

MOTHER AND CHILD HEALTH ACT

Amended by Act No. 2514, Feb. 8, 1973

Amended by Act No. 3824, May 10, 1986

Act No. 3948, Nov. 28, 1987

Act No. 4791, Dec. 22, 1994

Act No. 5454, Dec. 13, 1997

Act No. 5859, Feb. 8, 1999

Act No. 7703, Dec. 7, 2005

Act No. 8366, Apr. 11, 2007

Act No. 8852, Feb. 29, 2008

Act No. 9333, Jan. 7, 2009

Act No. 9932, Jan. 18, 2010

Act No. 11441, May 23, 2012

Article 1 (Purpose)

The purpose of this Act is to contribute to the improvement of national health by protecting the lives and health of mothers and infants and by striving for the delivery and parenting of healthy children.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "pregnant or nursing woman" means a woman who is pregnant or for whom six months have not yet passed since childbirth;
2. The term "mother" means a pregnant or nursing woman, or a woman of childbearing age;
3. The term "infant" means a person for whom six years have not yet passed since his/her birth;
4. The term "newborn baby" means an infant for whom 28 days have not yet passed since his/her birth;
5. The term "premature baby" means an infant born with its physical development immaturely developed, who meets the standards prescribed by Presidential Decree;
6. The term "congenitally deformed baby" means an infant with a congenital deformity, disfigurement or chromosome disorder, who meets the standards prescribed by Presidential Decree;
7. The term "induced abortion operation" means an operation to artificially remove an embryo and any of its appendages from a mother's body at a time when the embryo is deemed unable to survive outside the mother's body;

8. The term "mother and child health services" means services to ensure that mothers and infants can maintain their physical, mental and social health by providing them with professional health and medical services, and information related thereto, by controlling mothers' reproductive health and by supporting pregnancy, delivery and nurturing;

9. The term "family planning services" means services to provide any professional medical services, information or education on conception control for the purposes of improving family health and welfare;

10. The term "mother and child health personnel" means a licensed medical doctor, licensed midwife, licensed nurse or certified assistant nurse, who are engaged in providing mother and child health services and family planning services;

11. The term "postnatal care business" means business to provide nursing women right after delivery or newborn babies with food, medical care and other necessary daily conveniences at a facility having personnel and equipment necessary for postnatal and recuperative care (hereinafter referred to as "postnatal care center").

Article 3 (Responsibility of State and Local Governments)

(1) The State and local governments shall conduct investigations and research for maintaining and improving the health of mothers and infants, and take other necessary measures.

(2) The State and local governments shall endeavor to contribute to the improvement of the national health by devising policy measures concerning mother and child health services and family planning services.

Article 3-2 (Pregnant or Nursing Women's Day)

October 10 shall be designated as Pregnant or Nursing Women's Day to stress the importance of pregnancy and delivery.

Article 3-3 (Application to Immigrants through Marriage)

This Act shall also apply to immigrants by marriage, provided for in subparagraph 3 of Article 2 of the Framework Act on Treatment of Foreigners Residing in the Republic of Korea.

Article 4 (Obligation of Mothers, etc.)

(1) Mothers shall endeavor to maintain their health with a thorough understanding of, and have an interest in, their health in connection with pregnancy, delivery, nursing and reproduction.

(2) Persons with parental authority over infants, guardians of infants and other persons protecting infants (hereinafter referred to as "guardians") shall positively endeavor to maintain and improve the health of infants with a thorough understanding of childcare.

Article 5 (Development and Coordination of Service Plans)

(1) The Minister of Health and Welfare shall integrate and coordinate policy measures concerning mother and child health services and family planning services, and develop a basic plan for such services, as prescribed by Presidential Decree. *<Amended by Act No. 9932, Jan. 18, 2010>*

(2) The heads of related central administrative agencies and local governments shall develop and implement detailed programs necessary to carry out the basic plan under paragraph (1).

Article 6 (Mother and Child Health Council)

(1) The Mother and Child Health Council shall be established in the Ministry of Health and Welfare to deliberate on important matters concerning mother and child health services and family planning services upon a request for advice and consultation by the Minister of Health and Welfare. <Amended by Act No. 9932, Jan. 18, 2010>

(2) Necessary matters concerning the composition and operation of the Mother and Child Health Council shall be prescribed by Presidential Decree.

Article 7 (Establishment of Mother and Child Health Organizations)

(1) The State and local governments may establish and operate mother and child health organizations to take charge of the following matters on mother and child health services and family planning services. In such cases, if a local government establishes a mother and child health organization, such organization shall, in principle, be established in the public health clinic established by the local government:

1. Matters concerning prenatal, postnatal and childbirth care and emergency measures for pregnant or nursing women;
2. Matters concerning healthcare, vaccinations, etc. of infants;
3. Matters concerning the control of mothers' reproductive health and the development, etc. of health improvement programs for mothers;
4. Matters concerning the prevention of gynecological diseases and related diseases;
5. Matters concerning preventing birth of children with mental or physical disabilities and their healthcare;
6. Matters concerning instruction, education, research, public relations, statistics management, etc. concerning sex education, sex counseling and health.

(2) Necessary matters concerning standards for establishment and operation of mother and child health organizations referred to in paragraph (1) shall be prescribed by Presidential Decree.

(3) The State and local governments may carry out matters referred to in any subparagraph of paragraph (1) by entrusting them to a medical corporation or nonprofit corporation, as prescribed by Presidential Decree.

Article 8 (Reporting, etc. by Pregnant or Nursing Women)

(1) If a pregnant or nursing woman intends to obtain protection under this Act, she or her guardian shall report her pregnancy or delivery to a medical institution under Article 3 of the Medical Service Act (hereinafter referred to as "medical institution") or public health clinic, as determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 9932, Jan. 18, 2010>

(2) The head of a medical institution or the director of a public health clinic in receipt of a report under paragraph (1) shall compile it, and report it to the Governor of a Special Self-Governing Province, or the head of a Si (excluding the head of an administrative Si under Article 15 (2) of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City; hereinafter the same shall apply)/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same

shall apply), as determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 9932, Jan. 18, 2010>

(3) Where a pregnant or nursing woman dies or suffers a stillbirth, or where a newborn baby dies, at a medical institution or public health clinic, the head of the relevant medical institution or the director of the relevant public health clinic shall report it to the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, as determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 9932, Jan. 18, 2010>

(4) Where a premature baby or a congenitally deformed baby is born in a medical institution, the head of the medical institution shall report it to the director of the competent public health clinic, as determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 9932, Jan. 18, 2010>

(5) The director of a public health clinic in receipt of a report on the birth of a premature baby or a congenitally deformed baby under paragraph (4) (hereinafter referred to as "premature baby, etc.") shall transfer such birth report to the director of the public health clinic having jurisdiction over the guardian's address if the protector has no address within his/her jurisdiction.

Article 9 (Issuance of Mother and Child Health Pocketbooks)

(1) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall issue a mother and child health pocketbook to pregnant or nursing women or infants reported under Article 8 (1).

(2) Necessary matters concerning procedures for issuing mother and child health pocketbooks referred to in paragraph (1) and other relevant matters shall be determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 9932, Jan. 18, 2010>

Article 9-2 (Registration Cards for Premature Babies, etc.)

The director of a public health clinic in receipt of a birth report on a premature baby, etc. pursuant to Article 8 (4) and (5) shall prepare and manage registration cards for premature babies, etc., as prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 9932, Jan. 18, 2010>

Article 10 (Healthcare, etc. of Pregnant or Nursing Women, Infants, Premature Babies, etc.)

(1) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall take necessary measures for the healthcare of pregnant or nursing women, infants, premature babies, etc., such as conducting periodical health examinations and vaccinations, or having the mother and child health personnel visit homes of the pregnant or nursing women, infants, premature babies, etc. in order to conduct a health diagnosis and treatment, and so on, as prescribed by Presidential Decree.

(2) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may render the following medical services to those of the pregnant or nursing women, infants, premature babies, etc., who are in need of hospitalization:

1. Diagnosis;
2. Provision of medicine or materials for medical treatment;
3. Treatments, operations and other cares;

4. Accommodation in medical establishments;
5. Nursing;
6. Transfer.

Article 10-2 (Support of Intensive Care Facilities, etc. for Newborn Babies)

The State and local governments may support intensive care facilities and equipment for newborn babies in order to provide appropriate medical services necessary to protect and improve the health of premature babies, etc.

Article 10-3 (Establishment, etc. of Breast-Feeding Facilities)

- (1) The State and local governments may support the establishment of breast-feeding facilities necessary to maintain and improve the health of infants.
- (2) The State and local governments shall actively promote data research, public relations, education, etc. necessary to encourage breast-feeding.
- (3) Postnatal care centers, medical institutions and public health clinics shall actively encourage breast-feeding by providing pregnant or nursing women with sufficient knowledge and information on breast-feeding, and endeavor to provide facilities for pregnant or nursing women and infants to share and in which nursing women can breast-feed their babies.

Article 11 (Projects to Support Overcoming Fertility Challenges)

The State and local governments may render support for overcoming fertility challenges and other reproductive health issues. <Amended by Act No. 11441, May 23, 2012>

Article 12 (Projects to Prevent Induced Abortion, etc.)

- (1) The State and local governments may implement projects to prevent induced abortion and other projects necessary to protect women's health and create an atmosphere of respecting human life.
- (2) The Minister of Health and Welfare, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may provide contraceptive pills or devices to those who want them, as stipulated by Ordinance of the Ministry of Health and Welfare.

Article 13 Deleted. <Amended by Act No. 9333, Jan. 7, 2009>

Article 14 (Limited Permission of Induced Abortion Operations)

- (1) A medical doctor may perform an induced abortion operation with the consent of the pregnant woman herself and her spouse (including persons in a de facto marital relationship; hereinafter the same shall apply) only in the following cases:
 1. Where she or her spouse suffers from any eugenic or genetic mental disability or physical disease prescribed by Presidential Decree;
 2. Where she or her spouse suffers from any contagious disease prescribed by Presidential Decree;
 3. Where she is impregnated by rape or quasi-rape;
 4. Where pregnancy is taken place between blood relatives or matrimonial relatives who are legally unable to marry;

5. Where the maintenance of pregnancy severely injures or might injure the health of the pregnant woman for health or medical reasons.

(2) In cases under paragraph (1), if it is impossible to obtain the spouse's consent due to his/her death or disappearance, unknown whereabouts or other extenuating circumstances, the operation may be performed only with the principal's consent.

(3) In cases under paragraph (1), if the woman or her spouse is unable to express her or his/her intention by any mental or physical disability, the consent by a person with parental authority or guardian may be substituted for that, and if there is no person with parental authority or guardian, the consent by a person who is liable to support her or him may be substituted for that.

Article 15 (Reporting of Postnatal Care Business)

(1) A person who intends to operate a postnatal care business shall have personnel and equipment, including, but not limited to, licensed nurses and assistant nurses needed for operating a postnatal care center, and report it to the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu. The same shall also apply where he/she intends to modify important matters determined by Ordinance of the Ministry of Health and Welfare among the already reported matters. <Amended by Act No. 9932, Jan. 18, 2010>

(2) Standards for personnel and equipment, and method and procedure for reporting under paragraph (1) shall be determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 9932, Jan. 18, 2010>

Article 15-2 (Reasons for Disqualification)

No person who falls under any of the following subparagraphs may open, operate or work for a postnatal care center:

1. A person under the age of 18, an incompetent or quasi-incompetent person;
2. A mentally ill person under subparagraph 1 of Article 3 of the Mental Health Act;
3. A narcotic addict under the Act on the Control of Narcotics, etc. ;
4. A person in whose case three years have not passed since his/her imprisonment without labor or heavier punishment, as a court declares by reason of violating this Act, was completely executed (including the case deemed to have completed) or exempted;
5. A person who is under suspended execution of his/her punishment as declared by a court by reason of violating this Act;
6. A person in whose case a year has not passed since the order to close a postnatal care center under Article 15-9;
7. A juristic person whose representative falls under any of subparagraphs 1 through 6.

Article 15-3 (Succession of Postnatal Care Business)

(1) Any of the following persons shall succeed to the position of a person who has reported a postnatal care business under Article 15 (1) (hereinafter referred to as "postnatal care business operator"):

1. Where a postnatal care business operator dies: his/her successor;
 2. Where a postnatal care business operator transfers his/her business: the transferee;
 3. Where a postnatal care business operator who is a corporation is merged: the newly-established or surviving corporation after the merger.
- (2) A person who succeeds to the position of a postnatal care business operator pursuant to paragraph (1) shall report it to the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu within a month from the date on which he/she succeeds to such position, as determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 9932, Jan. 18, 2010>

Article 15-4 (Matters to be Observed by Postnatal Care Business Operators)

A postnatal care business operator shall observe matters stipulated in the following to control the health and hygiene of pregnant or nursing women and newborn babies, and to prevent harm thereto: <Amended by Act No. 9932, Jan. 18, 2010>

1. To place a health record book to keep and control the record on the health condition of pregnant or nursing women and newborn babies, as determined by Ordinance of the Ministry of Health and Welfare;
2. To take necessary measures including, but not limited to, disinfection to prevent infection or diseases;
3. To take necessary measures including immediate transfer to a medical institution when pregnant or nursing women or newborn babies have, or are suspected to have, infection or diseases, or when a loss of life occurs due to a safe accident such as a fire, an electric leak, etc.;
4. To promptly report the fact of transfer to the director of the public health clinic having jurisdiction over the location of the postnatal care center if any transfer is made under subparagraph 3.

Article 15-5 (Health Diagnosis)

- (1) A postnatal care business operator and a person who is engaged in a postnatal care business shall undergo health examinations: Provided, That if he/she has undergone a same health examination under other Acts and subordinate statutes, he/she may be deemed to have undergone it under this Act.
- (2) No postnatal care business operator shall allow any person who has failed to undergo a health examination under paragraph (1) or who has a disease suspected to harm other people, to engage in a postnatal care business.
- (3) The scope of persons engaged in a postnatal care business and methods of implementing health examinations under paragraph (1) and the kind of diseases under paragraph (2) shall be prescribed by Presidential Decree, respectively.

Article 15-6 (Education on Prevention, etc. of Infection)

- (1) A postnatal care business operator shall undergo regular education on the prevention, etc. of infection, as determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 9932, Jan. 18, 2010>
- (2) A person who intends to report a postnatal care business under Article 15 (1) shall undergo prior education under paragraph (1): Provided, That when he/she is unable to undergo education before filing a

report due to such extenuating circumstances as being in hospital because of a disease or injury, he/she shall undergo education after starting a postnatal care business, as determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 9932, Jan. 18, 2010>

(3) Notwithstanding paragraphs (1) and (2), where a person who is not directly engaged in postnatal care business or a person who intends to operate a postnatal care business at not less than two locations among those who shall undergo education on the prevention, etc. of infection has designated a manager in charge of the health control of pregnant or nursing women and infants (limited to medial persons under Article 2 (1) of the Medical Service Act), he/she may require the manager to undergo the relevant education.

Article 15-7 (Report, Visit, Inspections, etc.)

(1) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may, if deemed necessary, has a postnatal care business operator file necessary reports, or has public officials under his/her control visit to check if matters to be observed by postnatal care business operators are fulfilled or to inspect such documents as the health record book, etc.

(2) A public official who intends to visit, check or inspect under paragraph (1) shall carry a certificate showing his/her authority and present it to the relevant persons.

Article 15-8 (Corrective Orders)

Where a postnatal care business operator falls under any of the following cases, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may issue a corrective order to a postnatal care business operator setting a period up to three months, as prescribed by Ordinance of the Ministry of Health and Welfare: <Amended by Act No. 9932, Jan. 18, 2010>

1. Where he/she fails to secure personnel or equipment under Article 15;
2. Where he/she has a disqualified person be engaged in the business, in violation of Article 15-2;
3. Where he/she fails to comply with the matters to be observed under subparagraphs 1 through 3 of Article 15-4;
4. Where he/she allows a person who has failed to undergo a health examination or who has a disease suspected to harm other people, to engage in the business, in violation of Article 15-5 (2);
5. Where he/she fails to use the title "postnatal care center", in violation of Article 15-14 (1).

Article 15-9 (Closure, etc. of Postnatal Care Centers)

(1) Where a postnatal care business operator violates a corrective under issued under Article 15-8, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may order the postnatal care business operator to suspend a postnatal care business for a prescribed period of up to six months, or to close down the postnatal care center.

(2) Where a postnatal care business operator falls under any of the following cases, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall order to close his/her postnatal care center:

1. Where he/she continues running a postnatal care business during the suspension period under paragraph (1);

2. Cases falling under any subparagraph of Article 15-2: Provided, That this shall not apply where a corporation falling under subparagraph 7 of Article 15-2 replaces its representative within three months.

(3) Where a postnatal care business operator continues running a postnatal care business even after having received a closure order pursuant to paragraphs (1) and (2), the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may require relevant public officials to take any of the following measures to close down the postnatal care center:

1. Elimination of the signboard or other business signs of the postnatal care center;
2. Attachment of a notice, etc. indicating that the postnatal care center in question has violated this Act;
3. Sealing to make instruments or facilities indispensable for operating a postnatal care business unavailable.

(4) Where six months have not yet passed since the closure order of a postnatal care center under paragraphs (1) and (2) is issued, no person may operate a postnatal care business at the same place.

(5) Detailed standards for the suspension order of a postnatal care business and the closure order of a postnatal care center under paragraphs (1) and (2) shall be prescribed by Presidential Decree, in consideration of the type, gravity, etc. of the violation.

Article 15-10 (Reporting on Closure, Suspension and Resumption of Postnatal Care Business)

A postnatal care business operator who intends to close, suspend or resume a postnatal care business shall report it to the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu in advance, as determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 9932, Jan. 18, 2010>

Article 15-11 (Penalty Surcharges)

(1) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may impose and collect a penalty surcharge not exceeding 30 million won in lieu of a suspension order of a postnatal care business under Article 15-9 (1) when such order causes or could cause severe inconvenience to the users of a postnatal care center.

(2) The types of violations subject to a penalty surcharge under paragraph (1), the amount of a penalty surcharge depending on the gravity of violation and other necessary matters shall be prescribed by Presidential Decree.

(3) Where a person on whom a penalty surcharge has been imposed under paragraph (1) fails to pay it by the payment deadline, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall collect it in the same manner as delinquent local taxes are collected.

Article 15-12 (Succession to Effect of Administrative Disciplinary Dispositions)

(1) Any of the following persons shall succeed to the effect of an administrative disciplinary disposition imposed on a former postnatal care business operator pursuant to Article 15-9:

1. Where a postnatal care business operator dies: his/her successor;
2. Where a postnatal care business operator transfers his/her business: the transferee;
3. Where a postnatal care business operator who is a corporation is merged: the newly-established or surviving corporation after the merger.

(2) The procedure of an administrative disciplinary disposition that was pending for the former postnatal care business operator pursuant to Article 15-9 may be continued for a person who falls under any subparagraph of paragraph (1).

(3) Notwithstanding paragraphs (1) and (2), these shall not apply if the transferee, the successor or the newly established or surviving corporation after the merger proves that he/she or it was not aware of the disposition or the violation as at the time of transfer, succession or merger.

Article 15-13 (Hearings)

The Governor of a Special Self-Governing Province or the head of Si/Gun/Gu shall hold a hearing when intending to issue a shutdown order of a postnatal care center under Article 15-9.

Article 15-14 (Restriction, etc. of Use of Title)

(1) A postnatal care business operator shall use the term "postnatal care center" in the title of his/her postnatal care business.

(2) Except for postnatal care centers opened under this Act, no one shall use the title "postnatal care center" or a similar title.

Article 16 (Federation)

(1) The Planned Population Federation of Korea (hereinafter referred to as the "Federation") shall be established to carry out services, including, but not limited to, investigations, research, education, public relations, etc. on the mother and child health services and maternal support.

(2) Persons who are eligible for membership of the Federation shall be those who consent to the object of establishment and the projects of the Federation.

(3) The Federation shall be a corporation.

(4) Matters necessary to be included in the articles of association and those necessary for services of the Federation shall be prescribed by Presidential Decree.

(5) The provisions concerning incorporated associations as referred to in the Civil Act shall apply mutatis mutandis to matters on the Federation that are not prescribed in this Act.

Article 17 Deleted. <by Act No. 5859, Feb. 8, 1999>

Article 18 Deleted. <by Act No. 5859, Feb. 8, 1999>

Article 19 Deleted. <by Act No. 4791, Dec. 22, 1994>

Article 20 (Prohibition of Use of Same Title)

No person, other than the Federation established under this Act, shall use the same title of the Planned Population Federation of Korea.

Article 21 (Subsidization of Expenses)

(1) The State may subsidize the following expenses within budgetary limits:

1. Less than 2/3 of the total expenses and incidental expenses incurred in establishing a mother and child health organization (excluding cases where the State establishes it; hereinafter the same shall apply);

2. Less than 1/2 of operational expenses of a mother and child health organization;
 3. Expenses incurred in carrying out the entrusted services by a person entrusted with such services pursuant to Article 7 (3);
 4. Expenses incurred in undergoing health examinations, etc. under Article 10 (1);
 5. Expenses incurred in supporting intensive care facilities and equipment for newborn babies under Article 10-2;
 6. Expenses incurred in supporting the establishment of breast-feeding facilities under Article 10-3.
- (2) Any local government shall subsidize the expenses referred to in paragraph (1) 4 through 6, except for the portion subsidized by the State, within its budgetary limits.

Article 22 (Free Loan of State Property)

The State may gratuitously lend State property to the Federation, if deemed necessary.

Article 23 Deleted. <by Act No. 9333, Jan. 7, 2009>

Article 24 (Prohibition of Divulgence of Confidential Information)

Except as provided for in this Act or other Acts and subordinate statutes, no person engaged in mother and child health services or family planning services shall divulge or disclose any confidential information of any third person he/she has become aware of in the course of carrying out his/her duties.

Article 25 (Delegation of Authority)

The Minister of Health and Welfare may delegate part of his/her authority vested under this Act to a Special Metropolitan City Mayor, a Metropolitan a City Mayor, a Do Governor, or the Governor of a Special Self-Governing Province, as prescribed by Presidential Decree. <Amended by Act No. 9932, Jan. 18, 2010>

Article 26 (Penal Provisions)

(1) A person who falls under any of the following shall be punished by imprisonment for not more than one year, or by a fine not exceeding ten million won:

1. A person who runs a postnatal care business without filing a report or modified report, in violation of Article 15 (1);
2. A person who allows a third person with a disease suspected to harm other people to engage in a postnatal care business, in violation of Article 15-5 (2);
3. A person who continues running a postnatal care business even after the suspension order of the postnatal care business or closure order of the postnatal care center is issued under Article 15-9 (1) or (2);
4. A person who divulges or discloses confidential information, in violation of Article 24.

(2) A person who falls under any of the following shall be punished by a fine not exceeding three million won:

1. A person who fails to report the fact of succession, in violation of Article 15-3 (2);
2. A person who fails to take necessary measures, in violation of subparagraph 2 or 3 of Article 15-4.

Article 26-2 (Joint Penal Provisions)

Where a representative of a corporation, or an agent, employee or other servant of the corporation or an individual commits an offence under Articles 26 in connection with the business of the corporation or the individual, not only shall such violator be punished, but also the corporation or the individual shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties in order to prevent such violation.

Article 27 (Fines for Negligence)

(1) A person who falls under any of the following shall be punished by a fine for negligence not exceeding two million won:

1. A person who violates subparagraph 1 of Article 15-4;
2. A postnatal care business operator who fails to undergo a medical examination, in violation of Article 15-5 (1), and a postnatal care business operator who allows any person who has failed to undergo a medical examination to engage in a postnatal care business, in violation of paragraph (2) of the same Article;
3. A person who fails to undergo education on the prevention, etc. of infection, in violation of Article 15-6 (1) or (2);
4. A person who fails to report under Article 15-7 (1) or who files a false report, or who refuses, interferes with or evades a visit, check or inspection of a public official.

(2) A person who falls under any of the following shall be punished by a fine for negligence not exceeding one million won:

1. The head of a medical institution or the director of a public health clinic who fails to report the death of a pregnant or nursing woman, stillbirth, or the death of a newborn baby, in violation of Article 8 (3);
2. A postnatal care business operator who fails to report the fact of transfer to a medical institution, in violation of subparagraph 4 of Article 15-4;
3. A postnatal care business operator who fails to report the closure, suspension or resumption of a postnatal care business, in violation of Article 15-10;
4. A person who violates a provision concerning the use of title under Article 15-14;
5. A person who uses the title "Planned Population Federation of Korea", in violation of Article 20.

(3) Fines for negligence under paragraphs (1) and (2) shall be imposed and collected according to the following classifications, as prescribed by Presidential Decree: <Amended by Act No. 9932, Jan. 18, 2010>

1. Cases applicable under paragraphs (1) and (2) 1 through 4: To be imposed and collected by the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu;
2. Cases applicable under paragraph (2) 5: To be imposed and collected by the Minister of Health and Welfare.

Article 28 (Exclusion of Application of the Criminal Act)

No person who undergoes or performs an induced abortion operation under this Act shall be punished, notwithstanding Articles 269 (1) and (2) and 270 (1) of the Criminal Act.

Article 29 Deleted. <by Act No. 9333, Jan. 7, 2009>

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Planned Parenthood Federation of Korea)

The Planned Parenthood Federation of Korea that exists as an incorporated association as at the time this Act enters into force shall be deemed the Planned Parenthood Federation of Korea established under this Act: Provided, That the former shall amend the articles of association so as to conform to requisite entries of the articles of association under Article 16 within three months after Presidential Decree by which such matters are determined enters into force, and shall provide for other requirements.

ADDENDA <Act No. 3948, Nov. 28, 1987>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <Act No. 4791, Dec. 22, 1994>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1995.

Article 2 Omitted.

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

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDA <Act No. 5859, Feb. 8, 1999>

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

(2) (Transitional Measures concerning Change of Title of Planned Parenthood Federation of Korea) The Planned Parenthood Federation of Korea established pursuant to the former provisions as at the time this Act enters into force shall be deemed the Planned Parenthood Health and Welfare Federation of Korea established under this Act.

ADDENDA <Act No. 7703, Dec. 7, 2005>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 3-2, 16 and 20 shall enter into force on the date of their promulgation, respectively.

(2) (Transitional Measures concerning Report of Postnatal Care Business) A person who runs a postnatal care business as at the time this Act enters into force shall be equipped with personnel and equipment under this Act and file a report on the postnatal care business under the amended provisions of Article 15 (1) within six months after this Act enters into force.

(3) (Transitional Measures concerning Change of Title of Planned Parenthood Health and Welfare Federation of Korea) The Planned Parenthood Health and Welfare Federation of Korea incorporated under the former provisions as at the time this Act enters into force shall be deemed the Planned Population Federation of Korea incorporated under this Act. In such cases, the Planned Population Federation of Korea shall modify and register its articles of incorporation within one month after this Act enters into force.

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. 9333, Jan. 7, 2010>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Matters to be Observed by Postnatal Care Business Operators)

(1) The amended provisions of subparagraph 3 of Article 15-4 shall apply beginning with the first death caused by an accident after this Act enters into force.

(2) The amended provisions of subparagraph 4 of Article 15-4 shall apply beginning with the first transfer to a medical institution under the amended provisions of subparagraph 3 of Article 15-4 after the Act enters into force.

Article 3 (Transition Measures concerning Contraceptive Operations)

A licensed midwife or licensed nurse who has completed a prescribed education course under the former Article 13 as at the time this Act enters into force may conduct contraceptive operations under the former provisions, notwithstanding Articles 13 and 29.

Article 4 (Relationship with other Acts and Subordinate Statutes)

A citation of any provisions of the former Mother and Child Health Act by any other Act or subordinate statute as at the time this Act enters into force shall be deemed a citation of the provisions of this Act in lieu of the former provisions, if such corresponding provisions exists herein.

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.

ADDENDUM <Act No. 11441, May 23, 2012>

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

