of the disease prevention work, as well as the hygienic protection of the working personnel, in the collection, transport, storage, and disposal of medical wastes undertaken by the medical institutions and the entities of concentrated disposal of medical wastes.

Article 36 The administrative departments of environmental protection of the local people's governments at the county level and above shall make regular supervision and inspection or irregular selective inspection of the environmental pollution prevention and treatment work in the collection, transport, storage, and disposal of medical wastes undertaken by the medical institutions and the entities of concentrated disposal of medical wastes.

Article 37 The administrative departments of public health and environmental protection shall regularly exchange the results of the supervision and inspection and the selective inspection. And if any medical institution or entity of concentrated disposal of medical wastes has been found out to have any hidden safety danger in the supervision and inspection or the selective inspection, that institution or entity shall be ordered to eliminate the hidden danger immediately.

Article 38 After receiving disclosures, complaints, reports, and charges against the medical institutions, entities of concentrated disposal of medical wastes, departments of supervision and administration, as well as the functionary thereof, the administrative departments of public health and environmental protection shall verify the cases in good time, handle the cases according to law, and promulgate the handling results.

Article 39 The administrative departments of public health and environmental protection have the right to take the following measures in performance of their supervision and administration duties:

- 1) Making on-spot inspection of the relevant entities, getting to know the information, making on-stop monitoring, and making investigation and collecting evidence;
- 2) Consulting or duplicating the relevant materials concerning the administration of medical wastes, and collecting samples;
- 3) Ordering the entities and individuals violating the present Regulations to stop the illegal acts;
- 4) Sealing or temporarily detaining the places, equipment, conveyances and articles suspected of violating the present Regulations;
- 5) Investigating and punishing the acts violating the present Regulations.

第三十五条 县级以上地方人民政府卫生行政主管部门，应当对医疗卫生机构和医疗废物集中处置单位从事医疗废物的收集、运送、贮存、处置中的疾病防治工作，以及工作人员的卫生防护等情况进行定期监督检查或者不定期的抽查。

第三十六条 县级以上地方人民政府环境保护行政主管部门，应当对医疗卫生机构和医疗废物集中处置单位从事医疗废物收集、运送、贮存、处置中的环境污染防治工作进行定期监督检查或者不定期的抽查。

第三十七条 卫生行政主管部门、环境保护行政主管部门应当定期交换监督检查和抽查结果。在监督检查或者抽查中发现医疗卫生机构和医疗废物集中处置单位存在隐患时，应当责令立即消除隐患。

第三十八条 卫生行政主管部门、环境保护行政主管部门接到对医疗卫生机构、医疗废物集中处置单位和监督管理部门及其工作人员违反本条例行为的举报、投诉、检举和控告后，应当及时核实，依法作出处理，并将处理结果予以公布。

第三十九条 卫生行政主管部门、环境保护行政主管部门履行监督检查职责时，有权采取下列措施：

- （一）对有关单位进行实地检查，了解情况，现场监测，调查取证；
- （二）查阅或者复制医疗废物管理的有关资料，采集样品；
- （三）责令违反本条例规定的单位和个人停止违法行为；
- （四）查封或者暂扣涉嫌违反本条例规定的场所、设备、运输工具和物品；
- （五）对违反本条例规定的行为进行查处。

Article 40 Where spreading of infectious diseases or any environmental pollution accident is caused as a result of improper administration of medical wastes, or there is evidence to prove possible occurrence of spreading of infectious diseases or of any environmental pollution accident, the administrative departments of public health and environmental protection shall take temporary control measures to evacuate the people and control the scene, and shall, according to the needs, order suspension of the operation that has caused or might cause the spreading of infectious diseases or any environmental pollution accident.

Article 41 Medical institutions and entities of concentrated disposal of medical wastes shall cooperate with the relevant departments in the inspection, monitoring, investigation and evidence collection, and may not refuse or obstruct, or provide falsified materials.

Chapter 6 Legal Liabilities

Article 42 Where any local people's government at the county level or above fails to follow the present Regulations to organize the construction of the concentrated disposal facilities of medical waste or the formulation of the transitional scheme on disposal of medical wastes, the people's government at the next higher level shall circulate a notice of criticism to it, and order it to complete the construction of the concentrated disposal facilities of medical waste or to formulate the transitional scheme on disposal of medical wastes within a prescribed time limit; and may give administrative sanctions to the major principals of the government and the liable personnel in charge.

Article 43 Where any administrative department of public health or environmental protection, or any other relevant department of the people's government at the county level or above fails to follow the present Regulations to perform the supervision and inspection duty, fails to deal with in good time any illegal act of the medical institution or entity of concentrated disposal of medical wastes, which has been found out, fails to take timely measures to mitigate the danger in the case of spreading of infectious disease or environmental pollution accident or possible spreading or accident, or has committed any other act of neglect of duty, breach of duty, or malfeasance, the people's government at the corresponding level or at the next higher level shall order it to get right and circulate a notice of criticism to it; where spreading of infectious disease or any environmental pollution accident is caused, the major principals, the liable personnel in charge, and other directly liable personnel shall be given the administrative sanctions of demotion, removal from office, or dismissal according to law; the criminal liabilities shall be investigated for according to law if a crime has been constituted.

第四十条 发生因医疗废物管理不当导致传染病传播或者环境污染事故，或者有证据证明传染病传播或者环境污染的事故有可能发生时，卫生行政主管部门、环境保护行政主管部门应当采取临时控制措施，疏散人员，控制现场，并根据需要责令暂停导致或者可能导致传染病传播或者环境污染事故的作业。

第四十一条 医疗卫生机构和医疗废物集中处置单位，对有关部门的检查、监测、调查取证，应当予以配合，不得拒绝和阻碍，不得提供虚假材料。

第六章 法律责任

第四十二条 县级以上地方人民政府未依照本条例的规定，组织建设医疗废物集中处置设施或者组织制定医疗废物过渡性处置方案的，由上级人民政府通报批评，责令限期建成医疗废物集中处置设施或者组织制定医疗废物过渡性处置方案；并可以对政府主要领导人、负有责任的主管人员，依法给予行政处分。

第四十三条 县级以上各级人民政府卫生行政主管部门、环境保护行政主管部门或者其他有关部门，未按照本条例的规定履行监督检查职责，发现医疗卫生机构和医疗废物集中处置单位的违法行为不及时处理，发生或者可能发生传染病传播或者环境污染事故时未及时采取减少危害措施，以及有其他玩忽职守、失职、渎职行为的，由本级人民政府或者上级人民政府有关部门责令改正，通报批评；造成传染病传播或者环境污染事故的，对主要负责人、负有责任的主管人员和其他直接责任人员依法给予降级、撤职、开除的行政处分；构成犯罪的，依法追究刑事责任。

Article 44 Where any administrative department of environmental protection of the people's government at the county level or above issues the operation license to any entity of concentrated disposal of medical wastes in violation of the present Regulations, the people's government at the corresponding level or at the next higher level shall circulate a notice of criticism to that department and order it to take back the issued license; and may give administrative sanctions to the major principals, the liable personnel in charge and other directly liable personnel.

Article 45 Where any medical institution or entity of concentrated disposal of medical wastes is under any of the following situations in violation of the present Regulations, the administrative department of public health or environmental protection of the local people's government at the county level or above shall, according to their respective duties, order that institution or entity to get right within a prescribed time limit, and give it a warning; and impose on it a fine ranging from 2,000 Yuan to 5,000 Yuan for failure to get right within the said time limit:

- 1) Failing to establish and perfect the system of medical waste administration, or failing to set up the monitoring body or equip the full-time (part-time) personnel;
- 2) Failing to give training to the relevant personnel on the relevant knowledge of law, professional technology, safety protection, and emergent treatment, etc.;
- 3) Failing to take vocational hygienic protection measures for the personnel engaging in collection, transport, storage and disposal of medical wastes, and to the managerial personnel;
- 4) Failing to make registration of the medical wastes or failing to keep the registration materials;
- 5) Failing to promptly disinfect and clean the used conveyance or vehicle of transport of medical wastes at the designated place;
- 6) Failing to collect or transport the medical wastes in good time;
- 7) Failing to make regular testing or evaluation of the effects of environmental pollution prevention and treatment and the hygienic effects of the medical waste disposal facilities, or failing to keep in archives or report the testing or evaluation results.

Article 46 Where any medical institution or entity of concentrated disposal of medical wastes is under any of the following situations in violation of the present Regulations, the administrative department of public health or environmental protection of the local people's government at the county level or above shall, according to their respective duties, order that institution or entity to get right within a prescribed time limit, give it a warning and may impose on it a fine of no more than 5,000 Yuan concurrently; and shall impose a fine ranging from 5,000 Yuan to 30,000 Yuan for failure to get right within the said time limit:

- 1) Using the storage facilities or equipment failing to meet the

第四十四条 县级以上人民政府环境保护行政主管部门，违反本条例的规定发给医疗废物集中处置单位经营许可证的，由本级人民政府或者上级人民政府环境保护行政主管部门通报批评，责令收回违法发给的证书；并可以对主要负责人、负有责任的主管人员和其他直接责任人员依法给予行政处分。

第四十五条 医疗卫生机构、医疗废物集中处置单位违反本条例规定，有下列情形之一的，由县级以上地方人民政府卫生行政主管部门或者环境保护行政主管部门按照各自的职责责令限期改正，给予警告；逾期不改正的，处2000元以上5000元以下的罚款：

（一）未建立、健全医疗废物管理制度，或者未设置监控部门或者专（兼）职人员的；

（二）未对有关人员进行相关法律和专业技术、安全防护以及紧急处理等知识的培训的；

（三）未对从事医疗废物收集、运送、贮存、处置等工作的人员和管理人员采取职业卫生防护措施的；

（四）未对医疗废物进行登记或者未保存登记资料的；

（五）对使用后的医疗废物运送工具或者运送车辆未在指定地点及时进行消毒和清洁的；

（六）未及时收集、运送医疗废物的；

（七）未定期对医疗废物处置设施的环境污染防治和卫生学效果进行检测、评价，或者未将检测、评价效果存档、报告的。

第四十六条 医疗卫生机构、医疗废物集中处置单位违反本条例规定，有下列情形之一的，由县级以上地方人民政府卫生行政主管部门或者环境保护行政主管部门按照各自的职责责令限期改正，给予警告，可以并处5000元以下的罚款；逾期不改正的，处5000元以上3万元以下的罚款：

（一）贮存设施或者设备不符合环境保护、卫生要求的；

requirements on environmental protection and hygiene;

- 2) Failing to place the medical wastes in the special packages or containers according to their types;
- 3) Failing to use the special vehicles in conformity with the standards to transport the medical wastes or using the vehicles of transport of medical wastes to transport any other articles;
- 4) Failing to install the on-line monitoring device for discharge of pollutants or the monitoring device is not in constant normal operation.

Article 47 Where any medical institution or entity of concentrated disposal of medical wastes is under any of the following situations, the administrative department of public health or environmental protection of the local people's government at the county level or above shall, according to their respective duties, order that institution or entity to get right within a prescribed time limit, give it a warning and impose on it a fine ranging from 5,000 Yuan to 10,000 Yuan concurrently; and shall impose on it a fine ranging from 10,000 Yuan to 30,000 Yuan for failure to get right within the said time limit; where spreading of infectious disease or any environmental pollution accident is caused, the practice license or operation license shall be suspended or revoked by the department that issued the license; and the criminal liabilities shall be investigated for according to law if a crime has been constituted:

- 1) Discarding medical wastes on the way of transport, dumping or piling medical wastes at any place not for storage, or mixing the medical wastes with other wastes or living garbage;
- 2) Failing to execute the system of set-bill administration of transport of dangerous wastes;
- 3) Giving medical wastes to any entity or individual without the operation license for collection, transport, storage, or disposal;
- 4) Failing to dispose of the medial wastes in conformity with the standards and criteria for environmental protection and hygiene fixed by the state;
- 5) Failing to strictly disinfect the sewage, or the excretion of the infectious patients or suspect infectious patients pursuant to the present Regulations, or discharging the sewage not in conformity with the discharge standards fixed by the state into the sewage disposal system;
- 6) Failing to administer and dispose of the living garbage of the infectious patients or suspect infectious patients under treatment as medical wastes.

Article 48 Where any medical institution, in violation of the present Regulations, discharges the sewage, or the excretion of the infectious patients or suspect infectious patients not in conformity with the standards fixed by the state into the urban discharge pipelines, the administrative department of construction of the local people's government at the county level or above shall order that institution to get right within a prescribed time limit, give it a warning, and impose on it a fine ranging from 5,000 Yuan to 10,000 Yuan; and impose on it a fine ranging from 10,000 Yuan

(二) 未将医疗废物按照类别分置于专用包装物或者容器的;

(三) 未使用符合标准的专用车辆运送医疗废物或者使用运送医疗废物的车辆运送其他物品的;

(四) 未安装污染物排放在线监控装置或者监控装置未经常处于正常运行状态的。

第四十七条 医疗卫生机构、医疗废物集中处置单位有下列情形之一的，由县级以上地方人民政府卫生行政主管部门或者环境保护行政主管部门按照各自的职责责令限期改正，给予警告，并处5000元以上1万元以下的罚款；逾期不改正的，处1万元以上3万元以下的罚款；造成传染病传播或者环境污染事故的，由原发证部门暂扣或者吊销执业许可证件或者经营许可证件；构成犯罪的，依法追究刑事责任：

(一) 在运送过程中丢弃医疗废物，在非贮存地点倾倒、堆放医疗废物或者将医疗废物混入其他废物和生活垃圾的；

(二) 未执行危险废物转移联单管理制度的；

(三) 将医疗废物交给未取得经营许可证的单位或者个人收集、运送、贮存、处置的；

(四) 对医疗废物的处置不符合国家规定的环境保护、卫生标准、规范的；

(五) 未按照本条例的规定对污水、传染病病人或者疑似传染病病人的排泄物，进行严格消毒，或者未达到国家规定的排放标准，排入污水处理系统的；

(六) 对收治的传染病病人或者疑似传染病病人产生的生活垃圾，未按照医疗废物进行管理和处置的。

第四十八条 医疗卫生机构违反本条例规定，将未达到国家规定标准的污水、传染病病人或者疑似传染病病人的排泄物排入城市排水管网的，由县级以上地方人民政府建设行政主管部门责令限期改正，给予警告，并处5000元以上1万元以下的罚款；逾期不改正的，处1万元以上3万元以下的罚款；造成传染

to 30,000 Yuan for failure to get right within the said time limit; where spreading of infectious disease or any environmental pollution accident is caused, the practice license of that institution shall be suspended or revoked by the department that issued the license; and the criminal liabilities shall be investigated for according to law if a crime has been constituted.

Article 49 In the event of losing, leaking or spreading of medical wastes, if any medical institution or entity of concentrated disposal of medical wastes fails to take emergent treatment measures or fails to report to the administrative department of public health or environmental protection in good time, the administrative department of public health or environmental protection of the local people's government at the county level or above shall, according to their respect duties, order that institution or entity to get right within a prescribed time limit, give it a warning, and impose on it a fine ranging from 10,000 Yuan to 30,000 Yuan concurrently; where spreading of infectious disease or any environmental pollution accident is caused, the practice license or operation license of that institution or entity shall be suspended or revoked by the department that issued the license; and the criminal liabilities shall be investigated for according to law if a crime has been constituted.

Article 50 Where any medical institution or entity of concentrated disposal of medical wastes, without justified reasons, obstructs the law enforcement personnel of the administrative department of public health or environmental protection in execution of their duties, refuses the law enforcement personnel to enter the scene, or refuses to cooperate with the law enforcement department in the inspection, monitoring, or investigation and evidence collection, the administrative department of public health or environmental protection of the local people's government at the county level or above shall, according to their respective duties, order that institution or entity to get right within a prescribed time limit, and give it a warning; if it refuses to get right, its practice license or operation license shall be suspended or revoked by the department that issued the license; if it violates the [Regulations of the People's Republic of China on the Punishment of Public Security](#) and commits any violation of public security administration, the public security organ shall punish it according to law; and the criminal liabilities shall be investigated for according to law if a crime has been constituted.

Article 51 Where any medical institution in the rural area without the necessary conditions for concentrated disposal of medical wastes fails to dispose the medical wastes pursuant to the requirements of the present Regulations, the administrative department of public health or environmental protection of the people's government at the county level shall, according to their respective duties, order that institution to get right

病传播或者环境污染事故的，由原发证部门暂扣或者吊销执业许可证件；构成犯罪的，依法追究刑事责任。

第四十九条 医疗卫生机构、医疗废物集中处置单位发生医疗废物流失、泄漏、扩散时，未采取紧急处理措施，或者未及时向卫生行政主管部门和环境保护行政主管部门报告的，由县级以上地方人民政府卫生行政主管部门或者环境保护行政主管部门按照各自的职责责令改正，给予警告，并处1万元以上3万元以下的罚款；造成传染病传播或者环境污染事故的，由原发证部门暂扣或者吊销执业许可证件或者经营许可证件；构成犯罪的，依法追究刑事责任。

第五十条 医疗卫生机构、医疗废物集中处置单位，无正当理由，阻碍卫生行政主管部门或者环境保护行政主管部门执法人员执行职务，拒绝执法人员进入现场，或者不配合执法部门的检查、监测、调查取证的，由县级以上地方人民政府卫生行政主管部门或者环境保护行政主管部门按照各自的职责责令改正，给予警告；拒不改正的，由原发证部门暂扣或者吊销执业许可证件或者经营许可证件；触犯《[中华人民共和国治安管理处罚条例](#)》，构成违反治安管理行为的，由公安机关依法予以处罚；构成犯罪的，依法追究刑事责任。

第五十一条 不具备集中处置医疗废物条件的农村，医疗卫生机构未按照本条例的要求处置医疗废物的，由县级人民政府卫生行政主管部门或者环境保护行政主管部门按照各自的职责责令限期改正，给予警告；逾期不改正的，处10

within a prescribed time limit, and give it a warning; and impose on it a fine ranging from 1,000 Yuan to 5,000 Yuan for failure to get right within the said time limit; where spreading of infectious disease or any environmental pollution accident is caused, the practice license of that institution shall be suspended or revoked by the department that issued the license; and the criminal liabilities shall be investigated for according to law if a crime has been constituted.

Article 52 If any party engages in the activities of collection, transport, storage, or disposal of medial wastes without obtaining the operation license, the administrative department of environmental protection of the local people's government at the county level or above shall order that party to stop the illegal act immediately, confiscate the illegal gains, and may impose on it a fine of no more than 1 time of the illegal gains.

Article 53 In the event of transfer or trade of medical wastes, mailing of or transport of medical wastes by railway or air, or transport of medical wastes by waterway in violation of the present Regulations, the administrative department of environmental protection of the local people's government at the county level or above shall order the two parties to the transfer or trade, or the mailer, or consignor to stop the illegal act immediately, give them a warning, and confiscate the illegal gains; if the illegal gains are more than 5,000 Yuan, a fine ranging from 2 times to 5 times of the illegal gains shall be imposed; if there is no illegal gain or the illegal gains are less than 5,000 Yuan, a fine ranging from 5,000 Yuan to 20,000 Yuan shall be imposed concurrently. If a carrier who is well aware that the consignor transports the medical wastes in violation of the present Regulations, and still undertakes the transport, or a carrier transports the medical wastes and passengers on the same conveyance, that carrier shall be punished pursuant to the preceding paragraph.

Article 54 If any medical institution or entity of concentrated disposal of medical wastes, in violation of the present Regulations, causes the spreading of infectious disease or occurrence of any environmental pollution, and thus do damage to others, that entity or institution shall be held liable for civil compensation.

Chapter 7 Supplementary Provisions

Article 55 Administration of the directly or indirectly infectious or poisonous, or otherwise harmful wastes generated in the technical services of birth control, medical scientific research, teaching, corpse inspection, and other relevant activities shall be carried out by referring to the present Regulations.

0 0 元以上 5 0 0 0 元以下的罚款;造成传染病传播或者环境污染事故的,由原发证部门暂扣或者吊销执业许可证件;构成犯罪的,依法追究刑事责任。

第五十二条 未取得经营许可证从事医疗废物的收集、运送、贮存、处置等活动的,由县级以上地方人民政府环境保护行政主管部门责令立即停止违法行为,没收违法所得,可以并处违法所得 1 倍以下的罚款。

第五十三条 转让、买卖医疗废物,邮寄或者通过铁路、航空运输医疗废物,或者违反本条例规定通过水路运输医疗废物的,由县级以上地方人民政府环境保护行政主管部门责令转让、买卖双方、邮寄人、托运人立即停止违法行为,给予警告,没收违法所得;违法所得 5 0 0 元以上的,并处违法所得 2 倍以上 5 倍以下的罚款;没有违法所得或者违法所得不足 5 0 0 0 元的,并处 5 0 0 0 元以上 2 万元以下的罚款。承运人明知托运人违反本条例的规定运输医疗废物,仍予以运输的,或者承运人将医疗废物与旅客在同一工具上载运的,按照前款的规定予以处罚。

第五十四条 医疗卫生机构、医疗废物集中处置单位违反本条例规定,导致传染病传播或者发生环境污染事故,给他人造成损害的,依法承担民事赔偿责任。

第七章 附则

第五十五条 计划生育技术服务、医学科研、教学、尸体检查和其他相关活动中产生的具有直接或者间接感染性、毒性以及其他危害性废物的管理,依照本条例执行。

Article 56 The administrative department of hygiene of the People's Liberation Army of China shall formulate measures for the administration of the medical wastes of the army medical institutions by referring to the present Regulations.

Article 57 The present Regulations shall be implemented as of the day of promulgation.

第五十六条 军队医疗卫生机构医疗废物的管理由中国人民解放军卫生主管部门参照本条例制定管理办法。

第五十七条 本条例自公布之日起施行。

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