Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Mother and Child Health Act and matters necessary for the enforcement thereof.

Article 1-2 (Criteria for Classification of Premature Babies and Congenitally Deformed Babies)

Premature babies and congenitally deformed babies (hereinafter referred to as "premature baby, etc.") defined in subparagraphs 5 and 6 of Article 2 of the Mother and Child Health Act (hereinafter referred to as the "Act") shall be classified as follows: <Amended by Presidential Decree No. 22075, Mar. 15, 2010>

1. Premature baby: An infant at less than 37 week' gestational age or an infant whose weight is less than 2,500 grams at birth, whom the head of a health clinic or the head of a medical institution deems necessary to receive special medical supervision and protection different from the supervision and protection which an infant of at least 37 weeks' gestational age, etc. receives;

2. Congenitally deformed baby: Any of the following infants who has a disease concerning congenital disorders which the Minister of Health and Welfare prescribes following deliberations by the Mother and Child Health Council under Article 6 of the Act in consideration of the degree and the frequency of the occurrence of congenital disorders or expenses incurred for medical treatment:
(a) An infant likely to die due to a congenital disorder;
(b) An infant whose functional disability is noticeable due to a congenital disorder;
(c) An infant for whom the recovery of function is impracticable due to a congenital disorder.

Article 2 (Formulation of Basic Plans for Mother and Child Health Services and Family Planning Services)
The following matters shall be included in a basic plan for mother and child health services and family planning services formulated by the Minister of Health and Welfare pursuant to Article 5 (1) of the Act: <Amended by Presidential Decree No. 22075, Mar. 15, 2010>
1. Health administration and guidelines on pregnant or nursing women, infants, premature babies, etc.;
2. Support and restrictions concerning population control;
3. Education, public relations, and research on mother and child health and family planning;
4. Collection and management of information about mother and child health and family planning.

Article 3 (Composition of Mother and Child Health Council)
(1) The Mother and Child Health Council (hereinafter referred to as the "Council") under Article 6 of the Act shall be comprised of not more than 20 members, including one chairperson and one vice chairperson. <Amended by Presidential Decree No. 22075, Mar. 15, 2010>
(2) The Vice Minister of Health and Welfare shall serve as the Chairperson, and a member appointed by the Chairperson shall serve as the vice Chairperson. <Amended by Presidential Decree No. 22075, Mar. 15, 2010>
(3) The members shall be appointed or commissioned by the Minister of Health and Welfare from among related public officials and those with abundant knowledge of and experience in mother and child health and family planning. <Amended by Presidential Decree No. 22075, Mar. 15, 2010>

Article 4 (Term of office of Members)
(1) The term of office of members shall be two years: Provided, That the term of office of a member who is a public official, shall coincide with his/her term office of office.
(2) Where a vacancy occurs in a member seat, the term of office of a member who fills the vacancy shall be the remaining term of office of his/her predecessor.

Article 5 (Duties of Chairperson, etc.)
(1) The Chairperson shall represent the Council and preside over its business affairs.
(2) The vice Chairperson shall assist the Chairperson, and where the Chairperson becomes unable to perform any of his/her duties for unavoidable reasons, the vice Chairperson shall act on behalf of the Chairperson.

Article 6 (Meetings and Resolutions)
(1) Meetings of the Council shall be convened by the Chairperson where the Minister of Health and Welfare or at least 1/3 of the members call for a meeting or the Chairperson deems it necessary to convene meetings. <Amended by Presidential Decree No. 22075, Mar. 15, 2010>
(2) The Chairperson of the Council shall preside over meetings of the Council.
(3) A majority of the members of the Council shall constitute a quorum and any decision thereof shall require the concurring vote of a majority of those present.

**Article 7 (Administrative Secretary)**

The Council shall have one administrative secretary to conduct its affairs, and the Minister of Health and Welfare shall appoint him/her from among public officials under his/her control.  
<Amended by Presidential Decree No. 22075, Mar. 15, 2010>

**Article 8 (Allowances and Travel Expenses)**

Allowances may be paid, and travel expenses may be reimbursed, to members who attend meetings of the Council within budgetary limits: Provided, That the foregoing shall not apply where a public official attends any Council meeting in direct relation to his/her duties.

**Article 9 (Detailed Rules for Operation)**

In addition to matters provided for in this Decree, matters necessary for the operation of the Council shall be prescribed by the Chairperson following resolutions passed at the meetings of the Council.

**Article 10 (Standards for Establishment of Mother and Child Health Organizations)**

(1) Where the State establishes mother and child health organizations (hereinafter referred to as "integrated center for mother and child health") pursuant to Article 7 (1) of the Act, it shall establish an integrated center for mother and child health for each region prescribed by the Minister of Health and Welfare. In such cases, each integrated center for mother and child health shall have facilities and human resources suitable for the performance of functions under the subparagraphs of Article 7 (1) of the Act and functions under Article 11 (1) of this Decree.  
<Amended by Presidential Decree No. 22075, Mar. 15, 2010>

(2) Standards for the establishment of a health clinic under Article 7 of the Regional Public Health Act and Article 7 of the Enforcement Decree of the aforesaid Act, shall apply to standards for the establishment of a mother and child health organization (hereinafter referred to as "mother and child health center") established by a local government pursuant to Article 7 (1) of the Act.

**Article 11 (Operation, etc. of Mother and Child Health Organizations)**

(1) In principle, a mother and child health center shall provide mother and child health services on a level with primary health care for matters referred to in Article 7 (1) 1 through 5 of the Act, and an integrated center for mother and child health shall provide mother and child health services on par with secondary health care for the aforesaid matters.

(2) An integrated center for mother and child health shall conduct the following affairs so that mother and child health centers and other institutions providing mother and child health services may efficiently provide mother and child health services:

1. Technical training of medical personnel and the exchange of information;
2. Dispatch of professionals for medical technology;
3. Support for public relation activities for mother and child health;
4. Research and studies necessary to provide mother and child health services;
5. Computerized processing and management of medical records of infants;

6. Totalization of statistical data.

(3) The classification of levels of primary and secondary health care under paragraph (1) shall be prescribed by the Minister of Health and Welfare.  

**Article 12 (Entrustment of Affairs)**

(1) Where no integrated center for mother and child health is established in a particular region under Article 10 (1), the Minister of Health and Welfare shall conduct matters referred to in the subparagraphs of Article 7 (1) of the Act and affairs referred to in Article 11 (2) of this Decree by entrusting such matters and affairs to a medical corporation or a nonprofit corporation that conducts medical affairs.  

(2) Where the Minister of Health and Welfare entrust affairs to a medical corporation or a nonprofit corporation pursuant to paragraph (1), he/she shall take into account medical techniques, medical facilities, assets, etc. of the relevant corporation.

**Article 13 (Health Management, etc. of Pregnant or Nursing Women, Infants, Premature Babies, etc.)**

(1) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu (the head of a Gu means the head of an autonomous Gu; hereinafter the same shall apply) shall provide the following medical examinations and vaccinations to pregnant or nursing women, infants, premature babies, etc., pursuant to Article 10 (1) of the Act:

1. Diagnoses and comprehensive medical examinations, and prenatal, postnatal, and childbirth care provided to pregnant or nursing women;

2. Health management and diagnoses provided to infants, premature babies;

3. Discovery of factors harmful to health of pregnant or nursing women, infants, premature babies, etc.;

4. Vaccinations to prevent diseases under the subparagraphs of Article 24 (1) of the Infectious Disease Control and Prevention Act and other diseases prescribed by the Minister of Health and Welfare following deliberations by the Council.

(2) Matters necessary for providing medical examinations and vaccinations under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

**Article 14 Deleted.**  

(by Presidential Decree No. 21618, July 7, 2009)

**Article 15 (Limited Permission for Induced Abortion Operations)**

(1) Only those who have been pregnant for not more than 24 weeks may undergo an induced abortion operation under Article 14 of the Act.

(2) Eugenic or genetic mental disabilities or physical diseases due to which an induced abortion operation may be performed pursuant to Article 14 (1) 1 of the Act, shall be achondrogenesis, cystic fibrosis, and other genetic diseases, which expose embryos to high risk.
(3) Infectious diseases due to which an induced abortion operation may be performed pursuant to Article 14 (1) 2 of the Act, shall be German measles, toxoplasmosis, and other infectious diseases which medically expose embryos to high risk.

Article 16 (Scope, etc. of Persons Engaging in Postnatal Care Business, Subject to Medical Examination)

(1) Persons to undergo a medical examination pursuant to Article 15-5 (1) of the Act, shall be postnatal care business entities and all persons who work for postnatal care centers.

(2) Persons who fall under paragraph (1) shall undergo a medical examination pursuant to the following:
   1. Such person shall undergo a medical examination at a medical institution under the Medical Service Act or a public health clinic under the Regional Public Health Act at least once a year: Provided, That where new employees are employed, they shall undergo a medical examination within one month after employment;
   2. Typhoid, pulmonary tuberculosis, and infectious skin diseases (referring to bacterial skin diseases including leprosy, etc.) shall be included in the items of diagnosis in a medical examination.

Article 16-2 (Diseases Likely to Be Harmful to other People)

"Person who has a disease likely to be harmful to other people" in Article 15-5 (2) of the Act means any of the following persons: Provided, That no person who falls under subparagraph 2 shall engage in affairs for which he/she is in contact with pregnant or nursing women or infants, only during the period of medical treatment of such disease:
   1. A person who has an infectious disease defined in Article 2 of the Infectious Disease Control and Prevention Act;
   2. A person who has any of the following diseases, being diseases other than the infectious diseases referred to in subparagraph 1:
      (a) Gastrointestinal diseases, accompanied by symptoms such as diarrhea, etc.;
      (b) Respiratory diseases, such as a cold;
      (c) Ophthalmologic diseases, such as epidemic conjunctivitis and keratitis;
      (d) Infectious skin diseases, such as purulent diseases.

Article 17 (Criteria for Administrative Measures)

Criteria for administrative measures to be taken under Article 15-9 (1) and (2) of the Act shall be as specified in attached Table 1.

Article 17-2 Deleted. <by Presidential Decree No. 21618, Jul. 7, 2009>

Article 17-3 (Types of Offenses Subject to Penalty Surcharges and Amounts of Penalty Surcharges)

(1) Penalty surcharges imposed pursuant to Article 15-11 (1) of the Act shall be calculated by applying standards for calculation of penalty surcharges referred to in attached Table 2, based upon the period of suspension of business affairs prescribed by attached Table 1, in consideration of the types of offenses, the gravity of violation, etc.
(2) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may reduce or increase the amount of a penalty surcharge within the limit of 1/2 of the penalty surcharge under paragraph 1, in consideration of the scale of business, the gravity and frequency of the offenses, etc. of a postnatal care business entity; Provided, That even in the case of increasing the amount of a penalty surcharge, the amount shall not exceed 30 million won.

**Article 17-4 (Imposition and Payment of Penalty Surcharges)**

(1) Where the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu intends to impose a penalty surcharge pursuant to Article 15-11 of the Act, he/she shall give notice for payment in writing, specifying the type of the offense, the amount of the relevant penalty surcharge, etc.

(2) Any person in receipt of notice under paragraph (1) shall pay the relevant penalty surcharge to a receiving institution designated by the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu within 20 days from the date of the receipt; Provided, That where he/she is unable to pay the penalty surcharge within that period due to an act of God or for other unavoidable reasons, he/she shall pay the penalty surcharge within seven days from the date on which such reasons cease to exist.

(3) A receiving institution that has received a penalty surcharge pursuant to paragraph (2), shall issue a receipt to the payer and notify the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, of such fact without delay.

(4) No penalty surcharge shall be paid in installments.

(5) Detailed matters concerning procedures for collecting penalty surcharges shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Presidential Decree No. 22075, Mar. 15, 2010>

**Article 18 (Matters to be Mentioned in Articles of Association)**

The following matters shall be included in the articles of association of the Korea Population and Health Welfare Association (hereinafter referred to as the “Association”) under Article 16 (1) of the Act:

1. Objectives;
2. Name;
3. Location of the main office;
4. Matters concerning members and executive officers;
5. Matters concerning meetings and the organizational structure;
6. Matters concerning affairs and the conduct thereof;
7. Matters concerning funds, assets, and accounting;
8. Matters concerning amendments to the articles of association;
9. Matters concerning the establishment of branches;
10. Matters concerning the dissolution of the Association;
11. Other matters concerning the operation of the Association.

**Article 19 (Management of Sensitive Information and Personally Identifiable Information)**

Where it is inevitable for performing the following affairs, the State, a local government (including a person to whom the relevant authority may have been delegated or entrusted), a medical institution under
the Medical Service Act, or a public health clinic under the Regional Public Health Act, may manage information about health under Article 23 of the Personal Information Protection Act and data containing resident registration numbers referred to in subparagraph 1 of Article 19 of the Enforcement Decree of the aforesaid Act or alien registration numbers referred to in subparagraph 4 of the aforesaid Article:

1. Filing or providing reports on pregnant or nursing women and newborn babies under Article 8 of the Act;
2. Health administration of, and medical support to, pregnant or nursing women, infants, premature babies, etc. under Article 10 of the Act;
3. Support for overcoming fertility challenges under Article 11 of the Act;
4. Filing reports on postnatal care business and on modifications thereof under Article 15 of the Act;
5. Filing reports on the closure, suspension, and resumption of postnatal care business under Article 15-10 of the Act.

Articles 20 and 21 Deleted. <by Presidential Decree No. 16315, May 21, 1999>

Article 22 (Guidelines for Imposition of Administrative Fines)

Guidelines for the imposition of administrative fines under Article 27 (1) and (2) of the Act shall be as specified in attached Table 3.

ADDENDUM

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

ADDENDA <Presidential Decree No. 12773, Aug. 7, 1989>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 14446, Dec. 23, 1994>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 and 3 Omitted.

ADDENDUM <Presidential Decree No. 16315, May 21, 1999>

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

ADDENDUM <Presidential Decree No. 18312, Mar. 17, 2004>

This Decree shall enter into force on the date of its promulgation.
ADDENDA <Presidential Decree No. 19502, Jun. 7, 2006>
(1) (Enforcement Date) This Decree shall enter into force on June 8, 2006.
(2) (Transitional Measures concerning Guidelines for Disposition of Administrative Fines) The previous provisions shall apply to guidelines on dispositions for imposing administrative fines on offenses committed before this Decree enters into force.

ADDENDA <Presidential Decree No. 20679, Feb. 29, 2008>
Article 1 (Enforcement Date)
This Decree shall enter into force on the date of its promulgation.
Articles 2 through 9 Omitted.

ADDENDUM <Presidential Decree No. 21618, Jul. 7, 2009>
This Decree shall enter into force on July 8, 2009.

ADDENDA <Presidential Decree No. 22075, Mar. 15, 2010>
Article 1 (Enforcement Date)
This Decree shall enter into force on March 19, 2010. (Proviso Omitted.)
Article 2 Omitted.

ADDENDA <Presidential Decree No. 22564, Dec. 29, 2010>
Article 1 (Enforcement Date)
This Decree shall enter into force on December 30, 2010. (Proviso Omitted.)
Articles 2 through 8 Omitted.

ADDENDA <Presidential Decree No. 23488, Jan. 6, 2012>
Article 1 (Enforcement Date)
This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)
Article 2 Omitted.