SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON PREVENTION AND CONTROL OF INFECTIOUS DISEASES

Enactment No. 6152, Mar. 24, 2016
Partial Amendment No. 7544, Mar. 26, 2020
Partial Amendment No. 7650, Jul. 16, 2020
Partial Amendment No. 7746, Oct. 05, 2020
Partial Amendment No. 7852, Jan. 07, 2021
Partial Amendment No. 8174, Sep. 30, 2021
Partial Amendment No. 8278, Dec. 30, 2021

Article 1 (Purpose)

The purpose of this Ordinance is to contribute to improving and maintaining citizens' health by preventing the outbreak and prevalence of infectious diseases and by prescribing matters necessary to prevent and control such diseases, under the Infectious Disease Control and Prevention Act and the Enforcement Decree of the same Act.

Article 2 (Definitions)

The terms used in this Ordinance are defined as follows:

1. The term "infectious disease" means any infectious disease defined under subparagraph 1 of Article 2 of the Infectious Disease Control and Prevention Act (hereinafter referred to as the "Act");
2. The term "patient of an infectious disease" means a person defined under subparagraph 13 of the Article 2 of the Act;
3. The term "infectious disease investigative officer" means a person who has undergone the curriculum designated by the Seoul Metropolitan Government or the Ministry of Health and Welfare among public health clinic doctors;
4. The term "official in charge of epidemiological investigations" means a person who has received specialized education related to infectious diseases (such as a course for epidemiological investigation or a course for infectious disease specialists) among public officials in charge of affairs relating to infectious diseases.

Article 3 (Responsibilities of Mayor)

(1) The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") shall perform the following projects in order to respect the human dignity and worth of patients, etc. suffering an infectious disease, protect their basic rights, and prevent and control hazardous, infectious diseases: <Amended by Ordinance No. 7650, Jul. 16. 2020>

1. Preventive and quarantine measures against infectious diseases;
2. Medical treatment and protection of patients, etc. of an infectious disease;
3. Establishment and implementation of vaccination plans to prevent infectious diseases;
4. Education and publicity concerning infectious diseases;
5. Collection, analysis, and provision of information on infectious diseases;
6. Investigation and research of infectious diseases;
7. Collection, testing, preservation, and control of pathogens of infectious diseases (including specimens, such as blood, body fluids, and tissues, for identifying pathogens of infectious diseases), and the surveillance of drug resistance thereof;
8. Fostering experts to prevent infectious diseases;
9. International cooperation for the exchange, etc. of infectious disease control information;
10. Stockpiling medicines, etc. to treat and prevent infectious diseases;
11. Evaluation of infectious disease control projects;
12. Investigation and research on the occurrence of infectious diseases caused by factors affecting demographic changes, such as climate change, low birth rate, and aging population, and the establishment of preventive measures;
13. Support for corporations or associations which perform duties for prevention and treatment of Hansen's disease;
14. Establishing and operating an information system to prevent and control infectious diseases;
15. Preparation, education, and training for the transmission of overseas emerging infectious diseases into the Republic of Korea;
16. Continuous monitoring of outbreak trends of overseas emerging infectious diseases, and risk evaluation thereof, and the designation of overseas emerging infectious diseases subject to control;
17. Establishing a system for preventing and coping with overseas emerging infectious diseases subject to control through the collection of information, analysis of the characteristics, and research about pathogens, etc. of those diseases, publishing reports, and publicly notifying guidelines (including manuals).

(2) When performing the projects referred to in paragraph (1), the Mayor shall take necessary measures to ensure that no citizen suffers discrimination on the basis of his/her gender, disability, age, religion, race, social status, or economic or regional circumstances.

(3) The Mayor shall share information on diseases and information on situations of the outbreak and spread thereof and mutually cooperate with the Government and the Seoul Metropolitan Office of Education in order to efficiently treat such diseases and

prevent the spread thereof. <Newly Inserted by Ordinance No. 7650, Jul. 16. 2020>
(4) The Mayor shall share the relevant information with medical institutions and medical personnel's associations prescribed in the Medical Service Act in order to survey and prevent the outbreak of infectious diseases. <Newly Inserted by Ordinance No. 7650, Jul. 16. 2020>

Article 4 (Responsibilities and Rights of Medical Personnel, etc.)

(1) Medical personnel, the heads of medical institutions, and others under the Medical Service Act within the Seoul Metropolitan Government (hereinafter referred to as the "Seoul Government") shall have the right to be provided information on the medical treatment of patients of infectious diseases, and may be compensated for any damage caused by the diagnosis, treatment, etc., of patients of infectious diseases.
(2) Medical personnel, the heads of medical institutions, and others under the Medical Service Act shall make utmost efforts for the diagnosis, management, treatment, etc., of patients of infectious diseases, and shall actively cooperate with administrative orders issued by the Mayor.
(3) Medical personnel, the heads of medical institutions, and others under the Medical Service Act shall actively cooperate with the Mayor in performing the affairs of the surveillance, prevention, and control of infectious disease outbreaks, and epidemiological investigations.

Article 5 (Rights and Obligations of Citizens)

(1) Any citizen isolated or medically treated due to an infectious disease may be compensated for any damage caused by such isolation or medical treatment.
(2) Each citizen shall have the right to know information on the situation of the outbreak of an infectious disease and the prevention and control of such disease and how to cope therewith, and the Mayor shall promptly disclose such information.
(3) Each citizen shall have the right to receive a diagnosis and medical treatment of any infectious disease under this Ordinance at a medical institution, and the Mayor shall cover such expenses incurred therein.
(4) Each citizen shall actively cooperate with the Mayor in conducting activities to prevent and control infectious diseases, such as treatment and isolation measures.

Article 6 (Formulation and Execution of Implementation Plans)

(1) Every year, the Mayor shall establish and execute an implementation plan to prevent infectious diseases in accordance with the master plan referred to in Article 7 (1) of the Act.
(2) The implementation plan referred to in paragraph (1) shall include the following: <Amended by Ordinance No. 7544, Mar. 26. 2020>
1. Basic objectives of and direction-setting for implementing the prevention and control of infectious diseases;
2. Plans for projects for the prevention and control of major infectious diseases, and methods of implementation;
3. Schemes for fostering personnel specialized in infectious diseases and for strengthening the capabilities to respond to emergencies with respect to infectious diseases;
4. Schemes for managing statistics and information on infectious diseases;
5. Schemes for sharing information on infectious diseases among medical institutions;
6. Matters regarding the stockpiling and management of medicines, equipment, and others in preparation for an infectious disease outbreak;
7. Other matters necessary for preventing and controlling infectious diseases.
(3) The Mayor may request relevant administrative agencies or organizations to provide data necessary for establishing and executing implementation plans.
(4) Upon receipt of a request under paragraph (3), the heads of relevant administrative agencies or organizations shall comply therewith, except in extenuating circumstances.

Article 7 (Establishment and Operation of Infectious Disease Emergency Response Center)

(1) In order to support the execution of implementation plans referred to in Article 6 and the affairs of international cooperation, among others, the Mayor may establish an infectious disease emergency response center consisting of private experts, and may fully or partially entrust the operation thereof to a corporation, organization, etc.
(2) Where affairs are entrusted pursuant to paragraph (1), expenses incurred in entrusting the affairs may be fully or partially subsidized, within the budget.

Article 8 (Sentinel Surveillance, etc. of Infectious Diseases)

(1) The Mayor may request the head of a sentinel surveillance of infectious diseases-related institution to submit necessary data in connection with the sentinel surveillance of infectious diseases, or to provide cooperation necessary for preventing and controlling infectious diseases.
(2) The Mayor shall provide relevant institutions, organizations, establishments, or citizens with important information on citizens' health collected pursuant to paragraph (1).

(3) The Mayor may subsidize an institution of sentinel surveillance with expenses incurred in engaging in sentinel surveillance activities.

Article 9 (Fact-Finding Surveys)

(1) The Mayor shall conduct fact-finding surveys to understand the status of control of, and infection by, infectious diseases, pursuant to Article 17 and publicize the results of such surveys. <Amended by Ordinance No. 7544, Mar. 26. 2020>
(2) Fact-finding surveys referred to in paragraph (1) shall include the details specified in Article 15 of the Enforcement Rule of the Infectious Disease Control and Prevention Act (hereinafter referred to as the "Enforcement Rule").

Article 10 (Epidemiological Investigations)

(1) Where the Mayor deems that an infectious disease breaks out and is likely to prevail subsequently, he/she shall conduct, without delay, an epidemiological investigation under Article 18 of the Act.
(2) The Mayor shall establish an epidemiological investigation team to conduct epidemiological investigations, and the epidemiological investigation team shall have an epidemiological investigation officer, infectious disease investigative officer, and official in charge of epidemiological investigations.
(3) Where an adverse reaction case is discovered after vaccination, the Mayor shall conduct an epidemiological investigation under Article 29 of the Act.
(4) No person shall refuse, interfere with, or evade an epidemiological investigation conducted by the Mayor without good cause.
(5) No patient or their guardians shall make any false or fraudulent statement in relation to an epidemiological investigation.

Article 11 (Establishment and Implementation of Crisis Control Measures against Infectious Diseases)

(1) The Mayor shall establish and implement the Seoul Government's crisis control measures against infectious diseases under Article 35 (2) of the Act.
(2) A plan to implement the crisis control measures against infectious diseases under paragraph (1), shall include the following:
1. A system for responding to the occurrence of a disaster and the transmission of overseas emerging infectious diseases, and the role for each agency;
2. Judgment on a disaster or emergency, decision on emergency warning, and disaster and emergency management systems;
3. Preparation of lists of experts, such as medical personnel, facilities, and medical institutions to be mobilized during an infectious disease emergency;
4. Schemes for procuring and securing medical supplies;
5. Training for actual situations, such as citizens' codes of conduct and specific education and tabletop exercises for applicable personnel, facilities, and institutions mobilized, for each disaster or emergency;
6. Other matters deemed by the Mayor necessary for copying with disasters or emergencies.

Article 12 (Designation, etc. of Infectious Disease Control Institutions)

(1) The Mayor may designate hospitals and general hospitals referred to in Article 3 (2) 3 of the Medical Service Act as infectious disease control institutions, pursuant to Article 28 of the Enforcement Rule.
(2) The heads of infectious disease control institutions designated pursuant to paragraph (1) shall establish control facilities for preventing infectious diseases and treating patients, etc. of an infectious disease.
(3) The Mayor shall fully or partially subsidize expenses incurred in establishing and operating infectious disease control facilities, for infectious disease control institutions.

Article 13 (Establishment of Infectious Disease Control Institutions during Infectious Disease Emergencies)

(1) Where patients are infected by an infectious disease epidemic, or the infectious disease control institutions designated pursuant to Article 12 are insufficient to accommodate all patients, etc. of an infectious disease, the Mayor may take the following measures:
1. Designating any medical institution, other than infectious disease control institutions designated pursuant to Article 12, as an infectious disease control institution for a specified period;
2. Establishing and operating isolation wards, sanatoriums, or clinics.
(2) The head of an infectious disease control institution designated pursuant to paragraph (1) 1 shall establish infectious disease control facilities, pursuant to Article 30 of the Enforcement Rule.
(3) The Mayor shall fully or partially subsidize expenses incurred in establishing and operating facilities under paragraph (2), for infectious disease control institutions.
(4) No head of an infectious disease control institution designated pursuant to paragraph (1) 1, shall refuse to comply with any order issued under paragraph (2) without good cause.

Article 14 (Prohibition of Refusal to Hospitalize Patients, etc. of Infectious Disease)

No infectious disease control institution shall refuse to hospitalize patients, etc. of an infectious disease without good cause.

Article 15 (Control of Patients, etc. of Infectious Disease)

(1) Patients, etc. of an infectious disease with a particularly high risk of spread which is publicly notified by the Minister of Health

and Welfare shall receive inpatient treatment at an infectious disease control institution.
(2) Where patient beds at an infectious disease control institution are fully occupied, and thus the infectious disease control institution is unable to accommodate more patients, etc. of an infectious disease, the Mayor may permit such patients, etc. to receive inpatient treatment at medical institutions other than infectious disease control institutions.
(3) The Mayor may permit any of the following persons to undergo treatment at his/her home or infectious disease control facilities:
1. A person other than those subject to inpatient treatment under paragraphs (1) and (2);
2. A person who is at risk of infection or spreading an infectious disease through contact with a patient, etc. of an infectious disease.

Article 16 (Compulsory Dispositions with respect to Infectious Diseases)
(1) The Mayor may require the relevant public official to conduct a necessary investigation or medical diagnosis by entering the residence, means of transportation, such as a ship, aircraft, or train; or any other place where a patient, etc. of any disease referred to in Article 42 (1) of the Act is deemed present; and where he/she is deemed to be a patient, etc. of an infectious disease through such medical diagnosis, the relevant public official may escort and require him/her to undergo medical treatment or be hospitalized.
(2) A public official who conducts an investigation or medical diagnosis under paragraph (1) shall carry a certificate indicating his/her authority and present it to relevant persons.

Article 17 (Hospitalization Notice to Patients, etc. of Infectious Disease)
Where a patient, etc. of an infectious disease needs to receive inpatient treatment under Article 15, the Mayor shall notify the fact to the person subject to inpatient treatment and his/her guardian.

Article 18 (Epidemic Control Measures against Prevalence of Infectious Diseases)
(1) In order to prevent any further spread of an infectious disease upon the prevalence of the infectious disease, the Mayor shall take all or some of the measures specified in Article 47 of the Act.
(2) The Mayor shall require infectious disease control institutions or public health clinics to dispose of medical waste generated after patients of the infectious disease referred to in paragraph (1) are transported.

Article 19 (Preventive Measures against Infectious Diseases)
The Mayor shall take all or some of the measures specified in Article 49 of the Act to prevent any infectious disease.

Article 20 (Recommendation for Disinfection)
(1) Where the Mayor deems that an infectious disease breaks out and is likely to prevail, he/she may recommend that the heads of autonomous Gus (hereinafter referred to as the "heads of Gus") disinfect facilities, etc., used by many persons and thus deemed to require disinfection for public sanitation, even though such facilities, etc., are not subject to compulsory disinfection under Article 51 (2) of the Act.
(2) In cases falling under paragraph (1), the Mayor may partially subsidize expenses incurred in disinfection, within the budget.

Article 21 (Disease Control Officers)
The Mayor shall appoint disease control officers in charge of the affairs of infectious disease prevention and control, from among his or her public officials.
[This Article Newly Inserted by Ordinance No. 7544, Mar. 26. 2020]
[Previous Article 21 moved to Article 22 <by Ordinance No. 7544, Mar. 26. 2020>]

Article 22 (Epidemiological Investigative Officers)
In order to perform affairs related to epidemiological investigations of infectious diseases, the Mayor shall have at least two epidemiological investigation officers as public officials of the Seoul Government: Provided, That the Mayor shall appoint at least one physician who is a medical personnel referred to in Article 2 (1) of the Medical Service Act, as an epidemiological investigation officer.
<Amended by Ordinance No. 7544, Mar. 26. 2020>
[Moved from Article 21; previous Article 22 moved to Article 23 <by Ordinance No. 7544, Mar. 26. 2020>]

Article 23 (Quarantine Inspection Commissioners)
Where necessary to prevent infectious diseases, the Mayor may appoint a quarantine inspection commissioner to perform affairs relating to quarantine inspections, and may order the commissioner to quarantine any means of transportation, etc., if particularly necessary.
[Moved from Article 22; previous Article 23 moved to Article 24 <by Ordinance No. 7544, Mar. 26. 2020>]

Article 24 (Education and Training)
The Mayor may entrust the private sector with education and training for nurturing professional capability to strengthen capability to respond to infectious diseases.
[Moved from Article 23; previous Article 24 moved to Article 25 <by Ordinance No. 7544, Mar. 26. 2020>]

Article 25 (Support for Persons under Home Quarantine, etc.)

The Mayor may support persons falling under Article 41 (3) of the Act as follows:

1. Providing daily necessities, emergency aid, and support for those who are isolated or hospitalized (including foreigners);
2. Providing nursing or childcare services, when daycare centers and kindergartens are closed or children are not permitted to attend such establishments;
3. Providing meals to undernourished children when schools are closed;
4. Providing medical services related to infectious diseases;
5. Supplying waste disposal bags and disinfectants during home quarantine;
6. Offering psychological counselling to persons under home quarantine, victims, and bereaved families;
7. Facilitating the transportation of persons under home quarantine to hospitals and reducing inconveniences they may face;
8. Isolating persons under home quarantine in establishments, if they wish to be isolated therein.

[Moved from Article 24; previous Article 25 moved to Article 26 <by Ordinance No. 7544, Mar. 26. 2020>]

Article 26 (Subsidization of Expenses for Private Medical Manpower)

Where the Mayor requests a private medical institution or medical personnel designated by the Seoul Government to provide medical manpower in order to treat infectious diseases, he/she may subsidize expenses incurred in providing medical manpower to the head of the private medical institution to which such manpower belongs or to the relevant medical personnel.

[Moved from Article 25; previous Article 26 moved to Article 27 <by Ordinance No. 7544, Mar. 26. 2020>]

Article 27 (Subsidization for Facilities)

Where the Mayor deems that subsidization for facilities is crucial even for private facilities, to prevent and stop the spread of an infectious disease, he/she may subsidize the operation, etc., of facilities for selective medical treatment, quarantine treatment, etc.

[Moved from Article 26; previous Article 27 moved to Article 28 <by Ordinance No. 7544, Mar. 26. 2020>]

Article 28 (Compensation for Loss)

(1) The Mayor shall pay compensation equivalent to losses, within the budget, to the manager of the relevant medical institution suffering losses because his/her medical institution is used as an infectious disease control facility pursuant to Article 37 of the Act, and to the owner of a building suffering losses due to disinfection or other measures taken under Article 49 (1) 13 of the Act.

(2) Article 28 of the Enforcement Decree of the Infectious Disease Control and Prevention Act shall apply to compensation for loss under paragraph (1).

[Moved from Article 27; previous Article 28 moved to Article 29 <by Ordinance No. 7544, Mar. 26. 2020>]

Article 29 (Order for Mediation)

Where an infectious disease breaks out in at least two autonomous Gus and, thus, joint response is required, the Mayor may issue an order for intervention after hearing opinions of the heads of the relevant Gus.

[Moved from Article 28; previous Article 29 moved to Article 30 <by Ordinance No. 7544, Mar. 26. 2020>]

Article 30 (Administrative Assistance)

(1) Where necessary to efficiently perform the affairs of preventing hazards related to infectious diseases while implementing various control measures against outbreaks of infectious diseases, such as epidemiological investigations and vaccination, he/she may request administrative assistance from the heads of Gus.

(2) The Mayor may fully or partially subsidize expenses incurred in providing administrative assistance under paragraph (1).

[Moved from Article 29; previous Article 30 moved to Article 31 <by Ordinance No. 7544, Mar. 26. 2020>]

Article 31 (Establishment of Cooperation System)

In order to prevent infectious diseases, treat them efficiently, and prevent the spread thereof, the Mayor shall share all relevant information with the central government, local governments, the Seoul Metropolitan Office of Education, local medical institutions, etc., and establish a close medical network and cooperation system therewith.

[Moved from Article 30 <by Ordinance No. 7544, Mar. 26. 2020>]

Article 32 (Request for Provision of Information)

If necessary to prevent infectious diseases and stop its spread, the Mayor may request the Commissioner General of the Korean National Police Agency, the commissioner of a district police agency, or the chief of a police station referred to in Article 2 of the Police Act (hereafter in this Article referred to as “police agency”) to provide location information of patients of an infectious disease, etc. and those suspected of being infected, pursuant to Article 76-2 of the Act.

[This Article Newly Inserted by Ordinance No. 7544, Mar. 26. 2020]