

The Law of Ukraine

On Ensuring Sanitary and Epidemic Safety of the Population

As amended by Laws of Ukraine
N 607/96-VR of December 17, 1996,
N 331/97-VR of June 11, 1997,
N 642/97-VR of November 18, 1997
N 783-XIV of June 30, 1999
N 1288-XIV of December 14, 1999
N 2171-III of December 21, 2000
N 2788-III of November 15, 2001
N 3037-III of February 7, 2002

(Words “state executive body” in the text of the Law shall be replaced by the words “executive body”, words “local and regional administration” - by the words “local self-government”, words “sanitary and hygienic” (except paragraph nine of Article 33), “food products” and “Ministry of Health of Ukraine” in all cases by the words “sanitary and epidemiological”, “foodstuffs” and “central body of executive power on health issues” in corresponding cases, words “Ministry of Defense of Ukraine”, “Ministry of Interior”, “Ministry of Economy of Ukraine”, “Ministry of Finance of Ukraine”, “State Committee for Border Protection of Ukraine”, “State Committee for Standardization, Metrology and Certification” – by words “central body of executive power on defense issues”, “central body of executive power on interior issues”, “central body of executive power on economy issues”, “central body of executive power on finance issues”, “central body of executive power for border protection”, “central body of executive power for standardization, metrology and certification” correspondingly, according to the Law of Ukraine N 3037 – III of February 7, 2002)

This Law regulates social relations arising out of ensuring sanitary and epidemic safety, determines respective rights and obligations of the state bodies, enterprises, institutions, organizations and citizens, sets forth procedure for organization of the State Sanitary and Epidemic Service and execution of state sanitary-epidemic supervision in Ukraine.

CHAPTER I GENERAL PROVISIONS

Article 1. Definition of Main Terms and Concepts

Terms and concepts in this Law shall be used in the following meaning:

sanitary and epidemic safety of population – state of public health and state of environment of human vital activity, in which the morbidity rates do not exceed the usual level for the given territory, favorable living conditions and parameters of environment factors of vital activity being within the limits, established by the sanitary legislation;

environment of human vital activity (hereinafter – environment of vital activity) – complex of objects, phenomena and environment factors (natural and artificial), directly surrounding and determining human living conditions, nourishment, labor, recreation, education, upbringing, etc.;

environment factors of vital activity – any biological (viral, prion, bacterial, parasitical, genetically modified organisms, biotechnology products, etc.), chemical (organic and inorganic, natural and synthetic), physical (noise, vibration, ultrasound, infrasound, thermal, ionizing, non-ionizing and other types of radiation), social (nourishment, water supply, living conditions, labor, recreation, education, upbringing, etc.) and other factors, which affect, or may affect public health or state of health of future generations;

deleterious effect upon human health – influence of environment factors of vital activity, which are dangerous for human health, life and ability to work or represent danger for the health of future generations;

safe conditions for a human being – state of environment of vital activity without danger of deleterious effect of its factors on a human being;

favorable conditions for human vital activity – state of environment of vital activity bearing no deleterious effect of its factors on human health and with availability of opportunities for ensuring normal, and for recovering of affected functions of the human organism;

sanitary and epidemic situation – state of environment of vital activity and determined by its state of public health within a certain area and at the fixed time;

sanitary and epidemiological standard (hygienic standard, epidemiological index, anti-epidemic standard) – experimentally grounded maximum or minimum quantitative and (or) qualitative possible index characterizing environment factor of vital activity in accordance with medical criteria (parameters) of its safety for human health and health of future generations, as well as state of public health in accordance with the criteria of morbidity, spreading of diseases, physical evolution, immunity, etc.;

state sanitary norms and regulations, sanitary-epidemiological and sanitary-anti-epidemic regulations and norms, sanitary-epidemiological regulations and norms, anti-epidemic regulations and norms, hygienic and anti-epidemic norms and regulations, state sanitary and epidemiological standards, sanitary regulations (hereinafter – sanitary regulations) – obligatory for execution normative and legal acts of the central body of executive power on health issues, establishing medical requirements as to safety of environment of vital activity and its separate factors non-observance of which may be hazardous for the human health and life and for those of future generations and represent threat of emerging and spreading contagious and mass-scale non-contagious diseases among the population;

requirements for safety of human health and life – criteria, indexes, maximal admissible limits, sanitary and epidemiological standards, rules, norms, regulations, etc. developed on the basis of medical science (medical requirements relating to safety of human health and life), provided their drafting, grounding, control and supervision is the exclusive medical competence;

dangerous factor – any chemical, physical or biological agent, substance, material or product, which affects, or under certain conditions, may negatively affect human health;

sanitary and anti-epidemic (preventive) measures (hereinafter – sanitary measures) – complex of organizational, administrative, engineering and technical, medical, normative, ecological, veterinary and other measures, directed at liquidating or minimizing deleterious effect of environment factors of vital activity on a human being, prevention of emerging and spreading of infectious diseases and mass non-infectious diseases, including poisoning, and their liquidation;

state sanitary and epidemiological expertise – professional activity of bodies, institutions and establishments of State Sanitary and Epidemiological Service, based on complex examination of objects of expertise in order to identify possible available dangerous factors therein, determination of conformity of the object of expertise with the requirements of sanitary legislation and in case of absence of relative sanitary norms - determination of medical requirements as to the safety of above object for human health and life;

conclusion of the state sanitary and epidemiological expertise – document of a definite form, evidencing conformity (unconformity) of the state sanitary and epidemiological expertise object with the medical safety requirements to human health and life, which is approved by a relative chief state sanitary doctor and mandatory for execution by the owner of object of expertise;

object of state sanitary and epidemiological expertise – any type of activity, technology, products and raw materials, construction projects, draft normative document, implementation (functioning, use) thereof may have a deleterious effect on human health, as well as operating objects or current normative documents if their harmful influence is determined in the process of functioning (use), and in case the determined validity term of the conclusion of the state sanitary-epidemiological expertise expires;

sanitary-epidemiological certificate (hereinafter – hygienic certificate) – a single time use document of strict accountability issued by bodies, institutions and establishments of state sanitary-epidemiological service, which confirms safety for human health and life of separate kinds of goods of wide use (foods stuffs and drinks, perfumes and cosmetic goods, children's goods, household goods, etc.) on the basis of results of carried out sanitary-chemical, toxicological, physical and chemical, radiological, micro-biological and other researches;

mass non-infectious diseases (poisoning) – mass diseases emerging due to the influence of biological, physical, chemical or social factors of the vital activity environment, including objects of economic and other types of activity, production, works, services.

(Article 1 in the wording of the Law of Ukraine
N 3037-III of February 7, 2001)

Article 2. Ukrainian Legislation on Ensuring Sanitary and Epidemic Safety of the Population

The legislation of Ukraine on ensuring sanitary and epidemic safety of the population (sanitary legislation) is based on of the Constitution of Ukraine and consists of the Fundamentals of the Ukrainian legislation on health protection, this Law, Laws of Ukraine “On Protection of the Population Against Infectious Diseases”, “On Combating Tuberculosis”, “On Prevention of Acquired Immune Deficit Syndrome (AIDS) and Social Protection of the Population”, other legislative acts and sanitary regulations.

(Article 2 in wording of the Law of Ukraine
N 3037-III of February 7, 2002.)

Article 3. Financial Support of Sanitary and Epidemic Safety of the Population

Sanitary and anti-epidemic measures, as well as programs to ensure sanitary and epidemic safety, other programs aimed at preventing diseases among the population shall be financed from the State and Local Budgets, funds of enterprises, institutions and organizations, as well as from non-budget sources.

Part 2 of Article 3 is void.

(Pursuant to the Law of Ukraine
N 783-XIV of June 30, 1999)

CHAPTER II RIGHTS AND OBLIGATIONS OF CITIZENS, ENTERPRISES, INSTITUTIONS AND ORGANIZATIONS REGARDING ENSURING SANITARY AND EPIDEMIC SAFETY

Article 4. Rights of Citizens

Citizens shall have the following rights to:

foodstuffs, drinking water, work conditions, education, up-bringing, household surroundings, recreation, and the environment that are safe for their life and health;

participate in the development, discussion and public examination of draft programs and plans for ensuring sanitary and epidemic safety of the population, and to submit proposals concerning these issues to relative bodies;

compensation for damages to health caused in the result of violations of the sanitary legislation by enterprises, institutions, organizations and citizens;

reliable and timely information on the status of their health, public health, as well as about existing and possible factors of hazard for health, and the degree of such factors.

Ukrainian legislation may also grant citizens other rights as to sanitary and epidemic safety.

Article 5. Obligations of Citizens

Citizens shall be obliged:

to take care of their health and health of, and hygiene education for their children, and not to cause harm to health of other citizens;

to take part in the implementation of sanitary and anti-epidemic measures;

to undergo obligatory medical examinations and have inoculations made as specified by legislation;

to carry out instructions and orders of officials from the State Sanitary and Epidemiological Service in the course of their performance of state sanitary and epidemic supervision;

to carry out other obligations as are provided by the legislation on ensuring sanitary and epidemic safety.

Article 6. Rights of Enterprises, Institutions and Organizations

Enterprises, institutions and organizations shall have following rights to:

receive from bodies of executive power, bodies of local self-government, and respective health protection bodies and establishments, information on the status of public health, the sanitary and epidemic situation, legislative, normative acts regarding issues of ensuring sanitary and epidemic safety of the population, and sanitary norms;

compensation for damages and losses resulting from violations of the sanitary legislation by enterprises, institutions, organizations and citizens.

Article 7. Obligations of Enterprises, Institutions and Organizations

Enterprises, institutions and organizations shall be obliged:

to develop and fulfill sanitary and anti-epidemic measures according to proposals of officials from the State Sanitary and Epidemiological Service;

in cases provided by sanitary regulation, to carry out laboratory control as to compliance with these regulation on the safety of utilizing (storing, transporting, etc.) substances and materials dangerous for health, and of emission, dumping, wastes, and factors created as a result of their activities, as well as of manufactured products;

at the demand of officials from the State Sanitary and Epidemiological Service, to provide, on a free-of-charge basis, samples of used raw materials and materials, as well as samples of manufactured or marketed products for state sanitary and epidemiological expertise;

to fulfill instructions and orders of officials from the State Sanitary and Epidemiological Service in the course of their performance of state sanitary and epidemiological supervision;

to suspend pursuant to instructions of respective officials of the State Sanitary and Epidemiological Service, from work, classes, kindergarten those persons, who are carriers of pathogens of infectious diseases, are sick with infectious diseases dangerous for surrounding people, or individuals who have been in contact with such persons, securing payment of social insurance benefits in the specified procedure, and persons who avoid obligatory medical examinations or inoculations against infections, if these infections are specified in the list determined by the central body of executive power on health issues;

to immediately inform bodies, establishments and institutions of the State Sanitary and Epidemiological Service of extraordinary events and situations threatening public health, sanitary and epidemic safety;

to compensate employees and citizens in accordance with the established procedure for damages caused to their health in the result of violations of the sanitary legislation.

Owners of enterprises, institutions, organizations, and bodies authorized by them shall provide them with sanitary regulations needed for drafting and implementation of sanitary and anti-epidemic (preventive) measures.

(Part two of Article 7 as amended by the Law of Ukraine
N 3037-III of February 7, 2002)

Article 8. Protection of Rights of Citizens, Enterprises, Institutions and Organizations

Decisions and actions of officials representing bodies of executive power, bodies of local self-government, and citizens who have violated the rights of enterprises, institutions, organizations or citizens regarding issues of ensuring sanitary and epidemic safety may be appealed according to the procedure set forth by law.

(Article 8 as amended according to the Law of Ukraine
N 3037-III of February 7, 2001)

CHAPTER III STATE REGULATION AND REQUIREMENTS RELATING TO ENSURING SANITARY AND EPIDEMIC SAFETY OF THE POPULATION

Article 9. Hygiene Regulation and State Registration of Dangerous Factors

Any dangerous factor of a physical, chemical and biological nature present in the environment of human vital activity shall be subject to hygiene regulation. Such regulation shall be aimed at restricting the intensity or duration of such factors by determining criteria of their permissible influence upon human health.

Hygiene regulation of dangerous factors shall be ensured by the central body of executive power on health issues according to provisions adopted by the Cabinet of Ministers of Ukraine. The list of institutions and organizations engaged in activities concerned with the hygiene regulation of dangerous factors shall be determined by the central body of executive power on health issues upon its agreement with the central body of executive power for standardization, methodology and certification.

State registration envisages establishment and maintenance of a unified State Register of Dangerous Factors enlisting names of dangerous chemical substances and biological factors, data on their properties, features, indication methods, biological effects, the level of danger for human health, behavior in the environment, production, hygienic regulations of the application etc. A dangerous factor may only be registered if hygiene regulations thereon have been set forth.

Use in the national economy and in everyday life of any dangerous factor of a chemical and biological nature shall be allowed only if a certificate confirming its state registration is available.

State registrations of dangerous factors shall be carried out according to the procedure approved by the Cabinet of Ministers of Ukraine.

Article 10. State Sanitary and Epidemiological Expertise

State sanitary and epidemiological expertise shall include a complex study of documents (projects, technological regulations, investment programs etc.), as well as functioning objects, and dangerous factors related therewith, in terms of their compliance with the requirements of sanitary regulations.

State sanitary and epidemiological expertise shall envisage:

determination of safety of business and other activities, conditions of work, education, upbringing, household everyday life, which directly or indirectly affect or may affect public health;

determination of conformity objects under expertise with the requirements of sanitary regulations;

assessment of completeness and justification of sanitary and anti-epidemic (preventive) measures;

(Paragraph four of part two of Article 10 as amended
by the Law of Ukraine N 3037-III of February 7, 2002)

assessment of possible negative influence of dangerous factors resulting from operation of objects under expertise, determination of the degree of hazard that is generated by them for public health.

Article 11. Objects of the State Sanitary and Epidemiological Expertise

State sanitary and epidemiological expertise shall cover:

draft international, national, regional, local and sector programs of social and economic development;

investment projects and programs in cases and according to the procedure determined by legislation;

blueprints, initial project documentation connected with district planning and development of populated localities, health resorts etc.;

draft documentation for the allocation of land plots, technical and economic feasibility studies and calculations, projects of construction, expansion and reconstruction of any objects;

draft normative/technical, instructional/methodical documentation connected with human health, and the environment of human vital activity;

products, semi-finished products, substances, materials and dangerous factors which utilization, transfer or sale may cause harm to human health;

documentation for machines, technology, equipment, tools etc. being developed;

functioning objects, including those of military and defense designation.

Article 12. Performance of State Sanitary and Epidemiological Expertise

State sanitary and epidemiological expertise shall be performed by institutions and establishments of the State Sanitary and Epidemiological Service and, in especially difficult cases - by commissions established by a Chief State Sanitary Doctor.

(Part one of Article 12 as amended by the Law of Ukraine
N 3037-III of February 7, 2002)

Subject to their consent, experts from scientific, planning and design, and other institutions and organizations, regardless their subordination, public representatives, experts of international organizations may be involved in the performance of state sanitary and epidemiological expertise.

Decisions regarding needs for and a periodicity of performance of state sanitary and epidemiological expertise of functioning objects shall be made by respective officials from the State Sanitary and Epidemiological Service.

The Chief State Sanitary Doctor of Ukraine shall determine the list of institutions, organizations, laboratories, which may be involved in the performance of state sanitary and epidemiological expertise.

A respective Chief State Sanitary Doctor shall approve a conclusion as to the results of a state sanitary and epidemiological expertise.

The procedure for performance of state sanitary and epidemiological expertise shall be governed by Ukrainian legislation.

Article 13. Requirements as to Licensing of Types of Activity Related to a Potential Danger for Human Health

Activities related to a potential danger for human health must be licensed in accordance with the procedure established by legislation.

Such activities shall include production, processing and sale of foodstuffs and food additives, medicines, medical immune-biological preparations, items of hygiene and sanitary, cosmetics and perfumes, alcoholic beverages, tobacco products, household chemicals, utilities and medical services provided to the population, training and education of children and teenagers, as well as any work involving biological agents and chemical substances, sources of ionizing and non-ionizing radiation, and radioactive materials.

If activities potentially dangerous for human health are licensed, the requirements of the State Sanitary and Epidemiological Service as to ensuring sanitary and epidemic safety of the population must be taken into account.

A failure to comply with the requirements as to ensuring sanitary and epidemic safety of the population as prescribed at the time of issuance of a license shall entail revocation of the license.

Article 14. Requirements as to Safety for Health and Life of the Population in State Standards and other Regulatory Technical Documents

Requirements as to the safety for human health and life in state standards and other regulatory technical documents that apply to products, raw materials, technologies and other objects of the environment of human vital activity, shall be binding.

Draft state standards and other regulatory technical documents that apply to any new (modernized) product shall be subject to obligatory state sanitary and epidemiological expertise.

Products shall be subject to mandatory certification, if there are any requirements in state standards or other regulatory technical documents as to their safety for human health and life.

Bodies, institutions and establishments of the State Sanitary and Epidemiological Service shall supervise compliance with sanitary regulations of standards or other regulatory technical documents, as well as conformity of products to the requirements as to safety for human health and life.

(Part four of Article 14 as amended by the Law of Ukraine
N 3037-III of February 7, 2002)

The Chief State Sanitary Doctor of Ukraine shall suspend state standards being in force if such standards do not contain needed obligatory requirements as to safety for human health and life or the above requirements fail to comply with sanitary regulation; such standards are subject to cancellation in accordance with the procedure specified by law.

(Part five is added to Article 14
according to the Law of Ukraine N 3037-III of February 7, 2002;
thus, parts five and six
shall be considered parts six and seven correspondingly)

The Chief State Sanitary Doctor of Ukraine shall approve methods of control and tests of products in terms of their safety for human health and life, regulations (rules) governing the use of hazardous products.

The list of institutions, organizations and establishments authorized to carry out tests of products in terms of their correspondence to the requirements of safety for human health and life shall be specified by the central body of executive power for standardization, metrology and certification, and must be agreed upon with the Chief State Sanitary Doctor of Ukraine.

Article 15. Requirements as to Design, Construction, Development, Production and Use of New Means of Production and Technologies

Enterprises, institutions, organizations and citizens shall be required to comply with the requirements of the sanitary legislation in the course of development and use of new technologies, design, location, construction, reconstruction and technical modernization of enterprises, production facilities and structures of any use, planning and development of populated localities, resorts, design and construction of sewage, purification, hydro-engineering facilities, and other objects.

Planning and development of populated localities, resorts must, first of all, envisage the creation of better living conditions for the population, and protection and improvement of citizens' health.

Allocation of land plots for construction purposes, approval of design norms, project and normative/technical documentation for the construction, reconstruction, introduction into exploitation of new and reconstructed facilities of production, social, cultural and other designation, the development, manufacturing and use of new machines, mechanisms, equipment, other production facilities, and new technologies shall be carried out upon agreement with the State Sanitary and Epidemiological Service.

Article 16. Conditions for Brining in from Abroad Products, their Sale and Use

Enterprises, institutions, organizations and citizens may bring in from abroad raw materials, products (goods, equipment, technological lines, etc.) and sell or use them in Ukraine only if there is available information data on their safety for human health.

The Chief State Sanitary Doctor of Ukraine shall specify the list and content of such information data.

In the event such data is not available, brining in of the goods manufactured abroad, their sale or use shall be permitted only subject to the receipt of a positive conclusion of the state sanitary and epidemiological expertise.

Goods, products, raw materials imported in Ukraine are subject to requirements relating their safety for human health and life, as well as to procedures of control, expertise, issuance of permits, establishment of sanitary-epidemiological standards, regulations according to requirements applied to corresponding goods, products, raw materials manufactured in Ukraine.

Article 17. Requirements as to Food Raw Materials and Foodstuffs, and Conditions of the Transportation, Storage and Sale thereof

Food raw materials, foodstuffs, as well as materials, equipment and products used for their production, storage, transportation and sale shall comply with the requirements of sanitary regulations and shall be subject to obligatory certification.

Enterprises, institutions, organizations and citizens that produce, store, transport or sell foodstuffs or food raw materials shall be responsible for their safety for human health and life, and their compliance with the requirements of sanitary regulations.

Development and production of new kinds of foodstuffs, introduction of new technologies for their processing and production, as well as of materials that are in contact with food raw materials or foodstuffs during the process of production, storage, transportation and sale shall be permitted by the Chief State Sanitary Doctor on the grounds of a positive conclusion of the state sanitary and epidemiological expertise.

Article 18. Requirements as to Business and Drinking Water Supplies and Places of Water Use

Bodies of executive power, bodies of local self-governments shall ensure that inhabitants of cities and other populated localities are provided with drinking water of quality and in quantities complying with the requirements of sanitary regulations and state standards. Industrial control of quality of drinking water in the course of the intake and processing thereof, and at distribution networks shall be carried out by water supplying enterprises.

Water in open reservoirs used for business/drinking purposes, swimming, water sports, recreation, and for purposes of medical treatment, as well as water in reservoirs within the limits of populated localities must comply with the requirements of sanitary regulations.

Enterprises, institutions, organizations using water reservoirs (including the seas) for purposes of disposing of sewage, drainage, irrigation and other contaminated waters must ensure sufficient water quality in places of water use in compliance with the requirements of sanitary norms.

Sanitary protection zones with special sanitary regimes shall be established for business/drinking water supply systems and their sources. Procedures of establishment and regimes of such zones shall be determined by Ukrainian legislation.

Article 19. Hygienic Requirements as to Atmospheric Air in Populated Localities, Air at Production and Other Facilities

Atmospheric air in populated localities, on territories of enterprises, institutions, organizations and other entities, air at production and other facilities, wherein people stay for extended or brief periods of time, shall comply with the requirements of sanitary regulations.

In the course of their activities, enterprises, institutions, organizations and citizens shall take measures necessary to prevent and eliminate causes of atmospheric pollution, physical impacts on the atmosphere in populated localities, recreation zones, as well as pollution of air at residential premises and production facilities, educational, medical/prophylactic and other establishments, and other places, wherein people stay for extended or brief periods of time.

Article 20. Education and Training Conditions

Bodies of executive power, bodies of local self-government, enterprises, institutions, organizations, owners and administrations of educational and training establishments, and citizens, who organize or carry out educational and training activities, shall be required to ensure for these purposes the proper conditions that meet the requirements of sanitary regulations, and to take measures necessary to preserve and improve the health of, and to provide hygienic education to, respective groups of population, and ensure their basic training in hygienic fundamentals.

Training and educational regimes, curricula and workloads for children and teenagers shall be compulsorily agreed upon relative bodies and institutions of the State Sanitary and Epidemiological Service.

Article 21. Education and Training of Citizens in Hygiene

Training of people in hygiene shall be one of the most important objectives of educational and training institutions. A study course in hygiene shall be a prerequisite part of general and professional education and training curricula and personnel training courses.

Knowledge of hygiene shall be obligatory qualification requirements for employees who are subject to mandatory health examinations, as well as for those individuals who are exposed to hazards of dangerous factors in the spheres of production, services, and other spheres.

Health protection bodies and institutions, medical specialists, as well as specialists in the area of education and culture shall propagate hygienic skills and healthy lifestyles among the population.

Bodies of executive power, bodies of local self-government, enterprises, institutions and organizations shall be required to participate and create conditions favorable to education and training of citizens in hygiene, and propagation of healthy lifestyles.

Article 22. Requirements as to Residential and Business Premises, Territories, Means of Production and Technologies

Bodies of executive power, bodies of local self-government, enterprises, institutions, organizations and citizens shall maintain residential, business and other premises which are granted for use to, or owned by, them in compliance with the requirements of sanitary regulations.

In the course of using production, household or other premises, structures, machinery, equipment, transport vehicles, technologies, their owners shall ensure safe and healthy conditions of work and recreation in compliance with the requirements of sanitary regulations, and shall take measures aimed at preventing illnesses, poisonings, injuries, and pollution of the environment.

Bodies of executive power, bodies of local self-government, enterprises, institutions, organizations and citizens shall maintain land plots and territories which are granted for use to, or owned by, them pursuant to the requirements of sanitary regulations.

Article 23. Ensuring of Radiation Safety

Enterprises, institutions, organizations that produce, store, transport, or use radioactive substances and sources of ionizing radiation, bury, dispose or utilize such radioactive substances and sources of ionizing radiation shall follow radiation safety norms, applicable sanitary rules, as well as regulations specified in other legislative acts which contain the radiation safety requirements.

Activities involving radioactive substances and other sources of ionizing radiation shall be carried out only subject to the permission by the State Sanitary and Epidemiological Service and other specifically authorized bodies.

Cases involving violations of radiation safety norms and sanitary rules governing activities involving radioactive substances and other sources of ionizing radiation, as well as radiation accidents shall be subject to obligatory investigations with participation of officials responsible for carrying out sanitary and epidemiological supervision.

Article 24. Protection of Population Against Deleterious Effect of Non-Ionizing Radiation and other Physical Factors

Bodies of executive power, bodies of local self-government, enterprises, institutions, organizations and citizens shall take measures aimed at protecting the population against deleterious effect of non-ionizing radiation, noise, vibrations and other physical factors.

Use of sources that generate the said factors in production, at households, and for any other purpose shall be permitted only subject to their compliance with sanitary regulations.

Article 25. Use and Neutralization of Chemical Substances and Materials, Biological Substances

Bodies of executive power, bodies of local self-government, enterprises, institutions organizations, and citizens shall observe sanitary regulations in the event of application of chemical substances and materials, as well as biotechnological products.

Production, storage, transportation, use, burial, disposal and utilization of poisonous substances, including biotechnological products and other biological agents, shall be carried out subject to their compliance with sanitary regulations and permission issued by the State Sanitary and Epidemiological Service, and permission by other specifically authorized bodies of executive power, in accordance with procedures established by the Cabinet of Ministers of Ukraine.

(Part two of Article 25 in wording of the
Law of Ukraine N 1288-XIV of December 14, 1999)

The specified requirements shall also apply to transit transportation through the territory of Ukraine of chemical, biological, radioactive and other dangerous for health types of raw materials, mineral resources, substances and materials (including oil and oil products, natural gas) by and through any kind of transport or pipelines.

Article 26. Mandatory Medical Examinations

Mandatory medical examinations shall be organized and carried out in accordance with the procedures specified by law.

Employees of enterprises of the food industry, public catering and trade, water supplying stations, medical/prophylactic, pre-school, educational and training establishments, communal service [utilities] providers, other enterprises, institutions and organizations, whose business or other activities are connected with services to the population and may cause a spread of infectious diseases, food poisoning, as well as employees performing difficult work or work with hazardous or dangerous working conditions shall be required to undergo mandatory preliminary (prior to employment) and regular medical examinations. All individuals under age of 21 years shall undergo medical examinations every year.

Urgent medical examinations of persons, specified in Part 1 of this Article, may be carried out on demand of the Chief State Sanitary Doctor, as well as at the request of an employee if such employee argues that the deterioration of his health is related to working conditions.

Owners of enterprises, institutions, organizations, or bodies authorized by them, shall be responsible, in accordance with current legislation, for organizing and timely performing mandatory medical examinations of their employees, and for allowing employees to work without the necessary medical conclusion.

Employees who have failed, without serious cause, to undergo a full mandatory medical examination within the specified period of time shall be suspended from work and may be subject to disciplinary sanctions.

Article 27. Prophylactic Vaccinations

Prophylactic vaccinations in order to prevent the spread of such diseases as tuberculosis, poliomyelitis, diphtheria, whooping-cough, stupor and measles shall be mandatory in Ukraine.

Certain employee groups, depending on specifics of their work conditions or work performed, shall be subject to compulsory prophylactic vaccinations in order to prevent the spread of other infectious diseases. In the event of unjustified refusal to undergo a compulsory vaccination, as required by relative officials from the State Sanitary and Epidemiological Service, such employees shall not be permitted to work.

The central body of executive power on health issues shall specify population groups and categories of employees, subject to prophylactic vaccinations, including mandatory vaccinations, as well as procedures and deadlines of such vaccinations.

In accordance with provision approved by the Cabinet of Ministries of Ukraine the central body of executive power on health issues shall control the conformity of immunization biological preparations used in medical practice with the requirements of state and international standards, and shall ensure that medical institutions are provided with such preparations.

Article 28. Hospitalization and Medical Treatment of Patients Who are Sick with Infectious Diseases and Who are Carriers of Pathogens of Infectious Diseases

Individuals who are sick with extremely dangerous and dangerous infectious diseases or who are carriers of pathogens of infectious diseases shall be suspended from work or other activities, which may lead to the spread of such diseases. They shall be subject to medical examinations and treatment at the state's expense, and shall be paid social insurance benefits in accordance with the procedures established by legislation. Such individuals shall be recognized as temporarily or permanently disabled, due to their health status, to be engaged in professional and other activities, as a result of which there may be generated increased hazards for other persons around in connection with the specifics of production or performed work.

In the event of refusal from hospitalization, individuals, who are sick with extremely dangerous infectious diseases, shall be subject to mandatory hospitalization, and persons, who are carriers of pathogens of infectious diseases, and persons, who have been in contact with them, shall be subject to mandatory medical supervision and quarantine according to the established procedure.

The list of extremely dangerous and dangerous infectious diseases, the conditions, under which persons will be recognized to be sick with an infectious disease or to be carriers of pathogens of infectious diseases, and anti-epidemic and quarantine rules shall be established according to the procedure determined by legislation.

(Part three of Article 28 as amended
by the Law of Ukraine N 3037-III of February 7, 2002)

Article 29. Sanitary Protection of the Territory of Ukraine from Bringing in of Infectious Diseases

Entry into the territory of Ukraine of foreign nationals and Ukrainian citizens, as well as transportation vehicles from countries (localities), wherein extremely dangerous diseases are registered, shall be permitted only subject to the availability of documents specified in international agreements and the sanitary legislation of Ukraine.

Special sanitary-quarantine units shall be organized and operate at border checkpoints according to the procedures specified by the Cabinet of Ministers of Ukraine in order to prevent bringing into Ukraine of infectious diseases that are extremely dangerous (including quarantine) and dangerous for people.

Article 30. Prevention of Extremely Dangerous, Dangerous Infectious Diseases, Mass Non-Infectious Diseases (Poisoning) and Radiation Affection

The State Emergency Anti-Epidemic Committee may be created within the Cabinet of Ministers of Ukraine in order to control and coordinate activities of bodies of executive power, enterprises, institutions, organizations and citizens as to prevention and liquidation of extremely dangerous, dangerous infectious diseases, mass non-infectious diseases (poisonings) and radiation affections of people.

Vice Prime Minister of Ukraine in accordance with his authorities shall head the State Emergency Anti-Epidemic Committee within the Cabinet of Ministers of Ukraine.

The staff of the State Emergency Anti-Epidemic Committee affiliated to the Cabinet of Ministers of Ukraine shall be approved according to the procedure set forth by the Cabinet of Ministers of Ukraine.

The Chief State Sanitary Doctor of Ukraine and his deputies are staff members of the State Emergency Anti-Epidemic Committee under the Cabinet of Ministers of Ukraine according to the occupied positions of the deputy chairman and committee members correspondingly.

State emergency anti-epidemic committees may be created also in the Autonomous Republic of Crimea, oblasts, cities/towns and districts.

Provisions on the State Emergency Anti-Epidemic Committee affiliated to the Cabinet of Ministers of Ukraine and standard provisions on state emergency anti-epidemic committees under the Council of Ministers of the Autonomous Republic of Crimea, oblast, Kyiv and Sevastopol municipal, district administrations are approved by the Cabinet of Ministers of Ukraine.

In the case of outburst, threat of outburst or spread of extremely dangerous and dangerous infectious diseases, mass non-infectious diseases (poisoning), and radiation affection of the population, bodies of executive power, bodies of local self-government, based on applications filed by respective Chief State Sanitary Doctors, may introduce, within their authorities and in respective territories or objects, special conditions and regimes of work, training, movement and

transportation aimed at preventing and eliminating such diseases and affection, in accordance with the procedures provided by law.

Bodies of executive power, bodies of local self-government, enterprises, institutions and organizations shall ensure the timely conduct of mass prophylactic vaccinations, disinfection, disinsectation, deratization, and other needed sanitary and anti-epidemic measures.

In case of a threat of outburst or spread of extremely dangerous and dangerous infectious diseases, mass non-infectious diseases (poisoning), and radiation affection of the population, respective chief state sanitary doctors in separate territories may order additional prophylactic vaccinations and other sanitary measures in accordance with law.

(Article 30 in wording of the Law of Ukraine
N 3037-III of February 7, 2002)

CHAPTER IV STATE SANITARY AND EPIDEMIOLOGICAL SERVICE OF UKRAINE

(title of Chapter IV as amended
according to the Law of Ukraine N 3037-III of February 7, 2002)

Article 31. System of the State Sanitary and Epidemiological Service of Ukraine

System of the State Sanitary and Epidemiological Service of Ukraine consists of:

central body of executive power on health issues;

institutions and establishments of the State Sanitary and Epidemiological Service of the central body on health issues;

relative institutions, establishments, branches and units of the central bodies of executive power on defense issues, on interior, on state border protection issues, on penalty execution issues, State Curing-Rehabilitating Department, State Security Service of Ukraine;

state scientific institutions of sanitary and epidemiological profile.

Chief state sanitary doctors and their deputies, other employees of the State Sanitary and Epidemiological Service of Ukraine, authorized, according to this Law, to perform state sanitary and epidemiological supervision, shall be considered to be officials of the State Sanitary and Epidemiological Service of Ukraine.

Central body of executive power on ensuring sanitary and epidemic safety of the population shall be the central body of executive power on health issues.

Functions of the corresponding administrative-territorial, transport and object bodies of state sanitary and epidemic supervision shall be entrusted to institutions, establishments of the State Sanitary and Epidemiological Service of the central body of executive power on health issues.

Functions of the bodies of state sanitary and epidemiological supervision of the subordinated thereto territories, objects, at branches and units shall be delegated to institutions, establishments and units of the State Sanitary and Epidemiological Service of other state bodies, specified in part one of this Article.

Institutions and establishments of the State Sanitary and Epidemiological Service of the central body of executive power on health issues are legal entities. The Chief State Sanitary Doctor of Ukraine shall establish their network, organizational structure. The network and organizational structure of institutions, establishments, branches and units of the State Sanitary and Epidemiological Service of other state bodies, determined in part one of this Article shall be established by chief state sanitary doctors of relative state bodies upon approval of the Chief State Sanitary Doctor of Ukraine.

Institutions and establishments of the State Sanitary and Epidemiological Service of the central body of executive power on health issues shall be created and liquidated pursuant to the decision of its head according to the procedure determined by legislation at the request of the Chief State Sanitary Doctor of Ukraine, and institutions, establishments,

branches and units of state sanitary-epidemiological service of other state bodies – by their heads upon to approval of the Chief State Sanitary Doctor of Ukraine.

Institutions and establishments of the State Sanitary and Epidemiological Service carry out their activity on the grounds of the Provision on the state sanitary and epidemiological supervision in Ukraine and the Provision on the State Sanitary and Epidemiological Service of Ukraine, approved by the Cabinet of Ministers of Ukraine, as well as provisions on the State Sanitary and Epidemiological Service of other state bodies, determined in part one of this Article, approved by the head of the corresponding state body upon approval of the Chief State Sanitary Doctor of Ukraine.

(Article 31 as amended according to the
Law of Ukraine N 2171-III of December 21, 2000;
in wording of the Law of Ukraine
N 3037-III of February 7, 2002)

Article 32. Administration of the State Sanitary and Epidemiological Service of Ukraine

The Chief State Sanitary Doctor of Ukraine, who is the first deputy head of the central body of executive power on health issues, shall head the State Sanitary and Epidemiological Service of Ukraine. The Cabinet of Ministers of Ukraine shall appoint and dismiss the Chief State Sanitary Doctor of Ukraine

The Chief State Sanitary Doctor of Ukraine on issues of state sanitary and epidemiological supervision is subordinated directly to the Cabinet of Ministers of Ukraine.

The Chief State Sanitary Doctor of Ukraine has a first deputy and other deputies. The Cabinet of Ministers of Ukraine appoints and dismisses the first deputy and other deputies of the Chief State Sanitary Doctor of Ukraine pursuant to the submission filed by the above mentioned and upon approval of the head of the central body of executive power on health issues.

The Chief State Sanitary Doctor of Ukraine within the limits of his competence issues directives on activity issues of the state sanitary –epidemiological service of Ukraine, being mandatory for execution by any legal entity and natural person, as well as resolutions, orders, conclusions, instructions etc. on adherence to requirements of sanitary legislation, conduction of sanitary measures, files proposals with central and local bodies of executive power and bodies of local self-government, other state bodies as to ensuring sanitary and epidemiological safety of the population in Ukraine.

The Chief State Sanitary Doctor of Ukraine represents the State Sanitary and Epidemiological Service in central and local bodies of executive power, bodies of local self-government, other state bodies, including court and commercial court.

Board of the State Sanitary and Epidemiological Service of Ukraine shall be created to consider and solve prime issues in providing sanitary and epidemic safety of the population and activity of the State Sanitary and Epidemiological Service of Ukraine. The Chief State Sanitary Doctor of Ukraine shall head this board. The Cabinet of Ministers of Ukraine approves the proposed by the Chief State Sanitary Doctor of Ukraine Provision on the board of State Sanitary and Epidemiological Service of Ukraine and its staff. Boards of the State Sanitary and Epidemiological Service shall be also created in the Autonomous Republic of Crimea, in oblasts, cities of Kyiv and Sevastopol, at water, railway and air transports. Corresponding chief state sanitary officers shall run these boards. The Chief State Sanitary Doctor of Ukraine shall approve provisions on these boards and its staff. Announcements and clarifications of heads of executive power bodies, other state authorities, bodies of supervision and control, enterprises, institutions and organizations, their associations and other officials on their fulfillment of the requirements of the sanitary legislation may be considered at meetings of boards of the State Sanitary and Epidemiological Service.

State Sanitary and Epidemiological Service of the Autonomous Republic of Crimea shall be administered by the chief state sanitary doctor of the Autonomous Republic of Crimea, appointed to this post and dismissed by the directive of the Chief State Sanitary Doctor of Ukraine.

State Sanitary and Epidemiological Service of oblast, cities of Kyiv and Sevastopol shall be administered by the chief state sanitary doctor of the corresponding administrative area, appointed to this post and dismissed by the directive of the Chief State Sanitary Doctor of Ukraine

State Sanitary and Epidemiological Service at water, railway and air transports shall be administered by the chief state sanitary doctor of the corresponding type of transport, who is appointed to this position and dismissed by the directive of the Chief State Sanitary Doctor of Ukraine.

The Chief State Sanitary Doctor of Ukraine shall appoint to the post and dismiss the deputy chief state sanitary doctors of the corresponding type of transport in the Autonomous Republic Crimea, oblasts and cities of Kyiv and Sevastopol.

State Sanitary and Epidemiological Service in districts, cities/towns, city districts shall be administered by the chief state sanitary doctor of the corresponding administrative area, appointed to the position and dismissed by the directive of the Chief State Sanitary Doctor of the Autonomous Republic of Crimea, oblast, cities of Kyiv and Sevastopol upon the approval of the Chief State Sanitary Doctor of Ukraine.

Organization of the State Sanitary and Epidemiological Service at water, railway and air transports shall be fulfilled in accordance with the principle of linearity. The State Sanitary and Epidemiological Service at line departments and transport objects shall be administered by chief state sanitary doctors, appointed to the position and dismissed by directive of the chief state sanitary doctor of the corresponding type of transport upon the consent of the Chief State Sanitary Doctor of Ukraine.

State Sanitary and Epidemiological Service at objects with a special work schedule shall be administered by chief state sanitary doctors of these objects, appointed to the post and dismissed by the directive of the Chief State Sanitary Doctor of Ukraine. The Cabinet of Ministers of Ukraine shall specify the list of objects with a special schedule of work.

The Chief State Sanitary Doctors of the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol, districts, cities/towns, city districts, on water, railway, air transport, line departments and transport objects, on objects with special work schedules shall run the respective institutions of sanitary-epidemiological service of the central body of executive power on health issues.

Heads of other institutions and establishments of the State Sanitary and Epidemiological Service of the central body of executive power on health issues are appointed to and dismissed from their positions by the Chief State Sanitary Doctor of Ukraine.

State Sanitary and Epidemiological Service of the central bodies of executive power on defense issues, interior issues, on issues of protection of the state border of Ukraine, on issues of penalty execution, State Curing and Rehabilitation Administration, State Security Service of Ukraine shall be administered by the chief state sanitary doctors of the corresponding state body, appointed to the position and dismissed by the head of this state body upon the consent of the Chief State Sanitary Doctor of Ukraine.

Chief state sanitary doctors of the central bodies of executive power on defense issues, interior issues, issues of protection of the state border of Ukraine, on issues of penalty executions, State Curing and Rehabilitation Administration, State Security Service of Ukraine in general issues shall be subordinated immediately to the head of the corresponding state body and in issues of state sanitary and epidemiological supervision – to the Chief State Sanitary Doctor of Ukraine.

Chief state sanitary doctors of the specified state bodies shall appoint and dismiss chief state sanitary doctors within the areas, subjected to their authority, as well as subordinated to them unions, branches and units.

Chief state sanitary doctors of the determined state bodies, chief state sanitary doctors within areas, unions, branches and units may run establishments and units according to the provisions on State Sanitary and Epidemiological Service of the above state bodies.

Officials of the State Sanitary and Epidemiological Service of the central body of executive power on health issues carry out their authorities within the corresponding administrative areas and objects and officials of the State Sanitary and Epidemiological Service of other state bodies – within the territories, subjected to their authority, as well as within subordinated to them objects and units in compliance with this Law, Provision on the state sanitary and epidemiological supervision and other legislative acts.

(Article 32 as amended by the Law of Ukraine
N 2171-III of December 21, 2000;
in wording of the Law of Ukraine
N 3037-III of February 7, 2002)

Article 33. Main Activity Directions of the State Sanitary and Epidemiological Service

Main activity objectives of the State Sanitary and Epidemiological Service of Ukraine shall include:

carrying out of state sanitary and epidemiological supervision;

determination of priority measures aimed at disease preventing and protecting the population from deleterious effect of factors of the environment;

examination, evaluation and forecast of public health indicators, depending on conditions of the environment of human vital activity and identification of environment factors that have a deleterious effect on public health;

preparation of proposals on ensuring sanitary and epidemic safety of the population, and prevention of the bringing in and spreading of extremely dangerous (including quarantine) and dangerous infectious diseases;

control over elimination of causes and conditions provoking emergence and spreading of infectious and mass non-infectious diseases, poisonings and radiological affection of people;

maintenance of state records of infectious and occupational diseases, and poisonings;

issuance of conclusions of the state sanitary and epidemiological expertise regarding waste treatment objects;

prescription of sanitary and hygienic requirements for products made from waste, and issuance hygienic certificates thereon.

methodological support and execution of control while determining the level of waste danger.

(Article 33 supplemented with Paragraphs 8 – 10 according to the Law of Ukraine N 1288-XIV of December 14, 1999)

Article 34. Cooperation of the State Sanitary and Epidemiological Service with other Organizations

Cooperation and delineation of spheres of activity, authorities and liability between bodies, institutions and establishments of the State Sanitary and Epidemiological Service, and other specially authorized bodies conducting state supervision and control shall be carried out according to legislative and normative acts determining their competence.

Bodies, institutions and establishments of the State Sanitary and Epidemiological Service shall cooperate with state bodies and public organizations, whose activity is aimed at preventing diseases, protecting human health and environment, protecting rights of citizens to safe conditions for their vital activity.

Article 35. Financial Support and Property of the State Sanitary and Epidemiological Service

Bodies, institutions and establishments of the State Sanitary and Epidemiological Service of the central body of executive power on health issues shall be financed by the State Budget funds, including allocations from the special fund, as well as from other sources determined by law.

Institutions, establishments, branches and units of the State Sanitary and Epidemiological Service of the central body of executive power on defense issues, on interior issues, on issues of protection of the state border, on issues of penalty execution, State Curing and Rehabilitation Administration, State Security Service of Ukraine shall be financed with funds for health protection allocated to the above state bodies from the State Budget of Ukraine.

Contributions to the Special State Budget Fund are deducted by institutions and establishments of state sanitary-epidemiological service of the central body of executive power on health issues for carried out works and rendered services in the sphere of ensuring sanitary and epidemic safety, provided they are not related to provision of medical care to the population:

preparation and issuance of permits, conclusions, hygienic certificates envisaged by articles 12, 16, 17, 23, 25 of this Law;

conduction of laboratory researches, measurements, tests of factors of the human vital activity environment;

studies, researches, analysis of draft normative documents, project, technical, instructive - methodological documentation on compliance with requirements of sanitary legislation;

grounding medical requirements relating to safety for human health and life, development of hygienic standards and sanitary regulations;

participation in accreditation of institutions, organizations and establishments to have the right to test products as to its safety for human health and life;

attestation of workplaces;

training of professional groups of employees in hygiene;

consultations on inquiries of legal entities and natural persons;

works in prophylactic disinfection, desinsection, deratization;

other works and services according to the list determined by the Cabinet of Ministers of Ukraine.

The above services are paid according to tariffs and price-lists approved by the Cabinet of Ministers of Ukraine.

Premises, buildings, constructions, equipment, transport means and other property, used by bodies and institutions of State Sanitary and Epidemiological Service performing state sanitary and epidemiological supervision, are state property and shall be transferred to the specified institutions and establishments, according to the procedure, established by law. Land plots, where buildings and constructions of institutions and establishments of the State Sanitary and Epidemiological Service of Ukraine are situated, shall be given to them, according to the procedure, established by law.

(Article 35 as amended
by Laws of Ukraine N 783-XIV of June 30, 1999,
N 2171-III of December 21, 2000;
in wording of the Law of Ukraine
N 3037-III of February 7, 2002)

Article 36. Cadre and Scientific Support of the State Sanitary and Epidemiological Service

Doctors and junior medical specialists for the State Sanitary and Epidemiological Service shall be trained at educational establishments of medical profile with the corresponding accreditation degree. The central body of executive power on health issues shall specify norms of supply of these specialists to the State Sanitary and Epidemiological Service.

(part one of Article 36 as amended
by the Law of Ukraine N 3037-III of February 7, 2002)

Hygiene and epidemiological research institutions shall research, evaluate, forecast and determine criteria of deleterious effect of environmental factors on public health, carry out sanitary and epidemiological expertise, establish the hygienic regulation of dangerous factors, provide scientific justification for sanitary and anti-epidemic measures, as well as perform fundamental and applied research in the field of prophylaxis of diseases of the population.

Article 37. Informational Support of the State Sanitary and Epidemiological Service

Information support of the State Sanitary and Epidemiological Service shall be provided to study, evaluate, forecast sanitary and epidemic situation; to develop measures aimed at the prevention, removal or reduction of deleterious effect of environmental factors on public health; and to inform bodies of executive power, public organizations and citizens on these issues.

Information support of the State Sanitary and Epidemiological Service shall be carried out through a system of state, sector and operational reporting. The nature, volumes, procedures and terms of submitting such information to bodies, institutions and establishments of the State Sanitary and Epidemiological Service shall be established upon petition of the Chief State Sanitary Doctor of Ukraine under the procedure established by legislation.

Bodies of executive power, bodies of local self-government, enterprises, institutions, organizations and citizens shall be obligated to provide such information to bodies, institutions and establishments of the State Sanitary and Epidemiological Service on free-of-charge basis.

Article 38. Measures of Legal and Social Protection, Material and Social Support of Employees of the State Sanitary and Epidemiological Service

Chief State Sanitary Doctors, their deputies and other officials of the State Sanitary and Epidemiological Service shall be under protection of law. Intervening into activities of officials, who conduct state sanitary and epidemiological supervision, whereas such intervention interferes with such officials' performance of their duties, shall be liable as provided by legislation.

Infliction of bodily injuries to, offenses of, and threats to officials of the State Sanitary and Epidemiological Service or their close relatives, destruction of their property, and other violent actions in connection with their fulfillment of official duties shall be prosecuted pursuant to law.

Life and health of employees of the State Sanitary and Epidemiological Service shall be subject to obligatory state insurance against disability or occupational diseases sustained at the time of fulfilling their duties. The Cabinet of Ministers of Ukraine shall establish procedures and conditions of insurance coverage. In the event of such disability or occupational disease, an employee of the State Sanitary and Epidemiological Service shall be paid a lump sum in the amount of his 3-year up to 5-year salary, depending on the extent of lost ability to work.

Salaries of officials of the State Sanitary and Epidemiological Service shall consist of basic salary rate amounts, bonuses for qualification categories and long service, and shall ensure sufficient material conditions for the independent fulfillment of their official duties and attraction of skilled personnel. The Cabinet of Ministers of Ukraine shall establish amounts of salary rates and bonuses for qualification categories and long service.

Chief State Sanitary Doctors, their deputies and other officials of the State Sanitary and Epidemiological Service shall have a priority right to obtain apartments and have home telephones installed.

Under the procedure established by the Cabinet of Ministers of Ukraine, officials of the State Sanitary and Epidemiological Service, who are directly involved in inspections of objects under supervision shall be provided with tickets to travel by appropriate transport types of municipal, suburban and local commuting systems (except taxis) or, at their discretion, shall obtain monetary compensation for transport expenses incurred in the course of fulfilling their official duties. On business trips, they shall have a priority right to purchase tickets for all types of transport, and to accommodation in hotels.

(part 6 of Article 38 in wording of the Law N 331/97-VR of June 11, 1997)

Officials of the State Sanitary and Epidemiological Service at the water, railway, air transport, and at objects with a special regime of operation shall also enjoy all kinds of legal and social protection, material and social support granted to employees of the respective transport systems and objects.

Peculiarities of legal and social protection, material and social support for servicemen and employees, who work under contracts with the State Sanitary and Epidemiological Services of the central body of executive power on defense issues, on interior issues, on issues of protection of the State Border, central body of executive power on issues of penalty execution, State Curing and Rehabilitation Administration and the Security Service of Ukraine, shall be regulated by applicable legislative acts.

(Part 8 of Article 38 as amended according to the Law of Ukraine N 2171-III of December 21, 2000, N 3037-III of February 7, 2002))

CHAPTER V STATE SANITARY AND EPIDEMIOLOGICAL SUPERVISION

Article 39. Definition and the Main Tasks of State Sanitary and Epidemiological Supervision

State sanitary and epidemiological supervision shall mean activities of bodies, institutions and establishments of the State Sanitary and Epidemiological Service concerned with the control over compliance with the sanitary legislation by legal entities and natural persons with an aim of preventing, finding, decreasing or removing deleterious effect of dangerous factors on human health, and activities concerned with the application of measures of a legal nature with regard to violators.

The main tasks of these activities shall be as follows:

supervision over the organization and implementation of sanitary and anti-epidemic measures by bodies of executive power, bodies of local self-government, enterprises, institutions, organizations and citizens;

supervision over the implementation of state policies dealing with prevention of diseases of the population; participation in the development of, and control over the fulfillment of programs related to prevention of deleterious effect of environmental factors on public health;

supervision over observance of sanitary legislation;

performance of state sanitary and epidemiological expertise, hygienic regulation of dangerous factors and issuance of licenses for their use.

State sanitary and epidemiological supervision shall be conducted according to the Provision on State Sanitary and Epidemiological Supervision in Ukraine through selective inspections verifying the observance of the sanitary legislation pursuant to plans of bodies, institutions and establishments of the State Sanitary and Epidemiological Service, as well as out-of-plan inspections depending on the sanitary, epidemic situation and under applications of citizens.

Results of inspections shall be finalized in a document which form and procedure of execution shall be specified by the Chief State Sanitary Doctor of Ukraine.

Article 40. Authorities of the Chief State Sanitary Doctor of Ukraine

The Chief State Sanitary Doctor of Ukraine shall:

a) approve state sanitary norms, regulations governing the use of dangerous factors, maximal permissible concentration levels, approximately safe levels of chemical and biological agents in foodstuffs, goods and articles, in water, air and soil and shall establish norms of radiological safety and allowed levels of influence of other physical factors on human beings;

b) establish requirements as to the complex measures for sanitary protection of the Ukrainian state borders, control and coordinate activities of bodies of executive power, bodies local self-government on these issues;

c) submit draft legal acts on issues of ensuring sanitary and epidemiological safety of the population for approval as provided by legislation;

d) approve, together with the central body of executive power on economy issues and central body of executive power on finance issues, methodologies for the determination of levels of hazard for public health that is generated by dangerous factors;

e) issue compulsory for consideration conclusions concerning draft inter-state, national and sector programs on ensuring sanitary and epidemic safety of the population, prevention of diseases, and shall control their implementation;

f) issue directives as to the organization and implementation of state sanitary and epidemiological supervision in Ukraine;

g) determine the procedure of maintenance of state records of infectious and occupational diseases, and poisonings;

h) confirm major directions of fundamental and applied research in the area of hygiene and epidemiology;

i) confirm draft norms governing designing, standards and technical specifications, distribution of productive forces, and other projects that may have an impact on public health;

- j) confirm educational curricula and workloads, regimes of education and training for children and teenagers in education and training establishments;
- k) determine, jointly with the State Committee of Ukraine on Health and Safety [Labor Protection] Supervision, a list of activities that require compulsory medical examinations, and procedures of their performance;
- l) adopt a list of infectious diseases requiring compulsory hospitalization of patients, and a list of production processes (occupations) in which may not be involved persons who are sick with infectious diseases, who are carriers of pathogens of infectious diseases, or who have not been vaccinated against specified infectious diseases;
- m) apply measures as provided by legislation to stop the violation of the sanitary legislation;
- n) confirm methods of control and testing of products as to their safety for human health and life;
- o) confirm instructions (rules) on the use of products with a higher level of hazard;
- p) confirm a list of institutions, organizations and establishments that are entitled to test products as to their compliance with the requirements of health safety;
- q) clause “q” of part one of Article 40 is excluded.

(According to the Law of Ukraine
N 3037-III of February 7, 2002)

r) submit a grounded petition to the Cabinet of Ministers of Ukraine on establishing quarantine in case an emergency state is introduced in Ukraine or in its separate localities; it shall specify the period and territory wherein the quarantine is established; list of needed prophylactic, anti-epidemic and other measures to be conducted or may be conducted if the emergency state is introduced and quarantine is established, their performers; exhaustively outlined temporal restrictions of rights of legal entities and natural persons, additional obligations vested upon them.

(part one of Article 40 is added with clause “r”
according to the Law of Ukraine N 2788-III of November 15, 2001)

In addition to the powers specified in this Article, the Chief State Sanitary Doctor of Ukraine shall have the authorities specified in Article 41 of this Law. He may delegate his authorities, in full or in part, to deputy Chief State Sanitary Doctors of Ukraine.

Article 41. Authorities of Chief State Sanitary Doctors and other Officials who Carry out Sanitary and Epidemiological Supervision

Chief State Sanitary Doctors of the Autonomous Republic of Crimea, oblasts, cities, towns, districts, and their deputies, Chief State Sanitary Doctors within the transport systems and their deputies, and Chief State Sanitary Doctors at objects with a special regime of operation, shall, within relevant territories (objects) have the authorities of :

- a) state sanitary and epidemiological supervision over observance of, the sanitary legislation by bodies of executive power, bodies of local self-government, enterprises, institutions, organizations and citizens;
- b) systematic analysis of the sanitary and epidemic situation, health indices of the population and of separate groups of the population;
- c) determination of factors that may have deleterious effect on public health, the level of hazard generated by such factors for the health of people in the region, territory, object, separate occupational groups etc.;
- d) control over the implementation of sanitary and anti-epidemic measures, implementation of programs on prevention of diseases, protection of public health;
- e) confirmation of allocation of land plots for construction and other kinds of land use, places of water intake and sewage discharge, location of industrial and other objects;
- f) adoption of decisions on the necessity to carry out state sanitary and epidemiological expertise, appointment of members of commissions to conduct such examinations, and approval of conclusions;

- g) confirmation of regional and local programs of social and economic development;
- h) adoption of decisions as to compliance of the objects and buildings that are the State Sanitary and Epidemiological Service introduced into operation with the requirements of sanitary regulations;
- i) confirmation of issuance and, in cases envisaged by legislation, issuance of permits for the conduct of activities specified in this Law;
- j) unimpeded entry into territories and buildings of all objects under supervision, upon presentation of an official document, and issuance of binding instructions with regard to the elimination of revealed violations of sanitary regulations, and carrying out of necessary laboratory tests;
- k) receipt, on a free-of-charge basis, of materials and information, statistical and other data about the sanitary and epidemic status of objects and human health from legal entities and natural persons, including foreign entities and persons, who stay or conduct business on the corresponding territory of Ukraine;
- l) sampling, on a free-of-charge basis, of raw materials, products and materials for state sanitary and epidemiological expertise purposes;
- m) determination of the need for prophylactic vaccinations and other preventive measures in case of a threat of occurrence of epidemics, mass poisonings or radiation affection;
- n) investigation of causes and conditions of outbreaks of occupational or group-specific infectious diseases, poisoning, and radiation accidents, and submission of findings on these matters to the competent bodies in order to call the guilty to account;
- o) application of measures specified by this Law to stop violations of the sanitary legislation.

The same authorities shall be granted, within territories, objects, branches and units under their jurisdiction, to the Chief State Sanitary Doctors and their Deputies of the central body of executive power on defense issues, the central body of executive power on interior issues, the central body of executive power on protection of state border, the central body of executive power on penalty execution, State Curing-Rehabilitating Administration, the Security Service of Ukraine.

(Part 2 of Article 41 as amended
pursuant to Laws of Ukraine N 2171-III of December 21, 2000,
N 3037-III of February 7, 2002)

Other officials of bodies, institutions and establishments of the State Sanitary and Epidemiological Service (hygiene doctors, epidemiological doctors, doctors' assistants) shall be granted the authorities as set forth in items "a", "b", "c", "d", "j", "k", "l", "n" (in the part relating to investigations of group-specific infectious diseases, poisonings, radiation accidents) and "o" in Part 1 of this Article.

The Chief State Sanitary Doctor of an administrative territory shall coordinate the activities of all institutions, establishments and units of the State Sanitary and Epidemiological Service regardless of their subordination.

In the event that the sanitary or epidemic situation has deteriorated in places of location of objects of the central body of executive power on defense issues, the central body of executive power on interior issues, the central body of executive power on issues of protection of state border, central body of executive power on issues of penalty execution, State Curing-Rehabilitation Administration, Security Service of Ukraine, as well as objects with a special regime of operation, authorities of a Chief State Sanitary Doctor, his deputies and other officials (doctors) of the State Sanitary and Epidemiological Service of the relevant administrative territory as set forth in items "c", "d", "j", "k", "l", "m", "n" in Part 1 of this Article shall apply to the above said objects. The said officials of the State Sanitary and Epidemiological Service of the administrative territory shall have the right to take measures within these objects and territories to stop violations of the sanitary legislation as set forth in items "a", "b", "c", "d", "f" of Article 42 of this Law.

(Part 5 of Article 41 as amended
pursuant to Laws of Ukraine N 2171-III of December 21, 2000
N 3037-III of February 7, 2002)

Article 42. Measures to Stop Violations of the Sanitary Legislation

Chief State Sanitary Doctors (their deputies) shall take the following measures to stop violations of the sanitary legislation:

- a) limitation, temporal ban on or suspension of activities of enterprises, institutions, organizations, objects of any designation, technological lines, machines and mechanisms, fulfillment of separate technological operations, use of navigating vehicles, rolling-stock and aircraft if they do not conform with the requirements of sanitary regulations;
- b) limitation, temporal ban on or suspension of construction, reconstruction and enlargement of objects under projects that do not have positive conclusion according to the results of state sanitary and epidemiological expertise, and in case of deviation from the adopted project;
- c) temporal ban on production, ban on use and sale of chemical substances, foodstuffs, technological equipment, building materials, biological preparations, consumer goods, sources of ionizing emanation in the event of the absence of their hygiene regulation and state registration, and if they have been recognized as harmful for human health;
- d) limitation of, suspension or a ban on emission (dumping) of contaminating substances if sanitary norms are violated;
- e) suspension or termination of investment activity in cases specified by legislation;
- f) submission to owners of enterprises, institutions and organizations or to bodies authorized by them of petitions concerning the suspension from work or other activity of persons specified in paragraph 6, Part 1 of Article 7 of this Law;
- g) withdrawal from sale confiscation of foodstuffs, chemical and radioactive substances, biological materials that are harmful for health in accordance with the procedure specified by legislation.

Other officials of bodies, institutions and establishments of the State Sanitary and Epidemiological Service shall be granted the authority to take measures to stop violations of sanitary norms as specified in clause "a" (in the part relating to the limitation of or temporal ban on activities of enterprises, institutions, organizations, objects of any designation, technological lines, machines and mechanisms, fulfillment of separate technological operations, use of navigating vehicles, rolling-stock and aircraft in case when they do not meet the requirements of the sanitary norms), clauses "c", "d", "f" and "g" of this Article hereof.

At the request of officials of bodies, institutions and establishments of the State Sanitary and Epidemiological Service, measures to stop violations of sanitary legislation shall be implemented, if necessary, with engagement of interior officers.

Article 43. Appellation of Decisions and Actions of Officials who carry out State Sanitary and Epidemiological Supervision

Resolutions, orders, instructions, conclusions of officials of the State Sanitary and Epidemiological Service may be appealed, within a month from the date thereof,

- a) of the Chief State Sanitary Doctor of Ukraine - in the Cabinet of Ministers of Ukraine, or in court;
- b) of the Chief State Sanitary Doctors of the central body of executive power on defense issues, the central body of executive power on interior issues, the central body of executive power on the issues of state border protection, the central body of executive power on issues of penalty execution, State Curing-Rehabilitation Administration, Security Service of Ukraine – to the Chief State Sanitary Doctor of Ukraine, or in court;

(clause "b" of part 1 of Article 43 as amended
by Laws of Ukraine N 2171-III of December 21, 2000,
N 3037-III of February 7, 2002)

- c) of other Chief State Sanitary Doctors and officials of the State Sanitary and Epidemiological Service – to a higher Chief State Sanitary Doctor, or in court.

Appellation of an adopted decision shall not suspend its validity.

Article 44. Liability of Officials of the State Sanitary and Epidemiological Service of Ukraine

Officials of the State Sanitary and Epidemiological Service shall be held liable for non-performance or inappropriate performance of their official duties in accordance with law.

(Article 44 in wording of the Law of Ukraine
N 3037-III of February 7, 2002)

CHAPTER VI LIABILITY FOR VIOLATIONS OF SANITARY LEGISLATION

Article 45. Disciplinary Liability for Violations of Sanitary Legislation

Employees of enterprises, institutions, organizations whose actions have resulted in violations of sanitary legislation, non-compliance with resolutions, instructions, directives, conclusions of officials of the State Sanitary and Epidemiological Service shall be subject to disciplinary liabilities in accordance with legislation.

Article 46. Administrative Liability and Financial Sanctions for Violations of Sanitary Legislation

The following penalties may be imposed for violations of the sanitary legislation or non-compliance with resolutions, instructions, directives and conclusions of officials of bodies, institutions and establishments of the State Sanitary and Epidemiological Service onto persons who are guilty of such violations:

onto officials – from 6 up to 25 untaxed minimum person's incomes;

(paragraph 2 of Part 1 of Article 46 as amended
by Laws N 607/96-VR of December 17, 1996,
N 3037-III of February 7, 2002)

onto citizens - from 1 up to 12 untaxed minimum person's incomes.

(paragraph 3 of Part 1 of Article 46 as amended
by the Law N 607/96-VR of December 17, 1996)

The following financial sanctions shall be levied onto enterprises, entrepreneurs, institutions and organizations that have violated the sanitary legislation:

- a. for delivery to a customer or introduction into production and use of design, technological and project documents which do not meet the requirements of the sanitary regulations, drafters of these documents shall pay a penalty in the amount of 25 per cent of the document development cost;
- b. for sale of products that are prohibited for production and distribution by officials of bodies, institutions and establishments of the State Sanitary and Epidemiological Service, an enterprise, entrepreneur, institution or organization shall pay a penalty in the amount of 100 per cent of the value of sold products;
- c. for production and sale of products which, as a result of violation of the requirements of standards and sanitary regulations, are dangerous for human life and health, an enterprise, entrepreneur, institution or organization shall pay a penalty in the amount of 100 per cent of the value of sold products;
- d. for the sale in the territory of Ukraine of imported products which do not meet the requirements of human life and health safety standards, sanitary regulations effective in Ukraine, an enterprise, entrepreneur, institution or organization shall pay a penalty in the amount of 100 per cent of the value of sold products;
- e. for avoidance to present products subject to control to officials of the State Sanitary and Epidemiological Service, an enterprise, entrepreneur, institution or organization shall pay a penalty in the amount of 25 per cent of the value of products that have been produced from the time of avoidance.

The value of documents and products specified in Part 2 of this Article shall be calculated on the basis of their sale prices.

Article 47. Procedures for the Imposition and Collection of Penalties and Application of Financial Sanctions for Violations of the Sanitary Legislation

Resolutions imposing penalties and financial sanctions for violations of the sanitary legislation shall be applied on the basis of minutes on the sanitary regulations violation completed according to the prescribed procedure, and shall be binding.

Such resolutions may be issued by:

1) the Chief State Sanitary Doctor of Ukraine, his deputies, Chief State Sanitary Doctors and their deputies of the Autonomous Republic of Crimea, oblasts, cities of Kyiv, Sevastopol, Chief State Sanitary Doctors within the water, railway, air transport systems, water reservoirs, railways, the central body of executive power on defense issues, the central body of executive power on interior issues, the central body of executive power on the issues of state border protection, the central body of executive power on issues of penalty execution, State Curing-Rehabilitation Administration, Security Service of Ukraine and their deputies correspondingly – for the violations covered by Article 46 of this Law;

(clause 1 of Part 2 of Article 47 as amended
by Laws N 2171-III, of December 21, 2000,
N 3037-III of February 7, 2002)

2) other Chief State Sanitary Doctors and their deputies – for the violations covered by Part 1 of Article 46 and clauses "b", "c", "d", "e" in Part 2 of Article 46 of this Law;

3) other officials of the State Sanitary and Epidemiological Service – for the violations covered by Part 1 of Article 46 of this Law.

Cases involving administrative violations specified in Part 1 of Article 46 of this Law shall be reviewed, and resolutions shall be enforced, according to the procedures determined by the Code of Ukraine on Administrative Offenses.

One copy of a resolution on application of a financial sanction specified in Part 2 of Article 46 of this Law shall be submitted to the State Tax Inspection at the place of location of an enterprise, entrepreneur, institution, organization in order to control the implementation thereof.

If the violator does not implement the resolution within 15 days from the date of issuance thereof, the amount of the sanction shall be recovered through court proceedings.

(Part 5 of Article 47 as amended
by the Law N 642/97-VR of November 18, 1997)

Payment of penalties and financial sanctions provided by Article 46 of this Law shall not release violators from the obligation to recover losses of enterprises, institutions, organizations and citizens, which they have suffered as a result of the violation of the sanitary legislation.

The amounts of penalties shall be deposited in accordance with the law.

(Part seven of Article 47 in wording of the Law of Ukraine
N 3037-III of February 7, 2002)

Financial bodies on the basis of a decision made by a body that has cancelled the penalty or sanction shall return amounts of penalties or financial sanctions that have been paid into the budget without sufficient ground.

Specifics of application of administrative sanctions for violations of the sanitary legislation by officials of the State Sanitary and Epidemiological Services of the central body of executive power on defense issues, the central body of executive power on interior issues, the central body of executive power on the issues of state border protection, the central body of executive power on issues of penalty execution, State Curing-Rehabilitation Administration, Security Service of Ukraine shall be determined by legislation.

(Part 9 of Article 47 as amended
by Laws N 2171-III of December 21, 2000
N 3037-III of February 7, 2002)

Article 48. Civil Law Liability for Violations of the Sanitary Legislation

Enterprises, institutions, organizations, entrepreneurs and citizens who have violated the sanitary legislation which has resulted in diseases, poisonings, radiation affection, permanent or temporary loss of ability to work, disability or death of people shall be obliged to recover losses of citizens, enterprises, institutions and organizations and to compensate additional expenses of bodies, institutions and establishments of the Sanitary and Epidemiological Service connected with the implementation of sanitary and anti-epidemic measures and expenses of medical/prophylactic institutions incurred as a result of providing medical assistance to victims.

In the case of refusal of voluntary compensation for expenses or recovering of losses, disputes shall be settled in court.

Article 49. Criminal Liability for Violations of the Sanitary Legislation

Actions against public health committed as a result of violations of the sanitary legislation shall entail criminal liability in accordance with law.

CHAPTER VII INTERNATIONAL RELATIONS OF UKRAINE CONCERNING ENSURING OF SANITARY AND EPIDEMIC SAFETY

Article 50. Participation of Ukraine in International Cooperation

Ukraine shall participate in international cooperation in order to ensure sanitary and epidemic safety, prevent diseases and protect public health.

Ukraine shall conclude agreements on the development and reinforcement of international cooperation in health protection, ensuring of sanitary and epidemic safety of the population, and shall participate in the activity of the World Health Organization.

Article 51. International Agreements

If an international agreement to which Ukraine is a party contains other rules than those specified by Ukrainian sanitary legislation, the rules of the international agreement shall apply.

President of Ukraine

L. Kravchuk

**Kyiv
February 24, 1994
N 4004-XII**