

المجلس التشريعي الفلسطيني

قانون

الصحة العامة

Palestinian Legislative Council
Public Health Law

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Palestinian Legislative Council

Public Health Law

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The president of the Palestinian Authority after taking knowledge of the modified essential law, the public health law number 40 for the year 1940, applied in Gaza districts, the public health law number 43 for the year 1966 applied in West Bank districts and the public health draft law presented by the minister's council, and according to the decision taken by the legislative council in its session held on the 22nd of December 2004 AD, approve the following law:

Chapter One

Definitions and General Principals

Article One

In implementing the provisions of this law, the words and expressions mentioned (herein) shall have the meanings assigned thereto hereunder unless the context provides other wise:

- The Ministry: Ministry of Health
- The Minister: Minister of Health
- Physician: Any medical doctor licensed to practice the medical profession in pursuance with the law.
- Health institution-the curing (remedial) institution: Any hospital, clinic, health center, or any other place licensed to receive and treat patients in pursuance with the law.
- Medical Health Profession: The practice of medical profession, dentistry, and pharmacology.
- Auxiliary Medical Health Profession: Professions of nursing, diagnostic radiology, medical laboratories, optometry, medical glasses and lenses services, eudiometry and hearing aid services ,midwifery, anaesiology, physiotherapy, dental laboratory and any other medical profession approved by the Ministry of Health.
- Pharmacopoeia: An official collection that includes all biological, chemical, pharmaceutical, and physical specifications or whatsoever emanates from it in the process of treatment and prevention of diseases in human, animal and plants.

- Medicines (Drugs): Any material acknowledged registered in the pharmacopeia, also any material which is used to diagnose, or cure, or treat or to help any human or animal disease, or any non-food material intended to impact the human body or an animal with respect to environment or vital functions of any of them.
- Infectious Disease: Any disease that may spread to other humans in any way possible.
- Epidemic disease: The spread of an infectious disease in an awkward manner and threatens the public health.
- The Infected Person: The individual infected by an infectious disease or the carrier of its cause.
- The Suspected: The individual who might be suspected of carrying the causes of an infectious disease as suggested by his/her medical records or due to the symptoms appearing on him/her
- Quarantine: The isolation of any individual infected by an infectious disease, or suspected of being infected by an infectious disease in special areas and under special circumstances in order to prevent the spread of the causes of that disease.
- Specimen/Sample: A specific part taken from any substance either, food, medication, medical preparations or taken from the human body or obtained from its excretions for diagnosis and analysis. The Sample/Specimen shall be sufficient for the above purposes
- Foodstuff: Any material used by humans for eating, drinking, chewing or any other material used in the preparation of human foodstuff.
- Special Foods: Any foodstuff that is not medial, specially baby food, food for diabetics, weight-loss or gain foods, or any other foods that the Minister of Health issues a decision concerning them.
- Child: Each human being who is not over the age of eighteen.

Article Two

For the purpose of implementing the provisions of this law, and with the coordination with the concerned institutions, the Ministry of Health must perform the following:

1. providing governmental preventive, diagnostic, curative, and rehabilitative health services ;and establishing needed health institutions
2. Licensing and monitoring non-governmental health institutions
3. Licensing and monitoring medical and auxiliary medical professions
4. to give approval and monitor businesses, crafts and food industries and the places of selling

5. To provide health insurance to citizens as possible
6. supervising health education institutions that belong to the Ministry of Health and to work on improving health services
7. Licensing and monitoring drug industries to assure drug quality by establishing needed laboratories and creating specialized teams.
8. Licensing and registering local and imported drugs, and monitoring storage places and pharmacies
9. Licensing and monitoring cosmetics and perfume industries
10. to consider legislations pertaining the safety of food
11. regular inspection for drinking water, with respect to its adequacy for human consumption
12. Licensing institutions that are specialized in garbage collection, treatment and disposal
13. to supervise the activities to combat the insects and rodents by cooperation with the concerned institutions
14. monitoring the health status for citizens by studying the related indicators and data
15. health supervision over beaches and swimming pools
16. health supervision over all sewage systems and waste water plants

Article Three

In accordance to the law, all officials are required to inform the Ministry about all information related to deliveries, death, and infectious diseases that have to be reported

Chapter Two **Mother and child health**

Article Four

Mother and child health care shall be regarded as an integral part of the developmental strategy of the Palestinian National Authority

Article Five

The Ministry shall provide preventive, diagnostic, curative and rehabilitative services to the mother and child, including:

1. Pre-marriage medical test to be provided by the Ministry. While the marriage contract would not be approved without conducting the pre-marriage test to ensure that the couple are not carrying any diseases that would affect the life and health of their offspring
2. The ministry shall care for women especially when they are pregnant, or during breastfeeding phases. Also, it shall support natural breastfeeding
3. the Ministry shall monitor the child growth and development
4. the ministry shall make the family and society aware of child care and protection during his/her growth and development

Article Six

1. The Ministry should perform the following:
 - a) Form and implement preventive vaccination programs
 - b) Ensure the quality of vaccines during transportation, storage and usage.
2. Not charges any fees in return for vaccination or immunization of children or pregnant women

Article seven

According to the law, parents or those who are the legal guardian of the child should meet the terms of the vaccination programs formed by the Ministry

Article Eight

1. it is forbidden to abort any pregnant woman by any means, unless there was an urgent reason to save her life and under the condition of having two specialized physicians as witnesses, one of them is a gynecologist and the following should be available :
 - a) a written approval from the pregnant woman. In the case of her disability to do so, the written approval should be obtained from her husband or her legal guardian
 - b) the process of abortion should be performed in a medical institution

2. the medical institution where the abortion took place should keep a record of the pregnant woman's name, the date when the operation took place, the operation's type, and justifications. This data should be kept in addition to the testimony of the two doctors and the written approval for the period of ten years at least.

Chapter Three **Combating Diseases**

Article Nine

The Ministry of Health shall take the responsibility of combating infectious diseases, epidemics, and inherited diseases by all means possible. And to monitor the rates of spread of those diseases; by collecting the related indicators.

Article Ten

The Ministry shall take all the necessary and precautionary measures to stop the spread of the disease through:

1. impose vaccination or needed medication
2. Confiscate and destroy all material contaminated with the disease, or materials that could be a source of the spread of the disease, in coordination with the competent bodies.
3. To bury the dead in the manner they deem fit.

Article Eleven

If an individual is infected with or suspected of one of the infectious diseases specified by the Ministry of Health, a notification should be made immediately and in the fastest manner to the closest health. The health institution should notify the appropriate health authority within the Ministry with that.

Article Twelve

The notification stipulated in the previous article is the responsibility of:

1. each physician that examined the patient who is infected or suspected of being infected with an infectious disease
2. any one who is included in the Ministry's instructions concerning this issue

Article Thirteen

1. It is permissible for the Ministry to isolate the infected individual or the individual suspected of being infected with one of the infectious diseases in any place determined by it and for the period it specifies, or to submit him and those whom he come in contact with, also its permissible to stop him/her from practicing their jobs
2. the Ministry should provide adequate treatment for the infectious diseases that it determines free of charge

Article Fourteen

The Minister may impose quarantine in Palestine to prevent the spread of an epidemic to and from it.

Article Fifteen

For the purpose of preventing the epidemic to be spread in Palestine and from it, the Ministry could –and with the coordination with the competent bodies:

1. Medical inspection for land, sea, and air , private and public transportation means
2. Medically inspect individuals coming to, or leaving Palestine
3. Isolate and monitor the animals
4. Determination of health conditions that should be available in the exported and imported goods

Chapter Four

Food Safety

Article Sixteen

The Ministry demands the following from the factory or the importer of foodstuff, within a period he specifies:

1. Its chemical composition and structure.
2. Details about how they are used and exchanged.
3. A sample of these products for analysis and examination.
4. Any other information pertaining to public health.

Article Seventeen

The Ministry, in coordination with the competent bodies, shall be responsible for the inspection of food during the exchange process, in addition to inspecting the:

1. imported food at arrival to customs and not allowing its entrance until the Ministry approves
2. locally produced foods, in their places manufacturing or preparation.

Article Eighteen

It is forbidden to deal with foods if:

1. They were in violation with the specified standards and specifications.
2. They were hampered with in a manner that changes their nature.
3. They were not appropriate for human consumption, or hazardous to human health.

Article Nineteen

Foods shall be deemed inappropriate for human consumption in the following cases:

1. If there was a change in its structure or natural characteristics with respect to taste or smell or shape.
2. If the analysis proved that there was a change in the chemical structure or any forbidden chemical additions that created food contamination by any chemical, biological or radial means.
3. If its expiry date stated on it, has elapsed.
4. If they were transported in unhealthy conditions or methods.

Article Twenty

Foods are harmful to human health in the following conditions:

1. If they were contaminated with radioactive materials or microbes or fungi or pesticides in a manner that would lead illnesses in humans
2. If they were produced from an animal infected by an illness transferable to humans or from a dead animal.
3. If their packaging or containers contain materials harmful to health.

4. If they contained hazardous chemical materials or heavy metals in excess to what is allowed that would cause diseases for human beings.

Article Twenty one

There should be a commitment towards the specifications and conditions determined in the obligatory technical instructions issued by the standards institute in coordination with the Ministry.

Article Twenty Two

It is forbidden neither to deal with special foods nor to advertise them before their registration and the attainment of a permit from the Ministry to deal and to market them.

Article Twenty Three

1. The importer shall bear the costs of sample analysis when its entering the country.
2. The food factory shall bear the costs of sample analysis that is taken during the manufacturing process

Article Twenty Four

It is not permissible to license any individual infected with any infectious disease, to work as a food or beverage vendor.

Article Twenty Five

1. The specialized staff assigned by the Ministry have the right to examine the food samples during the exchange process
2. the samples mentioned in the previous article shall be taken according to the special instructions that are issued according to the law.

Article Twenty Six

The samples shall be analyzed and examined in laboratories determined by the Ministry. The concerned person shall be informed about the results within a period not exceeding fifteen days from the date the sample was taken.

Article Twenty Seven

If, according to the apparent examination or sample analysis, it was guaranteed that the sample does not have the specifications and characteristics required, harmful to human's health, inappropriate for human consumption or cheated, the Ministry will take the needed actions in cooperation with the competent bodies, to destroy the foodstuff from which the sample was taken from on the cost of the responsible.

Article Twenty Eight

For all those who deal with foodstuff, they should provide the specialized employee assigned by the Ministry with all the information and samples he/she needs in order for him/her to complete their mission in accordance with the law.

Article Twenty Nine

It's not permissible that the employee assigned for inspection in a certain area to be related directly or indirectly to any foodstuff business.

Article Thirty

It is forbidden to hide or deal with any foodstuff seized according to law by any means possible.

Chapter Five **Occupational Health**

Article Thirty One

It is not permissible to practice any profession or craft that affect the public health or the environmental health unless there was a written permit obtained from the Ministry.

Article Thirty Two

The Ministry shall coordinate with the relevant bodies in creating the conditions and monitoring techniques that would ensure safety and occupational health in the working places.

Article Thirty Three

It is not permissible to license any establishment before obtaining the approval of the ministry.

Article Thirty Four

The ministry in cooperation with the competent bodies is responsible for:-

1. determination of the conditions that should be available in the workers who work in crafts and industries that might affect their health
2. determination of the types of preventive and regular medical tests needed for the workers in the crafts and industries mentioned above
3. preparation of the occupational diseases list

Article Thirty Five

Each establishment shall bear the costs of the primary and regular tests determined by the ministry.

Chapter Six
Health Education

Article Thirty Six

The Ministry shall conduct, in cooperation with the competent bodies Health and environmental awareness optical, visual, and hearing programs.

Article Thirty Seven

Te Ministry, in cooperation with the competent bodies, shall disseminate and deliver such programs to the citizens.

Article Thirty Eight

Through the department of school health, the Ministry, in cooperation with the competent bodies, shall prepare health and environmental awareness and education programs that would be introduced in kindergartens, schools and universities.

Chapter Seven

Loathsome Sites

Article Thirty Nine

In coordination with competent bodies, the Ministry of health shall determine the health hazards that negatively affect public health or the environmental health in any way possible.

Article Forty

1. Each individual should keep all the elements of the environment, by not creating any hazard or harm
2. Each individual should remove whatever hazard or harm he/she created or was responsible for.

Article Forty One

1. The specialized employee in the ministry shall send a notice to the person who is responsible of creating the hazard. The note should include that the responsible person should remove the hazard during a certain period.
2. the ministry in cooperation with all the competent bodies to work on eliminating health hazards.

Article Forty Two

1. The Ministry shall coordinate with the relevant bodies to determine the following conditions:
 - A. transfer, storage, treatment or disposal of hazardous items
 - B. usage and exchange of pesticides for agricultural and public health purposes
 - C. collection, recycling or reuse of wastewater and rain water
2. No one is allowed to perform condition number one, unless this person is obeying the rules and conditions previously determined.

Article Forty Three

It is forbidden for any individual to use wastewater for fertilization or irrigation of agricultural land, only in accordance with the bases and standards specified by the competent authority.

Article Forty Four

The ministry should take the suitable measures to limit the harm created by the spread of smoking.

Article Forty Five

The ministry shall determine, in coordination with the competent bodies, the needed conditions to ensure the safety of water in springs, wells, wadis, and beaches, and to save it from pollution and miss use.

Chapter Eight

Health Institutions

Article Forty Six

1. The ministry should distribute the governmental health institutions and their services in accordance with people's needs and the locations where they live
2. The ministry should determine the conditions and specifications for each health institution in order to be able to perform its tasks and protect the ones who work there.

Article Forty Seven

It is allowed to establish any health institution after obtaining the permission from the ministry.

Article Forty Eight.

Food offered in the health institutions should be according to the conditions determined for quality, means of storage and preparation.

Article Forty Nine

According to the law, the health institution is allowed to have its own pharmacy that is situated in the institution's building. The pharmacy is not allowed to sell medicine to the public who are not the institution's patients.

Article Fifty

1. it's a condition that all those who work in the health institution should not have any infectious disease or any of its causes
2. the health institution should protect its employees from any harm that might affect their physical or psychological status

Article Fifty One

It is permissible for the health institution to advertise about itself in accordance with the approved professional basis and without infringing on the dignity of the profession

Article Fifty Two

The non governmental health institution shall post a list; of the cost of the services it provides in a noticeable place for viewing by all visitors. The institution shall inform the ministry with the above.

Article Fifty Three

Each non governmental health institution should provide the ministry with its regular reports, statistical reports and any other information that the ministry might ask for concerning the progress of work

Article Fifty Four

1. it is not permissible for the non governmental health institution to perform any activity other than those that it is permitted to perform.
2. The Minister shall have the right during emergency conditions to order to utilize any remedial institution, or any of its sections, for any purpose he deems necessary.

Article Fifty Five

According to the laws and depending on a justified and written decision, the minister has the right to close down a health institution or a part of it if there was a special health case that would affect citizens' health.

Article Fifty Six

1. the ministry has the right to inspect any health institution to ensure its compliance with regulations and internal charters and the health conditions and specifications
2. The ministry has the right to notify the health institution that committed a violation that it has to terminate the cause of the violation in a specific time that the ministry determines. A copy of the notification shall be sent to the specific association.
3. In case of the continuation of the violation after the previously determined date, the minister has the right to close this institution or withdraw its permit.

Article Fifty Seven

According to the law, the health institution has the right to appeal against the minister's decision mentioned in the above two articles (55, 56) in this chapter, during 60 days starting from the day the institution receives the notification.

Article Fifty Eight

The entry or exit of any patient should be under the supervision and approval of the physician in that institution.

Article Fifty Nine

The entry of the patient to any health institution is not obligatory, unless:

1. the patient's case requires being in a health institution
2. To protect the others.

Article Sixty

For each patient in the health institution the right to:

1. receive the immediate health care in case of emergencies
2. To have a thorough explanation about his/her treatment and means of remedy he/she will receive. The patient have the right to approve or refuse
3. Respect the patient's privacy, dignity, religious and cultural beliefs.

Article Sixty One

The health institution should consider the complaints it receives and take the proper procedures towards them.

Chapter Nine
Medical and Auxiliary Professions

Article Sixty Two

It is not permissible to practice any medical or auxiliary profession before attaining specific conditions from the concerned ministry and association.

Article Sixty Three

It is not permissible to practice and medical or auxiliary profession without an authorization.

Article Sixty Four

1. the ministry has the right to terminate temporarily the authorization given for the performance of medical or auxiliary professions. And it has the right to terminate the authorization permanently. This decision shall be written and justified
2. It is possible to appeal in the concerned court during 60 days, starting of the day in which the decision was handed to the one concerned.

Chapter Ten **Medications and Drugs**

Article Sixty Five

All medications and drugs in Palestine should be registered in the Pharmacopoeia that is approved by the ministry and according to a unified registration procedure.

Article Sixty Six

Medicine shall not be dispensed from any private or public pharmacy, clinic, or other health institution without a prescription issued by a physician and according to a certain system.

Article Sixty Seven

It is forbidden to purchase, sell or use any expired drugs and medicine according to the expiry date written on the package.

Article Seventy Eight

A medical drug shall be deemed faultily if it does not comply to the storage, manufacturing and quality measures.

Article Sixty Nine

It is forbidden to trade in free drug samples or pharmaceutical products designated for promotional purposes.

Article Seventy

It is not permissible for anyone other than certified pharmacies to prepare medical and pharmaceutical drugs.

Article Seventy One

Any medication prepared or manufactured in a pharmacy should comply with a medical prescription.

Article Seventy Two

It's not permissible to use drugs and medicine for the purposes of investigations and obtaining confessions.

Chapter Eleven

Burial of the Dead

Article Seventy Three

It is not permissible to bury the dead except in places designated for burial in accordance with decisions and pamphlets issued in this regard.

Article Seventy Four

It is permissible for the Council of Ministers to:

1. Establish a cemetery
2. Prohibit or stop the burial in any place or any cemetery

Article Seventy Five

It is not permissible to open any grave to pull out or transport any body from it without the permission from the attorney general for the purposes of investigation.

Article Seventy Six

The Ministry is entitled to promulgate special decisions for the transport the dead from one city to another and to Palestine and abroad.

Chapter Twelve **Monitoring and Inspections**

Article Seventy Eight

For the inspectors who are employed by a decision from the ministry the rights of the Official legal inspectors, they shall seize the crimes and prove them in reports signed by them.

Article Seventy Nine

To ensure the compliance to the articles of this law, the inspectors have the right to enter any health institution, pharmacy or any place expected to have medicines, and medical products, In order to take needed samples after reporting a proof of the samples taken.

Article Eighty

The authorized people in the health institutions, pharmacies and places where medicines and medical products and equipment exist, shall provide the inspectors with the help they need and show them all the records without stopping them from performing their duty.

Chapter Thirteen **Penalties and Concluding Provisions**

Article Eighty One

Without prejudice to any harsher penalty stipulated in the Penal Law or in any other law, anyone violating any of the provisions of this law shall be imprisoned for a period not exceeding two year and the fine not exceeding 2000 Jordan Dinars or either of them.

Article Eighty Two

1. Imprisonment shall be obligatory if the violation caused loss of life or substantial damages to property.
2. The penalty shall be doubled in case of repetition.

Article Eighty Three

The council of ministers shall issue systems and regulations to ensure the implementation of this law.

Article Eighty Four

1. The following laws and their amendments shall be repealed:
 - A. Public Health Law Number 40 for the Year 1940 in force in the Gaza Strip districts.
 - B. Public Health Law Number 43 for the Year 1966 in force in the West Bank districts.
 - C. Any stipulations in contravention with the provision of this law shall be repealed.

Article Eighty Five

All relevant and competent bodies, each according to its jurisdiction, shall execute and implement the provisions of this law, which shall come to force thirty days after its publication in the Official news paper.

Issued in Gaza City on the 27th of December 2004
15th of Zou El Ki'da 1425 Hegira
Rawhi Fatouh
President of the Palestinian National Authority