ACT ON SPECIAL MEASURES FOR THE
CONTROL OF PUBLIC HEALTH CRIMES

Act No. 2137, Aug. 4, 1969
Amended by Act No. 3333, Dec. 31, 1980
Act No. 3763, Dec. 31, 1984
Act No. 3823, May 10, 1986
Act No. 3825, May 10, 1986
Act No. 4252, Aug. 1, 1990
Act No. 4293, Dec. 31, 1990
Act No. 5443, Dec. 13, 1997
Act No. 5454, Dec. 13, 1997
Act No. 5529, Feb. 28, 1998
Act No. 6727, Aug. 26, 2002
Act No. 7292, Dec. 31, 2004
Act No. 8365, Apr. 11, 2007
Act No. 8366, Apr. 11, 2007
Act No. 8852, Feb. 29, 2008
Act No. 9432, Feb. 6, 2009
Act No. 9840, Dec. 29, 2009
Act No. 9932, Jan. 18, 2010
Act No. 10310, May 25, 2010
Act No. 10579, Apr. 12, 2011

Article 1 (Purpose)
The purpose of this Act is to contribute to the improvement of public health by
aggravatingly punishing such crimes as manufacturing illegal foods and additives, illegal
medicines and cosmetics, poisonous substances or unlicensed medical practices.

Article 2 (Punishment for Manufacturing Illegal Foods, etc.)
(1) A person who manufactures or processes foods or additives without permission from or report to the authorities under Article 37 (1) and (4) of the Food Sanitation Act, a person who manufactures or processes functional health foods without permission in accordance with the provisions of Article 5 of the Functional Health Foods Act, a person who counterfeits or adulterates foods, additives or functional health foods identical to those already licensed or reported, a person who, knowing such fact, sells or acquires them for the purpose of sale or offers good offices for sale, a person who manufactures or processes them in violation of each of the provisions of Articles 6 and 7 (4) of the Food Sanitation Act or Article 24 (1) of the Functional Health Foods Act, and a person who, knowingly, sells or acquires them for the purpose of sale or offers good offices for sale, shall be punished in accordance with the classifications set forth in the following subparagraphs:

1. Where foods, additives or functional health foods are seriously harmful to the human body, he/she shall be sentenced to imprisonment for life or for not less than five years;

2. Where the value of foods, additives or functional health foods at retail amounts to not less than 50 million won per annum, he/she shall be sentenced to imprisonment for life or for not less than three years;

3. Where a crime listed in subparagraph 1 is committed, causing the death or injury of another, he/she shall be sentenced to death penalty, imprisonment for life or for not less than five years.

(2) In cases of paragraph (1), a fine equivalent to not less than double but not more than quintuple of the retail value of the products manufactured, processed, counterfeited, altered, acquired, sold or offered good offices for sale shall be concurrently imposed.

**Article 3 (Punishment for Manufacturing Illegal Medicines, etc.)**

(1) A person who manufactures medicines without permission under Article 31 (1) of the Pharmaceutical Affairs Act, a person who, knowingly, sells or acquires them for the purpose of sale and arranges the sale or a person who purchases them for the purpose of medical treatments, a person who substitutes the efficacy of entirely different ingredients for that of primary ones in violation of subparagraph 2 of Article 62 of the same Act, or makes sensibly more deficient contents than licensed ones, a person who knowingly sells or acquires them for the purpose of sale and arranges the sale or a person who purchases for the purpose of medical treatment, a person who counterfeits something similar to the already licensed medicines, a person who, knowingly, sells or acquires them for the
purpose of sale and arranges the sale, or a person who purchases them for the purpose of medical treatment, shall be punished in accordance with the following classifications:

1. Where medicines are seriously harmful to the human body, or medicines prescribed by Presidential Decree from among stateauthorized medicines as prescribed for in Article 53 of the Pharmaceutical Affairs Act fall far short of the designated efficacy or contents, imprisonment for life or for not less than five years shall be sentenced;
2. Where the value of medicines at retail amounts to not less than 10 million won per annum, imprisonment for life or for not less than three years shall be sentenced;
3. Where a crime listed in subparagraph 1 is committed causing the death or injury of another, he/she shall be sentenced to death penalty, imprisonment for life or for not less than five years.

(2) In cases of paragraph (1), a fine equivalent to not less than double but not more than quintuple of the retail value of the products manufactured, processed, counterfeited, altered, acquired, purchased, sold or offered good offices for sale shall be concurrently imposed.

Article 3-2 (Special Aggravation for Second Offenders)

In cases where a person who was punished with a crime listed in Article 2 or 3 re-commits a crime listed in Article 2 (1) 1 or 3 (1) 1 within three years after the date on which the execution of the punishment has been completed or remitted, he/she shall be sentenced to death penalty, imprisonment for life or for not less than five years.

Article 4 (Punishment for Manufacturing Illegal Poisonous Substances, etc.)

(1) A person who manufactures poisonous substances without registration under Article 20 of the Toxic Chemicals Control Act, a person who uses restricted or prohibited substances, not observing Article 34 of the same Act, a person who counterfeits or alters similarly to the already registered or licensed poisonous substances or restricted or prohibited substances, shall be punished in accordance with the following classifications:

1. Where the residuary toxicity of poisonous substances or restricted or prohibited substances is seriously harmful to the human body: a person shall be sentenced to imprisonment for life or for not less than five years;
2. Where the value of poisonous substances or restricted or prohibited substances at retail amounts to not less than one million won per annum: a person shall be sentenced to imprisonment for life or for not less than three years.

(2) In cases of paragraph (1), a fine equivalent to not less than double but not more
quintuple of the retail value of the products made, used, counterfeited or altered shall be concurrently imposed.

**Article 5 (Punishment for Illegal Medical Practitioners)**

A person, who commits any act of the following subparagraphs for the purpose of commercial gain in violation of Article 27 of the Medical Service Act, shall be sentenced to imprisonment for life or for not less than two years. In such cases, a fine not less than one million won but not more than 10 million won shall be concurrently imposed.

1. An act of practicing medical treatments by a profession by a person who is not a doctor;
2. An act of practicing dental treatments by a profession by a person who is not a dentist;
3. An act of practicing herbal medical treatments by a profession by a person who is not a herb doctor.

**Article 6 (Joint Penal Provisions)**

When a representative of a corporation, or an agent, employer or any other employee of a corporation or individual commits any act in violation of Article 2, 3, 4 or 5 in connection with the business of the corporation or individual, the corporation or individual shall be punished by a fine not exceeding 100 million won, in addition to the punishment of the offender: Provided, That the same shall not apply where the corporation or individual has not neglected to give a due attention and supervision to the affairs in order to prevent such violation.

**Article 7 (Revocation of License)**

1. In respect of business which has been punished under this Act, or business whose products are harmful to the human body in violation of the standards and specifications, or business whose products are certified by the Korea Food and Drug Administration to considerably lack the efficacy and contents, the head of the agency which has control over the license, authorization or registration shall revoke such license, authorization or registration upon request of the Minster of Health and Welfare, the Commissioner of the Korea Food and Drug Administration or the Minister of Environment.

2. In the case of paragraph (1), no person whose business has been revoked in accordance with this Act shall engage in the same business for a period of five years after the date of its revocation (no person who has been punished shall engage in the same business for a period of five years after the date on which that the execution of the punishment has been
completed or remitted).

**Article 8 (Standards for Harmfulness, etc.)**

The standards for "seriously harmful" or "considerably lack" mentioned in Articles 2, 3, 4 and 7 shall be determined by Presidential Decree.

**Article 9 (Rewards, etc.)**

(1) A person who notifies any crime enlisted in this Act to the investigation authorities or supervisory agency or makes an arrest of such criminal in advance of their detection and identification shall be granted a reward, as determined by Presidential Decree.

(2) A person who provides false information for the purpose of having another person get punishment or administrative measures under this Act shall be sentenced to limited imprisonment for not less than one year.

**Article 10 (Scope of Application)**

To livestock, alcoholic liquors or poisonous agricultural chemicals subject to license, authorization or registration in respect of manufacturing, processing or selling them in accordance with the provisions of Article 22 of the Sanitary Processing of Livestock Products Act, Article 6 of the Liquor Tax Act and Articles 3 and 8 of the Agrochemicals Control Act, this Act shall apply pursuant to the examples of foods, poisonous substances or restricted or prohibited substances provided for in the Food Sanitation Act or the Toxic Chemicals Control Act.

**ADDENDUM**

This Act shall enter into force three months after the date of its promulgation.

**ADDENDUM <Act No. 3333, Dec. 31, 1980>**

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

**ADDENDA <Act No. 3763, Dec. 31, 1984>**

**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 1985.

**Articles 2 through 5 Omitted.**

**ADDENDA <Act No. 3823, May 10, 1986>**

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

**Articles 2 through 8 Omitted.**

**ADDENDA <Act No. 3825, May 10, 1986>**

**Article 1 (Enforcement Date)**

This Act shall enter into force 30 days after the date of its promulgation.

**Articles 2 through 4 Omitted.**

**ADDENDA <Act No. 4252, Aug. 1, 1990>**

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 15 Omitted.**

**ADDENDA <Act No. 4293, Dec. 31, 1990>**

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation:
Provided, That the amendments to the provisions of Articles 4 (1), 7 (1), and 10 shall enter into force on February 1, 1991.

(2) (Examples of Provisional Application of Punishment for Making Illegal Poisonous or Lethal Stuffs) Each subparagraph of Article 4 (1) shall go as follows until January 31, 1991:
1. When the residuary toxicity of poisonous substances, lethal substances or specific poisonous substances is seriously harmful to human body, imprisonment for life or for not less than 5 years shall be sentenced;
2. When the value of poisonous substances, lethal substances or specific poisonous substances at retail amounts to not less than one million won per annum, imprisonment for life or for not less than 3 years shall be sentenced.

**ADDENDA <Act No. 5443, Dec. 13, 1997>**

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 9 Omitted.**

**ADDENDUM <Act No. 5454, Dec. 13, 1997>**

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)
ADDENDA <Act No. 5529, Feb. 28, 1998>

Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 6727, Aug. 26, 2002>

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 7292, Dec. 31, 2004>

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

Articles 2 through 12 Omitted.

ADDENDA <Act No. 8365, Apr. 11, 2007>

Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 22 Omitted.

ADDENDA <Act No. 8366, Apr. 11, 2007>

Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 21 Omitted.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9432, Feb. 6, 2009>

Article 1 (Enforcement Date)
This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)
Articles 2 through 7 Omitted.

ADDENDUM <Act No. 9840, Dec. 29, 2009>
This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 9932, Jan. 18, 2010>

Article 1 (Enforcement Date)
This Act shall enter into force two months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Act No. 10310, May 25, 2010>

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

Articles 2 through 14 Omitted.

ADDENDUM <Act No. 10579, Apr. 12, 2011>
This Act shall enter into force on the date of its promulgation.